

Reg. No: L.R 2/6/2/2558

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Email: info@patu.org.za
Website: www.patu.org.za

CONSTITUTION

1. NAME

The name of Trade Union is the Progressive allied and Travel Union of South Africa (PATU).

Head Office

6th Floor Royal Place,

Office 604 and 606

Corner Eloff and Pritchard Street,

Johannesburg

2. REGISTERED SCOPE

The registered scope of the union is in terms of the union's Certificate of Registration and eligible membership is set out in terms of clause 7.1.1.

3. AIMS AND OBJECTIVES

We, PATU, an organization not for gain, firmly commit ourselves to a unified democratic South Africa, free from oppression and economic exploitation. We believe that this can only be achieved under the leadership of a united working class. PATU is an association of employees whose principal purpose is to regulate relations between employees and employers.

The aims and objectives of the union shall be:

3.1 To promote collective bargaining and fair labour practice;



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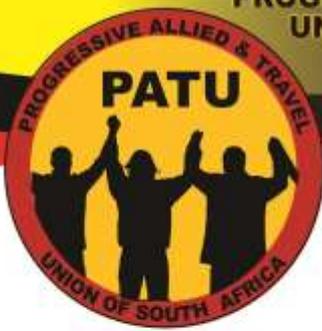
- 3.2 To promote, defend and represent the interests of all members at both national and local level;
- 3.3. To improve the conditions of employment, benefits and working conditions in general of all its members;
- 3.4. To promote equitable education opportunities and sound educational practices;
- 3.5. To strive for the fulfilment of every person's fundamental right to enjoy full and equal opportunities for self-development by fostering an equitable and effective use of institutional resources;
- 3.6. To act for and on behalf of its members;
- 3.7. To co-ordinate the actions of its members regarding matters of concern to them;
- 3.8. To provide liaison between its members and management and between its members and the NEC;
- 3.9. To endeavour to settle disputes affecting its members as individuals or as an organized group;
- 3.10. To protect the rights of its members;
- 3.11. To promote communication, interaction and unanimity to ensure the proper implementation of the objectives and policies of the union;
- 3.12. To issue media statements on behalf of its members;
- 3.13. To lobby for the support of central, provincial and local Government and any other decision makers.
- 3.14. To liaise with other organizations who have similar objectives and policies;
- 3.15. To perform any other functions incidental to the promotion, aims, objectives and mission of the union;
- 3.16. Organize national industrial trade unions financed and controlled by their worker members through democratically elected committees;
- 3.17. Combat the divisions amongst the workers of South African and unite them into strong and confident working class formations;
- 3.18. To campaign and act with solidarity and to promote and protect the common interest and rights of members in general;



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- 3.19. To promote the interest of members, particularly the improvement of their working conditions and their welfare in general;
- 3.20. To plan and organize its administration and lawful activities;
- 3.21. To affiliate with and participate in the affairs of any national and/or International Workers Federation or the International Labour Organization;
- 3.22. To promote, support or oppose any proposed legislative or other measures affecting the interest of members;
- 3.23. To use every legitimate means to induce employees to become members;
- 3.24. To provide when deemed necessary, legal assistance to members in connection with their employment;
- 3.25. To establish and administer funds for the benefit of its members and their dependents;
- 3.26. To encourage the settlement of disputes between members and employers or Employers Organization by Conciliation, Mediation or Arbitration;
- 3.27. To do such lawful things as may appear to be in the interest of the Trade Union and its members and which are not inconsistent with the objects or any matters specially provided for in this Constitution;
- 3.28. To borrow, invest, lend, subscribe or donate money for the furtherance of the objects of the Trade Union;
- 3.29. To assist member in obtaining employment;
- 3.30. To Co-operate and work constructively with all organizations which are committed to the same democratic principles and aims of this Union;
- 3.31. To participate in organizations established to deal with matters which affect the Union members;
- 3.32. To end all forms of discrimination in the workplace such as racial, sexual and physical disability and to support and implement the Employment Equity Act and the Labour Relations Act.
- 3.33. To acquire movable property and to let, hire, lease, mortgage or otherwise deal in any immovable property owned by the Union;



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3.34. To fight for proper training to develop the skills and capabilities of all workers in terms of the Skills Development Act, Act 97 of 1998.

PROGRESSIVE ALLIED AND TRAVEL UNION OF SOUTH AFRICA (PATU) calls on all those who identify with this commitment to join us and the workers we represent.

We call on all trade unions to strive to unite their members in their ranks without discrimination and prejudice. We seek to protect and further the interests of all workers.

4. DEFINITIONS

- 4.1. "Act" shall mean the Labour Relations Act 66 of 1995;
- 4.2. "BCEA" shall mean the Basic Condition of Employment Act, Act 75 of 1997;
- 4.3. "CEC" shall mean Central Executive Council;
- 4.4. "Day" shall mean working day, unless otherwise stated;
- 4.5. "DC" shall mean Disciplinary Committee;
- 4.6. "Employee" shall have the same meaning as "employee" in terms of the Act;
- 4.7. "FINCOM" means Financial Committee;
- 4.8. "GS" shall mean General Secretary;
- 4.9 "He" and any word indicating the masculine gender shall be construed to include the feminine gender;
- 4.10 "Initiator" shall mean the person who brings the charges and prosecutes during Disciplinary Hearings;
- 4.11. "Member in good standing" shall mean a paid up member as defined in Section 7.4. of the Constitution;
- 4.12. "PATU" shall mean Professional Allied and Transport Union (PATU);
- 4.13. "NEC" shall mean National Executive Council;
- 4.14. "NC" shall mean National Congress;
- 4.15 "REC" shall mean Regional Executive Council;



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4.16. "region" shall mean the area demarcated by the CEC in which the Members Shop

Stewards Council and REC will meet to attend to the matters related to the members as per clause 17.4;

4.17. "Schedule A" shall mean the Code of Conduct of Professional Allied and Transport Union of South Africa (PATU);

4.18. "SNC" shall mean Special National Congress;

4.19. "Office Bearer" shall refer to the President, Vice President, and Treasurer;

4.20. "Union Official" shall refer to the General Secretary and Vice General Secretary and Union Organizers;

4.21. "Union Representative" referred to in Clause 16 as "Shop Steward" shall have the meaning as described in the Act.

5. STATUS OF THE TRADE UNION

5.1. This Trade Union shall be a corporate body with perpetual succession and legal existence independent of its affiliates and capable of:

5.1.1. Entering into contractual and other relations;

5.1.2. PATU may sue and be sued in its own name;

5.1.3. To do all things necessary to carry out its aims and objectives;

5.1.4. Defend its members, its reputation and its property; and

5.1.5. Shall be an Organization not for gain.

6. UNION CONSTITUTION

6.1. Authority



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This Constitution is the source of all rights and responsibilities within the union, and is the final authority concerning any disputes within the union.

6.2 Amendments to the Constitution

6.2.1 Any of the provisions of this Constitution may be repealed, changed or added to in any manner by resolution of the NC of the Trade Union.

6.2.2 No changes or additions shall have any force or effect until certified in terms of Section 101(3) of the LRA.

7. MEMBERSHIP

7.1. Application for Union Membership

7.1.1 PATU is open to all employees who are employed in the Republic of South Africa and who are defined as employees in terms of the Labour Relations Act 66 of 1995, and who:

7.1.1.1. Accept its policy guidelines, aims and objectives; and

7.1.1.2. Subscribe to the preamble.

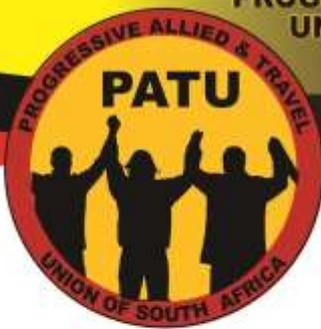
7.1.2. Applications for admission or readmission to the membership shall be lodged in writing on the form prescribed by the PATU to the GS of the Union.

7.1.3. The General Secretary shall accept or decline the applications for Membership within 30 days of receipt by the General Secretary's office.

7.1.4. The CEC shall have the authority to delegate and to implement certain structures and committees.

7.1.5. Every application for membership shall be considered as soon as received.

7.1.6. Every member shall notify the General Secretary in writing of his/her postal address and any change thereof within ten (10) days from the date of becoming a member or from the date of a change in address.



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7.2. Refusal of Application

7.2.1. If admission to membership is refused, the applicant concerned shall have a right of appeal to the next REC meeting, in the region where the applicant is employed.

7.2.2. Such an appeal shall be in writing and submitted to the GS at least two (2) weeks before the next REC Meeting.

7.2.3. The REC'S decision shall be forwarded to the GS two weeks before the next CEC meeting; the CEC has the powers to reverse the decision of the REC. The decision of the CEC shall be final and binding.

7.2.4. A member who has resigned or been expelled from the Trade Union may be readmitted on such conditions as the CEC may determine in terms of clause 7.12.

7.3. Membership Subscription / Other fees

7.3.1. A membership subscription will be one and a half per cent (1.5%) or forty Rand (R40.00) per month of Basic Salary, whichever is the greater and shall be payable by each member of the Trade Union.

7.3.2. The Union will establish a Legal Fund and a Funeral Benefit for the Members:

7.3.2.1. Subscription / fees for the aforementioned fund and benefit will be additional to the other subscription /fee;

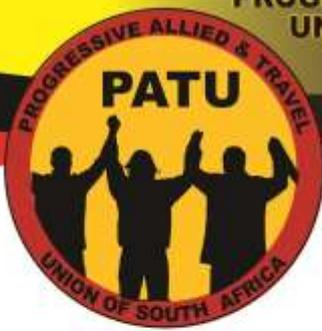
7.3.2.2. The subscription /fees for the Legal fund and funeral benefit will be determined from time to time; and

7.3.2.3. The GS shall negotiate and enter into agreement with the relevant service provider.

7.3.3. The subscription/fees may also be collected and paid to the Union via any Legal entity if so required.

7.3.4. The subscription /fees may be paid directly to the Union or via Stop Order

Or Debit Order from the member's salary or bank account.



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7.4. Paid-Up Membership

7.4.1. Only paid-up members shall be entitled to the benefits of membership including the right to vote;

7.4.2. A paid-up member shall be regarded as a member who pays his subscriptions and other charges due by him to the union;

7.4.3. A paid-up member is a member in good standing;

7.4.4. A new member shall be deemed to be in good standing and viewed as paid up as soon as he/she signs the application form irrespective whether subscription fees have been paid or not;

7.4.5. An existing member from who subscription fees were received shall cease to be a paid-up member if:

7.4.5.1. Subscription due to the union remains unpaid for more than four (4) consecutive months;

7.4.5.2. Other dues owed to the Union and not received for more than four (4) consecutive months;

7.4.5.3. He terminates his union membership and /or cancels his stop order or debit order;

7.4.5.4. He is expelled from the union; or

7.4.6. A new member who has been dismissed by his employer before any membership subscription has been received will be viewed as a paid up member and will be exempt from the above provisions in clauses 7.4.5.1 to 7.4.5.4.

7.5. Resignation by members

7.5.1. A member may resign by giving on full calendar months' notice in writing to the GS provided that no resignation shall take effect-

7.5.1.1. Until all monies due to the union have been paid.

7.5.1.2. If resignation is received through the agency of the member's employer.

7.6. Termination of Membership



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7.6.1. A member may be suspended, fined or expelled as may be determined by the REC for the region where the member is employed, in the following circumstances:

7.6.1.1. If a member willfully contravenes the provisions of this constitution or acts in a manner which is detrimental to the interests of the Trade Union and /or its members;

7.6.1.2. If a member seriously harms the name or reputation of the union;

7.6.1.3. If a member makes himself guilty of conduct which, in the opinion of the CEC, justifies the termination of his membership; and

7.6.1.4. If a member fails within ten (10) days of demand in writing by the GS pay membership fees, fines or levies which are more than four (4) months in arrears, unless good cause is shown why these monies cannot be paid.

7.6.2. If membership is terminated the member shall have a right of appeal to the CEC within twenty (20) days of termination as set out in clause 7.9.

7.7. Discipline of members

7.7.1. Any member who fails to comply with any term of this Constitution or with any

Lawful decision of the NC, NEC, and CEC may be charged and disciplined by the REC in the region where the member is employed.

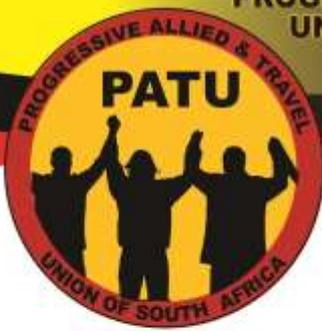
7.7.2. The CEC will appoint a DC which shall act in accordance with the provisions

As set out in Schedule A hereto.

7.7.3. The relevant REC or DC as the case may be, shall advise the person concerned within not less than three (3) days' notice in writing of the charge/s and of a time and place for a hearing to be held. Such notice must be hand delivered to the member concerned or sent by registered mail to this last known postal address.

7.7.4. The notice referred to in paragraph 7.7.3. Shall include a reference to the rights

of the member, namely the right of representation by a fellow member, the right to state his case and call witnesses and the right to cross examine any witnesses called to testify against him.



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7.7.5 If the Chairperson of the DC is satisfied that the member charged has, although absent, received the prescribed notice, the hearing may be conducted in absentia.

7.7.6 If the member charged is present at the hearing the Chairperson of the DC may proceed to deal with the charge by reading out and explaining the charge/s, call witnesses, afford the member an opportunity to state his case and to call witnesses and to consider all relevant information, provided that such proceedings may only be conducted if the representative of the member is present or if the member has waived the right of representation.

7.7.7 Any member of the committee trying the charge/s shall be competent to give evidence in connection with the charge, provided that for the rest of the proceedings he shall vacate his seat and he shall have no vote in the matter.

7.7.8 The SG shall notify the member concerned in writing within ten (10) days of the decision taken by the DC, as the case may be, and such notification shall also advise the member of his right to appeal.

7.8 Penalties

7.8.1 If the DC, as the case may be, finds the charge/s proved on a balance of probabilities it may:

7.8.1.1 Expel the member from the union upon which all monies owing to the union shall immediately become payable;

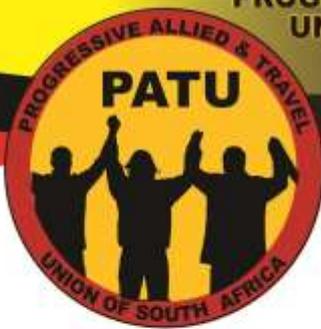
7.8.1.2 Suspend him for a period determined by the DC from membership of the union, provided that during the suspension subscriptions due by the member shall continue to accrue; and

7.8.1.3 Impose a fine not exceeding the amount equivalent of three (3) month's membership subscription fee for the first offence and not exceeding six (6) month's membership subscription fee for any subsequent offence.

7.8.2 The DC may suspend a member from membership until such fine paid, without prejudice to the right of action of the union to recover such monies by civil proceedings.

7.9 Appeals

7.9.1 If a member is not satisfied with the outcome in the case of guilty verdict the DC, there shall be a right of appeal against the finding of the DC at the next CEC Meeting.



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7.9.2 The Member must lodge the appeal in writing within twenty (20) days of the date on which the decisions/notice was received by him/her.

7.9.3 Should the member not agree with the findings of the DC he/she must clearly state in writing all the reasons for this.

7.9.4 The appeal shall be lodged to the DC whoever reached the findings.

7.9.5. The GS or the DC will forward the appeal to the CEC at least ten (10) days before the next CEC meeting.

7.9.6 The appeal will be dealt with at the next CEC meeting.

7.9.7 The CEC will make their findings on written submissions but may request the member to appear in person if so decided by the CEC.

7.9.8 The CEC will have the powers to amend or reverse the findings of the DC, the decision of the CEC will be final and binding.

7.9.9 Upon expulsion of a member, all monies due to the Trade Union by such member shall be payable. If payment thereof is not made with one (1) month the GS may take such steps as it deems necessary to secure a settlement.

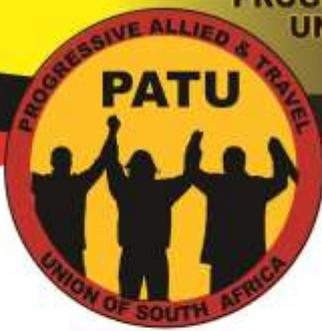
7.10 Restrictions

7.10.1 A member shall cease to be entitled to the benefits of, including the right to vote, during any period while he is under suspension and shall be considered a member out of good standing:

7.10.1. If the membership fees or other charges due to him/her to the Trade Union are more than four (4) months in arrears;

7.10.1.2 New members in terms of clause 7.4.4 will not be penalized by this clause whilst awaiting first time subscription fees;

7.10.1.3 During any period while he/she is under suspension in terms of the Constitution.



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7.11 Exceptions

7.11.1 A member of the Trade Union may not be disciplined or have their membership terminated from failure or refusal to participate in a strike if:

7.11.1.1 No ballot was held about the strike; or

7.11.1.2 A ballot was held but a majority of the members who voted did not vote in favor of the strike.

7.12 Re-admissions to membership

7.12.1 A member who has been expelled shall have the right to apply for readmission as a member after a period of six (6) months from the date expulsion became effective.

7.12.2 A member may be readmitted on such conditions as the CEC may determine.

7.12.3 The same terms and conditions will apply as set out for new applications in terms of clause 7.1 through 7.1.6.

8. NATIONAL CONGRESS (NC)

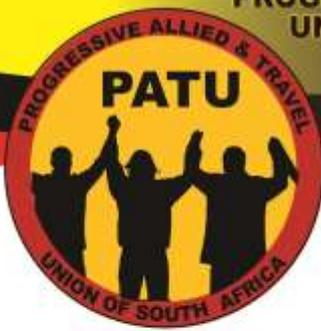
8.1.1 The NC shall be convened once every five (5) years, provided that the NEC may decide to convene the NC at a shorter period should the need arise

8.1.2 Notice of convocation shall be communicated by the GS to the REC Chairpersons in the various regions at least two months before it is held.

8.1.3 A Special National Congress shall be convened by the President whenever the NEC requests one.

8.1.4 Should reasons of urgency be given to the notice, the President may authorize the calling of Special National Congress at short notice, being no less than five (5) days.

8.2 Composition of congress



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8.2.1 The NC must be composed of the following Office Bearers:

8.2.1.1 President;

8.2.1.2 Vice-President;

8.2.1.3 Nine (9) Additional National Executive Members; and

8.2.1.4 National Treasurer.

8.2.2 The NC will include the following Union Officials who will not have any voting

Powers:

8.2.2.1 General Secretary; and

8.2.2.2 Vice General Secretary.

8.2.3 The NC will include the members of Delegates from the regions formulated as follows:

8.2.3.1 Each region in good standing with the Union, is entitled to send one (1) delegate from every one hundred and fifty (150) members or part thereof provided that all of these delegates are paid-up members of the union;

8.2.3.2 The Chairperson of the REC of each of the regions will automatically qualify;

8.2.3.3 The CEC members will automatically qualify.

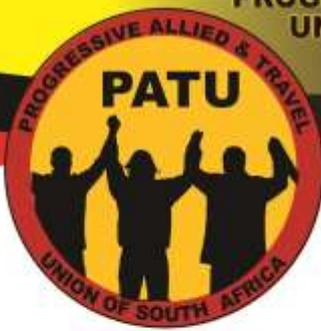
8.3 Preparation for the NC

8.3.1 Each of the REC must inform the GS of the total number of Delegates and their names and Identity Number:

8.3.1.1 At least one (1) month before any ordinary National Congress; or

8.3.1.2 At least one (1) week before a Special National Congress.

8.3.2 The NC is entitled to request reasonable proof of the size of the membership on which regions have decided the size of their delegation.



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8.3.3 The NEC of the Trade Union shall form part of the NC, which shall consist of delegates from each region of the Trade Union.

8.3.4 The NEC shall, at least two (2) months before the NC, on the basis of membership records held at Head Office, determine the number of delegates from each region; the GS shall notify the region/s accordingly.

8.3.5 Resolutions from the regions shall be sent to the GS and shall reach his/her office no later than six (6) weeks prior to the NC; copies of the resolutions and of the National Congress Agenda shall be distributed to all the regions by the GS not less than two (2) weeks prior to the NC.

8.3.6 The REC may forward to the NEC at least two (2) months before the NC any proposed items for the Agenda, for consideration and approval by the NEC.

8.3.7 The REC must forward at least one (1) month before the NC the full name(s) and credentials of their elected NEC member(s) representing their region who will hold the office for the next term of office.

8.3.8 To be eligible for the Office of an NEC member, the Nominee must have held the office of an REC member for at least two (2) years within the Union.

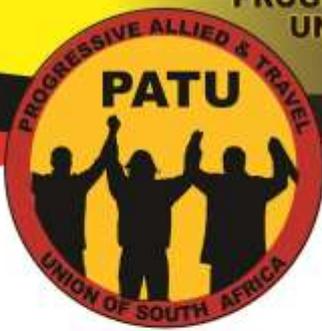
8.3.9 The REC must also forward at least one (1) month before the NC have full names of their proposed member for the position of President and Vice President.

8.3.10 The nomination for President and Vice President may be from any of the regions.

8.3.11 The nominations may also be for the current President or Vice President in office should they be eligible for a further term of office for the position of President or Vice President respectively.

8.3.12 To be eligible for the Office of President or Vice President Nominee must have served as an NEC or REC member for at least two (2) years.

8.4 Purpose of the NC



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8.4.1 The NC must adopt general and specific policy measures by means of resolutions taken which further the aims and objectives of the Union.

8.5 Functions and powers of the NC

8.5.1 Credential of delegates to the NC;

8.5.2 Reports from Finance Committee and Remuneration Committee;

8.5.3 Report of the National Office Bearers;

8.5.4 Reports of a financial nature, namely audited financial statements;

8.5.5 The nomination and election of the President and Vice President;

8.5.6 Amendments to the Union's Constitution;

8.5.7 Resolutions; and

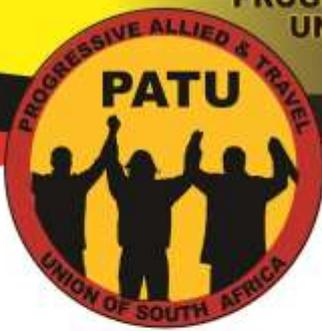
8.5.8 Any other matter that may be deemed to be in the interest of the Union.

8.6 Voting for President and Vice President

8.6.1 The GS will present to the NC the candidates that were forwarded by the REC in the various regions for the position of President and Vice President.

8.6.2 Should there be only one candidate for a position, that candidate shall be regarded as having been unopposed and duly elected to that position.

8.6.3 Should there be two or more candidates, a ballot of delegates shall be held and the candidate who receives the most votes shall be duly elected.



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8.6.4 The voting for the position of President and Vice President will be done separately.

8.6.5 The nominees for President and Vice President may only make themselves available for either the position of President or Vice President, not both positions at the same NC.

8.7 Special National Congress (SNC)

8.7.1 A SNC may be called if the majority of the NEC agrees that an issue(s) has arisen that only be resolved by the NC, and that it is of such urgency that it cannot be held over until the next NC meeting.

8.7.2 The GS will notify the NEC, CEC and the Chairperson of the RECs in all the regions of the convocation and Agenda of the SNC as soon as possible and by the best practical means.

8.7.3 The quorum at the SNC shall be at least half of the delegates elected to represent the Trade Union members at the ordinary NC.

8.7.4 The powers, duties and authority shall be the same as that of the ordinary NC.

9. NATIONAL EXECUTIVE COUNCIL (NEC)

9.1 Authority of the NEC

The National Executive Council will be the Governing Body of the Trade Union, headed by the President.

9.2 Composition of the NEC

The National Executive Council will consist of the following Office Bearers:

9.2.1 President;

9.2.2 Vice-President;



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9.2.3 National Treasurer;

9.2.4 Nine (9) Additional National Executive Members; and

9.2.5 General Secretary and Vice General Secretary, officials with no voting powers.

9.3 Election of Additional NEC members

9.3.1 The President and Vice President will be elected to the NC in terms of clause 8.6 through to 8.6.5.

9.3.2 Additional NEC Members:

9.3.2.1 The Additional NEC Members shall consist of at least nine (9) Additional NEC Members and not more than ten (10) Additional Members;

9.3.2.2 The Additional NEC Members will be elected to the NC by the regional members;

9.3.2.3 This shall be proportionate to the membership of the region; subject to the following:

9.3.2.3.1 Any region must have at least five hundred (500) Members to have

one (1) Additional NEC Member; and

9.3.2.3.2 The NEC shall determine the allocation of the remainder of the Additional NEC members based on the proportion of each region.

9.3.3 The Treasurer will be elected at the first NEC meeting after the NC from amongst the additional NEC members.

9.3.4 The General Secretary and Vice General secretary will be appointed by the NEC.

9.3.5 The President, Vice President and NEC members will assume office on the first working day following the NC at which they were elected and their positions confirmed, and the National Treasurer will assume office on the first working day following the NEC

meeting at which he/she was elected, and hold office until the earliest of the date on

which:

9.3.5.1 The Office Bearers resigns or dies;



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9.3.5.2 The Office Bearers is removed from office; or

9.3.5.3 The successor assumes office after being elected by the NC or NEC.

9.4 Office Bearers

The President, Vice President, National Treasurer and Additional NEC members will be referred to as Office Bearers in terms of the LRA.

9.5 Union Officials

The General Secretary and Vice General Secretary will be referred to as Union Officials in terms of the LRA.

9.6. Powers and functions of the NEC

9.6.1. The NEC shall consider all matters submitted to it.

9.6.2. The NEC shall subject to the provision of this Constitution have the following powers:

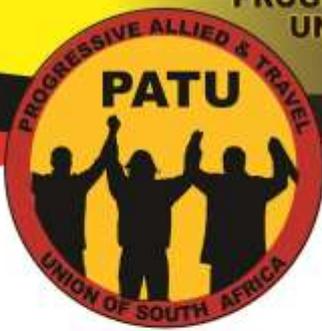
9.6.2.1. To recommend the Trade Union's participation in the establishment of a Bargaining or Statutory Council and subject to the Constitution determine the Trade Union's representation thereon;

9.6.2.3. To appoint and terminate the services of the General Secretary and Vice General Secretary of the Trade Union and to fix their remuneration and to define their duties in terms of the LRA and may terminate their service in terms of schedule 8 of the LRA;

9.6.2.4. To elect a National Treasurer from the ordinary NEC members at the first NEC meeting following the NC every five (5) years, and in the event of termination to elect a new Treasurer at the next NEC meeting;

9.6.2.5 To confirm the FINCOM members in terms of clause 14.5. at the first NEC meeting following the NC every five (5) years;

9.6.2.6. To institute legal proceedings on behalf of or to defend proceeding against on behalf of or to defend proceedings against the Trade Union;



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9.6.2.7. To acquire either by purchase, lease or otherwise, any movable or immovable property on behalf of the Trade Union and to sell, let, mortgage or otherwise deal with or dispose of any movable or immovable property belonging to the Trade Union provided that no immovable property shall be acquired or sold nor shall it be mortgaged, let or leased for a period longer than five (5) years;

9.6.2.8. To institute legal proceedings where deemed necessary on behalf of or to provide legal assistance to members and to institute legal proceedings against individual members;

9.6.2.9. To ensure good governance of the Trade Union's finances under the auspices of the GS and scrutinized by the Treasurer;

9.6.2.10. To establish regions and define the areas of jurisdiction based on financial criteria;

9.6.2.11. To decide the area where the Trade Union's Head Office shall be;

9.6.2.12. To make and enforce by laws relating to procedural, administrative and disciplinary matters which are consistent with the provisions of this Constitution, the LRA or any other law;

9.6.2.13. To decide all matters of procedure on which this Constitution is silent;

9.6.2.14. To do such lawful things as in the opinion of the NEC appear to be in the interest of the Trade Union or its members and which are not inconsistent with the preamble or any matter specifically provided for in this Constitution;

9.6.2.15. To consider appeals of Union Official or Staff Members; and

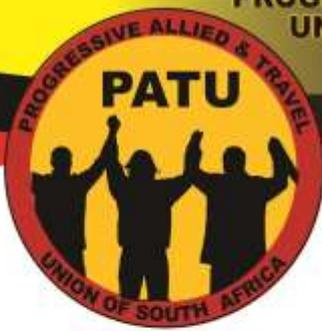
9.6.2.16. To formulate policy of the Trade Union for recommendations to the NC.

9.6.3. At the Quarterly meeting the NEC shall deal with the following:

9.6.3.1. The report from the President;

9.6.3.2. The report on the activities of the union to be presented by the GS;

9.6.3.3. The statement of income and expenditure, the balance sheet any other



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financial information or statement, and on a yearly basis the annual auditor's report;

9.6.3.4. Determining policy and strategy;

9.6.3.5. Sanction expenditure on behalf of the union;

9.6.3.6. Suspend any office bearer, official or member of such committee for any action which contravenes the provisions of this constitution or which is contrary to the interest of the union and to arrange for the taking over of the management of the affairs of a region until a meeting can be held and a new committee, member or official is elected;

9.6.3.7. Any other matter to which the NEC agrees may be added to the agenda, provided those matters are discussed at the end of the agenda and within the available times constraints. but no decision shall be taken at the meeting, unless the majority of the delegates present agree thereto.

9.7. Meetings

9.7.1. The NEC may meet at least four (4) times a year.

9.7.2. The GS will consult with the President to decide on the dates and agenda for the meetings.

9.7.3. The President will preside over the NEC meetings.

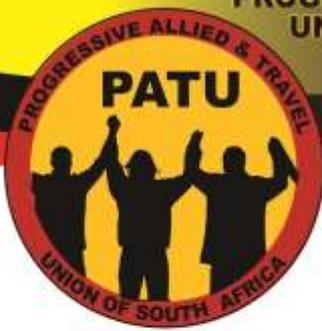
9.7.4 The GS will notify the NEC members not less than two (2) weeks prior to the meeting.

9.7.5. No meeting of the NEC may be invalidated only because any member did not receive the notice.

9.7.6. A special NEC meeting may be called should any issue arise that in the opinion of the President needs urgent attention.

9.7.7. The GS will notify the NEC members not less than one (1) week prior to a special NEC meeting.

9.7.8. At the special meeting the NEC members may only discuss those issues which necessitated the calling of this meeting.



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9.8. Quorum

9.8.1. The quorum for a NEC meeting must be fifty percent plus one of the elected NEC members.

9.8.2. If one (1) hour of the fixed for the meeting, a quorum is not present, the meeting must stand adjourned.

9.8.3. The President must decide on a time and place, provided that the meeting must be held between ten (10) and fifteen (15) days thereafter.

9.8.4. The GS must send a written notice to the NEC members of the adjourned meetings.

9.8.5. The members present at the adjourned meeting form the quorum.

9.9. Resignation from office of an additional NEC Member

9.9.1. Additional NEC members may resign their office by giving two (2) months' notice to the President.

9.9.2. Such resignation notice will be forwarded by the President to the REC in the region who elected the NEC member concerned for the RECS attention.

9.9.3. The REC will attend to the said resignation in terms of Clause 9.12.

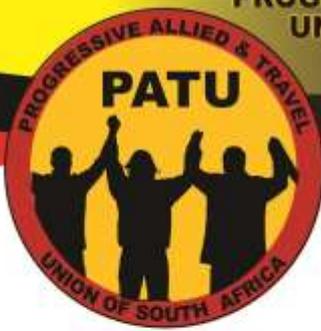
9.10 Termination and Discipline of an Additional NEC member

9.10.1 On a decision by the majority of the NEC an additional NEC member may be charged and disciplined.

9.10.1 Should he/she fail to comply with any term of this Constitution or with any lawful decision of the NC as the case may be.

9.10.1.2 Should he/she willfully contravene the provisions of this constitution.

9.10.1.3 Should he/she seriously harm then name or reputation of the union.



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9.10.1.4 Should he/she make themselves guilty of conduct which in the opinion of the NEC justifies the termination of the office they hold.

9.10.1.5 Should he/she fail to attend to property mandated and authorized meeting on two (2) more consecutive occasions without a sound and reasonable reason.

9.10.2 The NEC will appoint a DC and an Initiator to deal with any disciplinary action brought against an NEC member.

9.10.3 The NEC will appoint a Chairperson to preside over a DC who will bring the charge/s against the NEC member concerned.

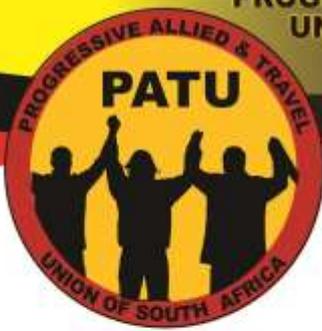
9.10.4 The initiator of the DC shall advise the NEC member concerned by not less than three (3) days' notice in writing of the charge/s and of a time and place of a hearing to be held. Such notice must be delivered to the NEC member concerned or sent by registered mail to his last known postal address.

9.10.5 The notice referred to in paragraph 9.10.4. shall include a reference to the rights of the NEC member, namely the right of representation, the right to state his case and call witnesses and the right to cross examine any witnesses called to testify against him.

9.10.6 The chairperson and DC as the case may be, is satisfied that the NEC member charged has, through absent, received the prescribed notice, the hearing may be conducted in absentia.

9.10.7 If the NEC member charged is present at the hearing the Chairperson of the DC, as the case may be, may proceed to deal with charge by reading out explaining the charge/s call witnesses and to consider all relevant information, provided that such proceeding may only be conducted if the representative of the member is present or if the member has waived the right of representation.

9.10.8 Any member of the DC trying the charge/s shall be competent to give evidence in connection with the charge, provided that for the rest of the proceedings he shall vacate his seat and he shall have no vote in the matter.



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9.10.9 The Chairperson of the DC shall notify the member concerned in writing within ten (10) days of the decision and such notification shall also advise the member of his right to appeal should he not be satisfied with findings.

9.10.10 If the NEC member's office is terminated the NEC member concerned shall have right of appeal to a Legal Officer appointed by the NEC within twenty (20) days of termination.

9.11 Appeals

9.11.1. The President shall notify the NEC member concerned in writing of the findings of the DC Chairman and the decision taken by the NEC based on the recommendation by the chairperson of the DC, as the case may be and such notification shall also advise the member of his right to appeal.

9.11.2. Should the member not agree with the findings of the Chairman and/or the decision taken by the NEC he must clearly state in writing all the reasons for this.

9.11.3. The appeal shall be lodged to the NEC.

9.11.4. The legal Officer who will Chair the appeal hearing will have the powers to amend or reverse the findings of the DC.

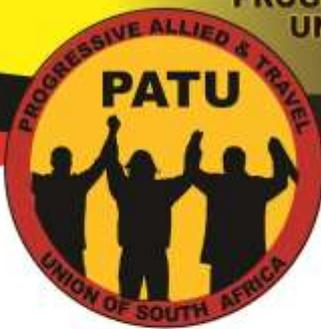
9.11.5. Chairman and /or the decision of the NEC.

9.12. Vacant NEC Office

In the event that any of the ordinary NEC member's offices become vacant either through resignation, termination or death, the office will be filled by:

9.12.1. The President calling for a ballot in the affected region to elect a new NEC member for the remainder of the term until the next NC.

9.12.2. The ballot process will be conducted in terms of clause 18.



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9.13. Re-election additional NEC member

The new elected additional NEC member my stand for re-election in his /her region to be confirmed at the next NEC.

9.14. Restrictions

An additional NEC member shall cease to be entitled to any benefits including the right to vote during any period while he is under suspension.

10. UNION OFFICE BEARERS

The duties of the Union Office Bearers shall be:

10.1. President

10.1.1. The President shall preside at all Trade Union meetings at which he/she is present, enforce observance of the Constitution of the Trade Union, sign minutes of meetings after confirmation, sign all cheques on the banking account of the Trade Union, generally exercise supervision over the affairs of the Trade Union and perform such other duties as by usage a custom pertaining to the office.

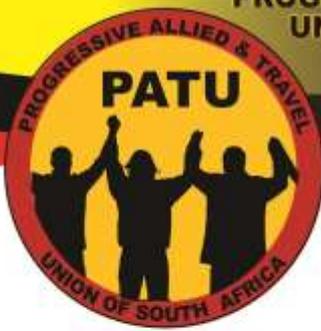
The President shall:

10.1.2. Be the Chief Executive Officer of PATU;

10.1.3. Preside over meeting of the NEC;

10.1.4. Present a report on the state of the PATU in general at the NC;

10.1.5. Supervise all work of the PATU in conformity with the Constitution and rules of procedure agreed upon by the NEC; and



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10.1.6. Not have a deliberate vote, but shall in the event of an equality of votes have casting vote.

10.2. Vice – President

10.2.1. The Vice- President shall exercise the powers and perform the duties of the President

in the absence of the latter and assist the President, and perform any duties of the President that is delegated to him.

10.3. National Treasurer

10.3.1. The National Treasurer shall scrutinize the monthly financial reports and present such quarterly reports to the NEC;

10.3.2. Supervise the financial affairs of the Union;

10.3.3. Perform duties usual to the office of the National Treasurer or as are reasonably required by the NC or NEC.

10.4. Resignation of Office Bearers from office

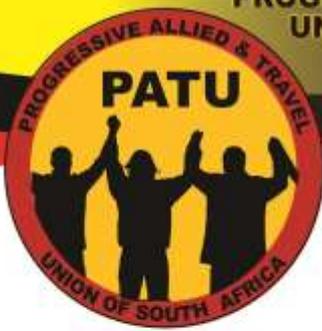
10.4.1. Resignations:

10.4.1.1. The President, Vice President and National Treasurer may resign their office by giving two (2) months' notice in writing to the NEC.

10.5. Termination Discipline of Office Bearers from Office

10.5.1. On a decision by the majority of the NEC members the President, Vice President or National Treasurer may be charged and disciplined:

10.5.1.1. Should they fail to comply with any term of the Constitution or with any lawful decision of the NC, as the case may be;



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10.5.1.2. Should they willfully contravene the provisions of this constitution;

10.5.1.3. Should they seriously harm the name or reputation of PATU;

10.5.1.4. Should they make themselves guilty of conduct which, in the opinion of the
NEC justifies the termination of the office they; and

10.5.1.5. The NEC will appoint a DC, an Initiator and Chairman to deal with any
disciplinary action brought against the President, Vice-President and National
Treasurer.

10.5.2. The Initiator of the DC shall advise the Office Bearer concerned by not less than
three (3) days' notice in writing of the charge/s and of a time and place of a hearing to be held.

10.5.3. Such notice must be hand delivered to the Office Bearer concerned or sent by
registered mail to his last known Postal address.

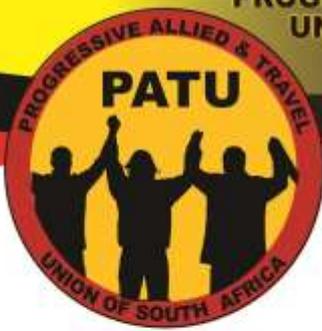
10.5.4. The notice referred to in paragraph 10.5.3. shall include a reference to the rights of
the office Bearer, namely the right of representation, the right to state his case and call
witnesses and the right cross examine any witnesses called to testify against him.

10.5.5. If the Chairperson and DC as the case may be, are satisfied that the Office Bearer
charged has, though absent, received the prescribed notice, the hearing may be conducted in
absentia.

10.5.6. If the Office Bearer charged is present at the hearing the Chairperson of the DC,
as the case may be may proceed to deal with charge by reading out and explaining the charge/s
call witnesses afforded the member to state his case and to call witnesses and to consider all
relevant information. Provided that such proceeding may only be conducted if the
representative of the member is present or if the member has waived the right of presentation.

10.5.7. Any member of the DC trying the charge/s shall be competent to give evidence
in connection with charge, provided that for the rest of proceedings he shall vacate this seat and he
shall have no vote in the matter.

10.5.8. The Chairperson of the DC will make a recommendation to the NEC of the



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finding of the DC hearing.

10.5.9. The NEC will consider the findings and make a decision on the penalty which may result in the termination of the office held by the Office Bearer concerned.

10.5.10. The NEC shall advise the Office Bearer of the finding within ten (10) days of making the decision, and also advise the Office Bearer of his /her rights to lodge an appeal within twenty (20) days should he/she not agree with the decision.

10.5.11. If the Office Bearers office is terminated in terms of paragraph 10.5.10. the Office Bearer concerned shall have a right of appeal to a Legal Officer appointed by the NEC within twenty (20) days of termination.

10.6. Appeals

10.6.1. The NEC shall notify the Office Bearer concerned in writing of the decision taken by the NEC based on the findings and recommendation by the Chairperson of the DC, as the cases may be and such notification shall also advise the member of his right to appeal.

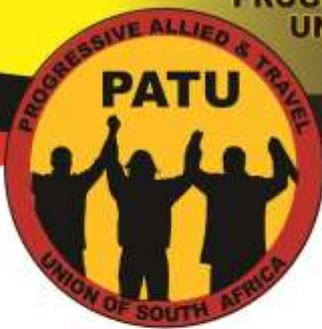
10.6.2. Should the member not agree with the findings and recommendations of the Chairperson and/or the decision of the NEC he must clearly state in writing all the reasons for this.

10.6.3. The appeal shall be lodged to the NEC and forwarded to the Chairperson of the Johannesburg Bar Council for the nomination of a member of the Johannesburg Bar to Chair the Appeal Hearing.

10.6.4. The Member of the Johannesburg Bar so nominated will have the powers to amend or reverse the finding of the Chairman of the DC and the decision of the NEC.

10.7. Restrictions

An Office Bearer shall cease to be entitled to any benefits including the right to vote during any period while he is under suspension .



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10.8. Replacement of Office Bearer

10.8.1. In the event of the National Treasurer's office becoming vacant the NEC will elect a new National Treasurer in terms of Clause 9.6.2.4. to resume office at the next NEC meeting.

10.8.2. In the event of the President or Vice President office becoming vacant a SNC shall be called to elect a new President or Vice President. The Provisions of clauses 8.6.1. through to 8.6.5. shall apply.

10.8.3 The Vice President will perform the duties of the departed President for the period until the SNC.

10.8.4 The Nominee who obtained the second highest votes at the previous NC for the positions of the Vice President will act in this position for the period until the SNC.

11. MINUTES OF MEETINGS

11.1. The GS of the Trade Union or a person appointed by him/her shall keep minutes of all meetings of the NEC and the NC.

12. CENTRAL EXECUTIVE COMMITTEE (CEC)

12.1. Appointment of the CEC

CEC will be appointed by the NEC at the first meeting after NC and in the event termination of a CEC member a new CEC member will be appointed the following NEC meeting.

12.2. Composition of the CEC



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The CEC will be comprised of the following Office Bearers:

12.2.1 The President;

12.2.2 The Vice President;

12.2.3 The General Secretary –an Official with no voting powers;

12.2.4 The Vice General Secretary; and

12.2.5 The National Treasurer.

12.3. Purpose, Powers and Duties

12.3.1. The Central Executive Committee CEC manages the affairs of the Union

between meetings of the NEC and has such power and duties which customarily vest in an executive body which includes:

12.3.1.1. Establishing subcommittee and determining their nature, membership and scope

12.3.1.2. Approving rejecting or amending recommendations from subcommittee of the union; and

12.3.1.3. Making regulations concerning the composition meeting and role of the REC.

12.4 Regions

Establishing or dissolving regions.

12.5. Leadership Training

Adopting or amending Leaders Training Manuals

12.6. Legal matters

Authorizing legal or other assistance to members in terms of the aims and objectives of the union.

12.7 General

12.7.1. Assisting the GS in the exercise of his/her duties;

12.7.2. Dealing with matters specially delegated to it by the NEC; and

12.7.3. Referring decisions having major policy implications to the NEC for approval.

12.8. Meetings



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12.8.1. The CEC may meet at least four (4) times a year

12.8.2. The GS will consult with the President to decide on the dates and agenda for the meetings.

12.8.3. The President will preside over the CEC meetings

12.8.4. The GS will notify the CEC members not less than two (2) weeks prior to the meeting

12.8.5. No meeting of the CEC may be invalidated only because any member did not receive the notice.

12.8.6. A special CEC meeting may be called should any issue arise that in the opinion of the President needs urgent attention.

12.8.7. The GS will notify the CEC members not less than one (1) week prior to a special CEC meeting

12.8.8. At the special meeting the CEC members may only discuss that issue which necessitated the calling of that particular meeting.

12.9. Quorum.

12.9.1. The quorum for a CEC meeting must be at least three (3) members

12.9.2. If after one (1) hour of the time fixed for the meeting, a quorum is not present, the meeting must stand adjourned.

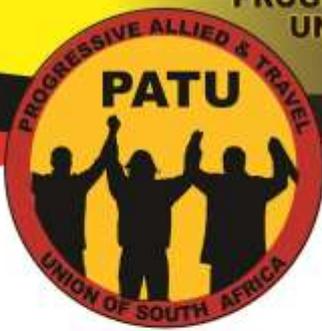
12.9.3. The President must decide on an time and place provided that the meeting must be held between ten(10) and fifteen (15) days thereafter.

12.9.4. The GS must send a written notice to the CEC members of the adjourned meeting.

12.10. Resignation of CEC member

Same terms and conditions will apply as those of NEC members as stated in Clause 9.9.1. through to 9.9.2.

12.11 Termination and discipline of CEC member



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Same terms and conditions will apply as those of NEC members as stated in Clause 9.10.1. through to 9.10.10

12.12. Appeals

Same conditions will apply as those NEC members as stated in Clause 9.11.1. through to 9.11.5.

12.13. Vacant office of CEC member

In the event of a CEC member's office becoming vacant the NEC will appoint a new CEC member in terms of Clause 12.1.

13. UNION OFFICIALS

13.1. Appointment of Union officials

Union Official will be appointed by the NEC in terms of Clause 9.6.2.2. of this Constitution and their duties are set hereunder.

13.2. General Secretary - Powers and duties

13.2.1. The GS shall receive requisitions for meeting of the NC and the NEC and issue notices of such meetings;

13.2.2. Conduct all Head Office correspondence of the Trade Union, keep originals of letters received and copied of those dispatched and at each meeting of the NEC lay on the table correspondence which has taken place since the previous meeting;

13.2.3. Present to the NC correspondence deemed necessary by the NEC;

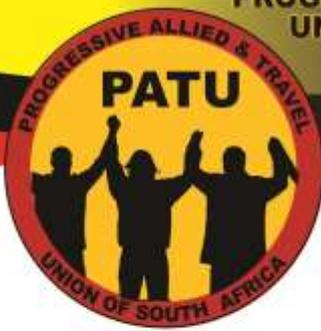
13.2.4. Attend all NC and NEC meeting and record Minutes of the proceedings

The GS shall have no voting powers at such meeting;

13.2.5. Submit reports regarding financial position of the Trade Union to the NEC not less than every third month and Audited Financial Statements every year;

13.2.6. Present Audited Financial Statement to the NC;

13.2.7. The GS perform the duties imposed on him/her by Sections 98, 99 and 100 of the



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LRA, relating to the keeping of records and furnishing of the information of the Registrar;

13.2.8. Be Responsible for the day to day operational requirement of the Trade Union and will Chair the ad-hoc Committee appointed by the NEC responsible for the employment of Staff members;

13.2.9. Take any disciplinary measures against staff members which may include dismissals, in terms of schedule 8 of the LRA as well as the Code of Conduct of the Union Schedule A to this Constitution;

13.2.10. The GS shall supervise the work of all the officials and employee of the PATU;

13.2.11. The GS shall be responsible for the general organizing coordinating of work of the union and for the general office work and administration of the affairs and activities of the union;

13.2.12. The GS may institute and defend legal proceedings in the name of the union in urgent circumstances;

13.2.13. The GS must undertake any other duty that is necessary or requested by the NC or NEC; and

13.2.14. The GS may terminate his/ her services by giving two (2) months' notice in writing to the NEC. And his /her services may be terminated on a similar period of notice being given by the NEC in terms of his/her written contract of appointment.

13.3 Vice General Secretary-Powers and duties

13.3.1 Should the GS temporarily be unable to perform his/her duties, the Vice GS shall act as GS until such time as he/she is able to resume his/her duties.

13.3.2 The Vice GS must assist in the performance of the duties of the GS and perform them.

13.3.3 The positions clause 13.2.1 through to 13.2.14 shall mutatis mutandis apply to the Vice GS, and all duties referred to in this Constitution.



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13.4 Discipline of Union officials

13.4.1 Union Officials may be summoned by the NEC attend a disciplinary enquiry.

13.4.2 An independent Chairperson may be appointed to chair disciplinary enquiry and will make a ruling on his findings.

13.4.3 Should the Union Official not be satisfied with the findings of the Chairperson, the Union Official may lodge an appeal within five (5) days to the President of the Union.

13.4.4 Any disciplinary action taken against a Union Official will be in terms of Schedule 8 of the LRA, as well as the Code of Conduct of the Union Schedule A to this Constitution.

14. FINANCE

14.1 Head Office

14.1.1 The funds of the Trade Union shall be applied to the payment of expenses incurred in providing services to the Union members, towards the attainment of the objects specified in Clause 3 of this Constitution and for such other lawful purposes as may be decided upon the NC and the NEC or by members voting by ballot for the attainment of the said objects.

14.1.2 The funds received by the GS on behalf of the Trade Union shall be deposited to its credit within three (3) working days on receipt, at a Bank decided upon by the NEC.

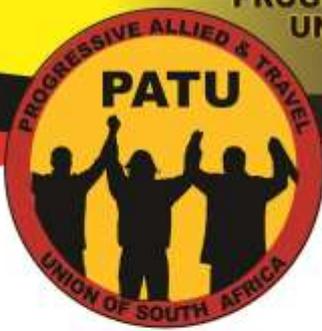
14.1.3 Cheque payments will be signed by the President and the GS.

14.1.4 In the absence of the President payment shall in his/her stead be authorized and signed by the Vice President or a member of the NEC appointed for that purpose.

14.1.5 Membership fees and levies shall be collected by the GS or such other persons empowered to do so.

14.1.6 Remittances to the GS shall be accompanied by statements showing names of members from who collected, the amount paid by each member, the names of the members, whose membership fees are in arrears and the amount of such arrears. The statement shall also detail any arrears payments made by members.

14.1.7 If any region ceases to exist as such, its assets and liabilities shall devolve on the Trade Union.



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14.2 Purpose of the Funds

14.2.1 The funds of the Union must be applied solely in furtherance of the Union's aims and objectives subject to the decisions of the NC and the NEC.

14.2.2 Funds contributed for a specific purpose must be used for that purpose and no other except as otherwise decided by the NEC.

14.2.3 No profits or gains may be distributed to any person.

14.3 Banking accounts

14.3.1 The GS, or such person appointed by the NEC, must deposit funds received into the Union's bank account within three (3) days of receipt.

14.3.2 No person may open banking account in the name of the "Professional Allied and Transport Union of South Africa (PATU)" or "PATU" or any other similar name

without:

14.3.2.1 The explicit written authority of a resolution of the NEC should be signed by the President and the General Secretary on an official PATU Union letterhead; and

14.3.2.2 Subsequent verbal confirmation to the bank or financial institution concerned by either the National Treasurer or GS.

14.4 Financial year

14.4.1 The financial year is from 1 January to 31 December.

14.5 Financial Committee (FINCOM)

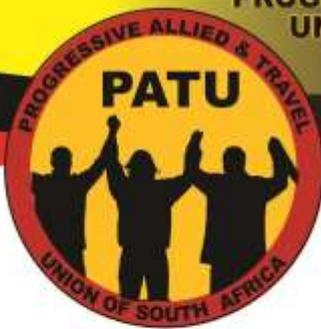
14.5.1 The Finance Committee (FINCOM) is composed of the following Office Bearers:

14.5.1.1 The National Treasurer;

14.5.1.2 The President;

14.5.1.3 The Vice President;

14.5.1.4 The GS – an Official with no voting powers;



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14.5.1.5 Two additional NEC member elected by the NEC at the first NEC meeting
after the NC; and

14.5.1.6 The NEC will appoint an Independent Accounting Officer at the first NEC
meeting after the NC, to serve on the FINCOM, in the event of termination a new appointment will
be made at the next NEC meeting; with no voting powers.

14.5.2 FINCOM must meet every quarter just before the NEC meeting.

14.5.3 The President is the Chairperson of FINCOM.

14.5.4 FINCOM reports directly to the NEC and must be responsible for:

14.5.4.1 Assisting the National Treasurer;

14.5.4.2 Preparing financial reports for the NEC and NC;

14.5.4.3 Recommending amendments to financial policy;

14.5.4.4 Monitoring the Union's accounts and querying unusual expenditure;

14.5.4.5 Making recommendations to the NEC;

14.5.4.6 Proposing ways of making the Union financially self-sufficient;

14.5.4.7 Preparatory work regarding the Union's budget; and

14.5.4.8 Make decisions on Staff and Union Official remuneration.

14.6 Reporting

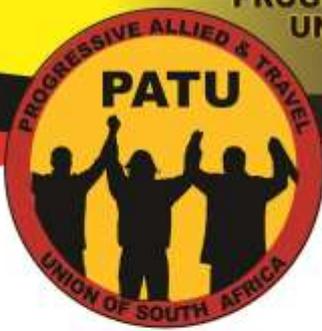
14.6.1 FINCOM must prepare an income and expenditure report for each meeting of the
NEC.

14.6.2 This report must include a clear statement of any unbudgeted expenditure.

14.7 Signatories

14.7.1 The President, Vice President, GS, Vice GS and National Treasurer has authority to be
signatories to the Banking Account of the Union.

14.7.2 Two (2) signatories must authorize any cheques



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14.8 Financial Statements

14.8.1 Statement of income and expenditure reflecting the financial position of regions

shall be prepared quarterly by the GS and submitted to the NEC.

14.8.2 Similar statement in respect of Trade Union funds shall be prepared quarterly

by the GS submitted to the NEC by the National Treasurer.

14.8.3 The GS shall also be responsible for furnishing the NC with the Trade Union

latest Audited Financial Statements.

14.8.4 In accordance with the provisions of Section 98(1) (b) and 98(2) (a) and (b) (I) and

(ii) of the LRA, the author shall prepare a statement of Income and Expenditure and a Balance Sheet in respect of each financial year ending on 31 December.

14.8.5 The GS will ensure, in terms of Section 98 (1) through to 98 (2) of the LRA that the financial requirements are met and the Financial Statements are audited annually.

14.9 Finance – General

14.9.1 Legal and other professional expenses shall be borne equally by the Trade Union and the regions concerned.

14.9.2 Stationary and printed matter shall be supplied to regions by the Head Office.

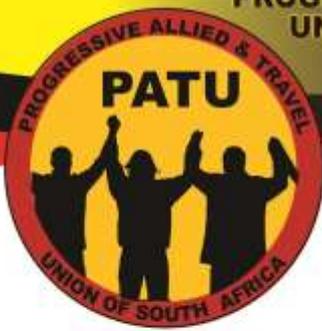
14.9.3 The NEC may at any time with a view to securing funds for the purpose of Congress or legal expenses, impose a levy not exceeding sixty Rand (R60.00) on each member for a period not exceeding three (3) months or twenty Rand (R20.00) per month on each member for a period not exceeding three (3) months, provided that notice of the proposed levy has been given to all regions.

14.9.4. A member who resigns or expelled from membership shall have no claim on the funds of the Trade Union.

14.9.5. The NEC shall, subject to confirmation by the NC have power to invest surplus Trade Union monies in such a manner that the Trade Union stands to benefit from the investment.

15. UNION STAFF MEMBERS

15.1. Staff members will include coordinators, Organizers, Administrative Employees and General Workers.



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15.2. Staff members will be appointed by an ad-hoc Committee elected by the NEC and chaired by the GS as per clause 13.2.8.

15.3. Staff members who have had disciplinary action taken against them and are not satisfied with sanction, may lodge an appeal within five (5) days to the President of the Union.

15.4. The NEC will approve the Conditions of Employment Contracts and Codes of Conducts for Staff Members as drafted by the GS and may be amended from time to time.

16. UNION REPRESENTATIVES (SHOP STEWARDS)

16.1. Term of Office of Shop Stewards

16.1.1. The Union representatives shall implement and give effect to decisions of the NC, NEC, CEC, and the REC.

16.1.2. Shop stewards shall hold office for two (2) years, subject to any decision of the REC to extend this period of office.

16.1.3. Elections shall be held as soon as possible after the expiry of the term of office of the shop stewards.

16.1.4. The GS is responsible for calling the election if there is a delay.

16.1.5. The number of shops Stewards elected as determined by LRA section 14.

16.2. Powers and Duties

16.2.1. The shop steward committee will manage the affairs of the Union inside their workplace.

16.2.2. A shop Stewards Committee may be established in any workplace where the trade union has not less one hundred (100) members.

16.2.3. Application for the establishment of a shop Stewards Committee shall be made in



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writing to the General Secretary by not less than fifty percent plus one (50% +1) members in the workplace concerned.

16.2.4. The Shop stewards Committee shall have the following powers and duties which are subject to the review of the CEC:

16.2.4.1. To negotiate agreement with employer about working condition mandated to do so by members in the workplace;

16.2.4.2. Such agreement may only be concluded and signed after approval by both the:

- a) Members concerned; and
- b) The GS;

16.2.4.3. To maintain order and harmony amongst the members in their workplace;

16.2.4.4. To recruit members and to generally promote their interest;

16.2.4.5. To settle disputes in their workplace;

16.2.4.6. To discuss decisions and policies of the Union to members in their workplace;

16.2.4.7. To take up all legitimate complaints of members;

16.2.4.8. To represent members in conciliations before the commission for conciliation, mediation and arbitration as well as bargaining councils who have scope and jurisdiction to attend and to dispute proceedings for employees in the relevant sectors;

16.2.4.9. If the said matters proceed to Arbitration the Union must be advised in order to deal with the dispute directly.

16.2.4.10. In terms of section 14(4) of the LRA the Trade Union Representative shall:

- a) At the request of an employee in the workplace, assist and represent the employee in grievances and disciplinary proceedings;
- b) Monitor the employer's compliance with and report any illegal contraventions of the workplace related to the provisions of the LRA and any Law regulating terms and conditions of employment and any collective agreement binding on the employer to:
 - i. The employer Management;
 - ii. The representative Trade Union;
 - iii. Any responsible authority or agency.



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- c) To perform any other function agreed to between the Trade Union and the employer;
- d) In terms of the LRA Section 13 (5) the Union will negotiate with the employer to allow the Union representative time off with pay during working hours:
 - i. To perform the function of a Trade Union representative; and
 - ii. To be trained in any subject relevant to the performance of the functions of a Trade Union representative.

16.3. Resignation by Shop Stewards

16.3.1. A Shop Steward may resign by giving one full calendar months' notice in writing to the GS provided that no resignation shall take effect:

16.3.1.1. Until all monies due to the union have been paid;

16.3.1.2. If resignation is received through the agency of the members employer; and

16.3.1.3. A member whose membership fees are more than four (4) months in arrears shall automatically cease to be member of the Trade Union, Such person shall however be liable for all monies due to Trade Union as the date on which he/she ceases to be a member of the Trade Union.

16.4. Removal of Shop Stewards

A shop steward must leave their position in any one or more of the following circumstances:

16.4.1. If they do not attend three meetings in a row without sending a reasonable written excuse;

16.4.2. If they are no longer in good standing with the Union;

16.4.3. If they are no longer employed in the workplace where they were elected;

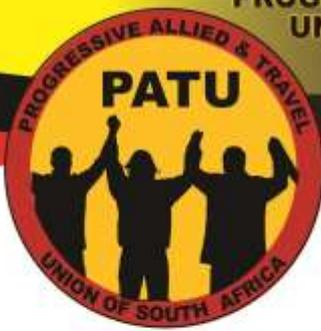
16.4.4. If they resign by giving one (1) months written notice to the GS;

16.4.5. If they are suspended or expelled from membership of the Union;

16.4.6. If they are unable to perform their duties as set out in the Constitution; or

16.4.7. If the GS receives a petition calling for the removal of the shop steward from office-

16.4.7.1. This petition must be signed by not less fifty per cent plus one (50% +1)



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of the paid-up members employed in the workplace or section of the workplace that the shop steward represents as the case may be. Any such petition should furnish reasons as to why the shop steward must be removed.

16.4.8. An investigation must precede the removal and must be conducted by the REC

in that region and the findings forwarded to the GS.

16.5. Termination of Membership of a Shop Steward

16.5.1. A shop Steward may be suspended, fined or expelled as may be determined by the CEC or the REC in the region where the Shop Steward is employed in the following circumstances:

16.5.1.1. If a Shop Steward willfully contravenes the provisions of this constitution or acts in a manner which is detrimental to the interest of the Trade Union and /or its members;

16.5.1.2. If a shop steward seriously harms the name or reputation to the union;

16.5.1.3. If a shop steward makes him guilty of conduct which in the opinion of the CEC or the REC justifies the termination of his membership;

16.5.1.4. If the Shop steward fails within ten (10) days of demand in writing by the GS to pay the membership fees. Fines or levies which are more than four (4) months in arrears unless good cause is shown why these monies cannot be paid.

16.6. Description procedures for Shop Stewards

16.6.1. When intending to discipline shop stewards the CEC will appoint a DC

16.6.2. The DC shall act in accordance with the provisions as schedule a hereto:

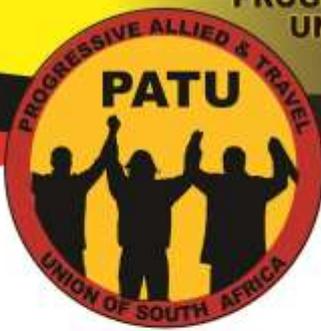
16.6.3. The DC shall appoint a chairman from amongst themselves.

16.6.4. The DC shall advise the Shop Steward concerned by not less than three (3)

days' notice in writing of the charges/s of a time and place of a hearing to be held. Such notice must be hand deliver to the Shop steward concerned or sent by registered mail to his last known postal address.

16.6.5. The notice referred to in paragraph 16.6.4. shall include a reference to the rights

of the shop steward, namely the right of representation by a fellow member, the right to state his case and call witnesses and the right to cross examine any witnesses called to testify against him.



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16.6.6. If the DC as the case may be, is satisfied that the Shop Steward charged has though absent, received the prescribed notice, the hearing may be conducted in absentia

16.6.7. If the Shop Steward charged is present at the hearing the DC may proceed to deal with the charge by reading out and explaining the charge/s call witnesses ,afford the Shop steward to state this case and to call witness and to consider all relevant information , provided that such proceeding may only be conducted if the representative of the shop steward is present or it the shop steward has waived the right of representation.

16.6.8. Any member of the committee trying the charge/s shall be competent to give evidence in connection with the charge, provided that for the rest of the proceedings he shall vacate his seat and he shall have no vote in the matter.

16.6.9. If membership is terminated in terms of paragraph 7.6 the Shop Steward shall have a right of appeal to the CEC within twenty (20) days of termination.

16.7. Penalties

16.7.1. If the GS or DC as the case may be, finds the charge/s proved on a balance of probabilities it may:

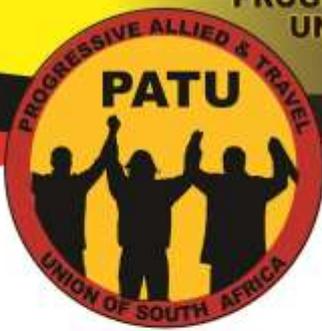
16.7.1.1. Expel the shop Steward form the union upon which all monies owing to the union shall immediately become payable;

16.7.1.2. Suspended him/her for a period determined by the GS or DC from membership of the union, provided that during the suspension subscriptions due by the shop steward shall continue to accrue; and

16.7.1.3. Impose a fine not exceeding the amount equivalent of three (3) months membership subscription fee for the first offence and not exceeding six (6) months membership subscription fee for any subsequent office . The DC as the case may be may suspend a shop steward from membership until such fine is paid without prejudice to the right of action of the union to recover such monies by civil proceedings .

16.8 Appeals

16.8.1. If a Shop Steward is not satisfied with the outcome in case of a guilty verdict



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brought by the DC, there shall be a right of appeal against the finding of the DC to the next CEC meeting.

16.8.2. Shall notify the shop steward concerned in writing of the decision taken by the DC, as the case may be and such notification shall also advise the Shop steward of his right to appeal.

16.8.3. The shop steward must lodge the appeal in writing within twenty (20) days of the date on which the decision/notice was received by him/her.

16.8.4. A shop steward who does not agree with the findings of the DC must lodge an appeal in writing clearly stating all the reasons why he does not agree. The appeal shall be addressed to the DC who reached the finding.

16.8.5. The DC will forward the appeal to the CEC at least two (2) weeks before the next CEC meeting.

16.8.5.1. The appeal will be dealt with at the next CEC meeting;

16.8.5.2. The CEC will make their findings on the written submissions but may request the Shop steward to appear in person if so decided by the CEC;

16.8.5.3. The CEC will have powers to amend or reverse the findings of the DC.

16.9. Restrictions

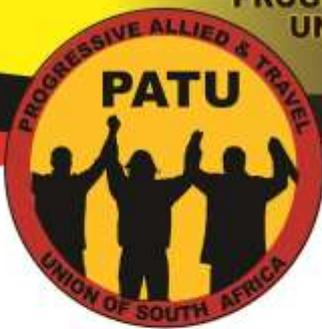
16.9.1. A shop steward shall cease to be entitled to the benefits of including the right to vote, during any period while he is under suspension and shall be considered a member out of good standing:

16.9.1.1. If the membership fees or other charges due by him to the Trade Union are more than four months in arrears; and

16.9.1.2. During any period while he/she is under suspension in terms of the Constitution.

16.10. Vacant office of Shop steward

16.10.1. If the office of the shop steward becomes vacant due to resignation, removal,



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Death or termination the office will be filled by:

16.10.1.1. A ballot been arranged by the GS;

16.10.1.2. The date and venue to be agreed by the members at the relevant workplace;

16.10.1.3. The member with highest vote will fill the vacant office of the departed shop steward; and

16.10.1.4. The term of office and duties will be in terms of clause 16.1.

through to 16.2.4.1.10.

16.11. Exceptions

16.11.1. A shop steward of the Trade union may not be disciplined or have their membership terminated for failure or refusal to participate in a strike if:

16.11.1.1. No ballot was held about the strike; or

16.11.1.2. A ballot was held but a majority of the members who voted did not vote in favor of the strike.

16.12. Re- admissions

16.12.1. A shop steward who has been expelled shall have the right to apply for readmission as a member after a period of six (6) months from the date the expulsion become effective.

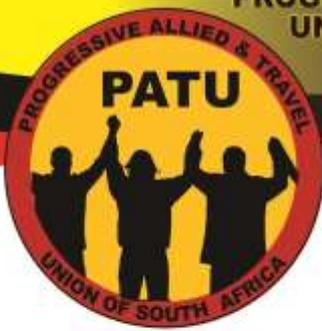
16.12.2. A shop steward may be readmitted to the membership on such conditions as the CEC may determine .

16.12.3. The same terms and conditions will apply as set out for new applications in terms of clause 7.12.

17. REGIONAL EXECUTIVE COMMITTEE (REC)

17.1. Establishment and control of Regions

17.1.1. The REC shall implement and give effect to decisions of the NC, NEC and the CEC;



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17.1.2. The REC will manage the affairs of the Union and deal with members issues in their respective regions;

17.1.3. A region of the Union may be established in any area where there is not less than five hundred (500) members of the union;

17.1.4. Application for establishment of a region shall be submitted to the General Secretary to be considered by the NEC by not less than fifty per cent plus one (50+1) of the members in the area concerned;

17.1.5. The NEC may in its discretion authorize the establishment of a region and define its area of jurisdiction;

17.1.6. If the NEC approve of the establishment of a region, the General Secretary shall notify the members from whom the application has been received;

17.1.7. The President shall arrange to attend the inaugural of the region and at this meeting a Regional Chairperson, Vice Chairperson and at least six(6) other members shall be elected by the majority of members present;

17.1.8. If the nominations call for at such meeting do not exceed the appointment to be made, in each instance the members so nominated shall be declared elected and shall hold office until the annual meeting of the region;

17.1.9 When a member leaves the area in which his region is situated and continues his employment in the area of another region, he shall be entitled to become a member of that region.

17.2. Composition and election of REC members

17.2.1. A Regional Executive Council (REC) shall be elected in each of the NEC nominated regions where the Union has members; the GS will arrange the time and venue for the said elections.

17.2.2. The REC will be elected by the Shop Stewards in the respective regions.

17.2.3. The REC will comprise of a minimum of six (6) members with a maximum of ten (10) members as decided and agreed by the NEC from time to time.



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17.2.4. The elected REC members will elect from amongst themselves a chairperson, a Vice Chairperson, a Secretary and Vice Secretary.

17.3 Terms of Office of Regional Executive Council

17.3.1 REC members shall hold office for two (2) years, subject to any decision of the NEC to extend this period of office.

17.3.2 REC members may be re-elected for a further term of office.

17.4 Powers and Duties

17.4.1 The REC shall have the following powers and duties, which are subject to the review of the NEC:

17.4.1.1 To maintain order and harmony amongst the Shop Stewards in their regions;

17.4.1.2 To ensure that Shop Stewards are informed of all decisions by the NEC that Will affect the members in their regions;

17.4.1.3 To arrange with the General Secretary for the Training of Shop steward;

17.4.1.4 To recruit members and to generally promote their interest;

17.4.1.5 to settle disputes in their regions;

17.4.1.6 to convey decisions and policies of the Union to the Shop Steward in their regions and ensure compliance thereof;

17.4.1.7 To take up all legitimate complaints of Shop Stewards and members;

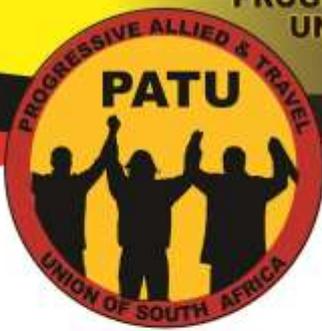
17.4.1.8 To perform any other function delegated by the NEC or the CEC;

17.4.1.9 To perform the functions of the Trade Union REC; and

17.4.1.10. To be trained in any subject relevant to the performance of the functions of a REC member.

17.5 Meetings of the REC

17.5.1 The Chairperson of the REC will call and arrange a meeting every quarter



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(three months).

17.5.2 The Secretary will take Minutes of the REC meeting and forward said Minutes to the GS within ten (10) days.

17.5.3 In terms of the LRA Section 14(5), the Union will negotiate with the Employees to allow the REC members paid time off during working hours to attend to their Union duties.

17.5.4 The quorum for a REC meeting will be at least two thirds of the elected REC members in the relevant region.

17.6 REC – Occupational Health and Safety Committee

17.6.1 Each region will have an Occupational Health and Safety Committee.

17.6.2 This Committee will comprise of the REC Chairperson, a Secretary and one other REC committee member.

17.6.3 The function of this Committee will be to monitor and report to the General Secretary after each REC meeting on the status of compliance on Occupational Health and Safety issues by the Companies in their respective regions.

17.7 Resignations by REC member

17.7.1 A REC member may resign by giving one calendar months' notice in writing to the GS, provided that no resignation shall take effect:

17.7.1.1 Until all monies due to the union has been paid;

17.7.1.2 If resignation is received through the agency of the member's employer;

17.7.1.3 A member whose membership fees are more than four (4) months in arrears shall automatically cease to be a member of the Trade Union. Such person shall, however, be liable for all monies due to the Trade Union at the date on which he/she ceases to be a member of the Trade Union.

17.8 Removal of an REC member

17.8.1 A REC member must leave their positions in any one or more of the following circumstances:



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17.8.1.1 If they do not attend three meetings in a row without sending a reasonable written excuse;

17.8.1.2 If they are no longer in good standing with the Union;

17.8.1.3 If they are no longer employed in the region where they were elected;

17.8.1.4 If they resign by using one (1) month's written notice to the GS;

17.8.1.5 If they suspended or expelled from the membership of the Union;

17.8.1.6 If they are unable to perform their duties as set out in this Constitution; or

17.8.1.7 If the GS receives a petition calling for the removal of the REC member from office.

17.8.2 This petition must be signed by not less than fifty per cent plus one (50% + 1) of the Shop Steward employed in the region. Any such petition should furnish reasons as to why the REC member must be removed.

17.8.3 An investigation must precede the removal and must be conducted by the CEC and the findings forwarded to the GS for noting at the next NEC meeting.

17.9 Termination of the REC Membership

17.9.1 A REC member may be suspended, fined or expelled as maybe determined by the NEC or the CEC in the following circumstances:

17.9.1.1 If a REC member willfully contravenes the provisions of this Constitution acts in a manner which is detrimental to the interests of the Trade Union and/or its members;

17.9.1.2 If a REC member seriously harms the name or reputation of the union;

17.9.1.3 If a REC member makes he guilty of conduct which; in the opinion of the NEC or the CEC, justifies the termination of this membership;

17.9.1.4 If the REC member fails within ten (10) days of demand, in writing, by the GS to pay the membership fees, fines or levies which are more than four (4) months in arrears, under good cause is shown why these monies cannot be paid.

17.10 Disciplinary procedures for REC member

17.10.1 When intending to discipline the REC member the CEC will appoint a DC.

17.10.2 The DC shall act in accordance with the provisions as set out in Schedule A hetero.



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17.10.3 The DC shall appoint a Chairman.

17.10.4 The DC shall advise the REC member concerned by not less than three (3) days'

notice in writing of charge/s and of a time and place of hearing to be held. Such notice must be hand delivered to the REC member concerned or sent by registered mail to his last known postal address.

17.10.5 The notice referred to in paragraph 17.10.4 shall include a reference to the rights of

the REC member, namely the right of representation by a fellow member, the right to cross examines any witnesses and the right to cross examines any witnesses called to testify against him.

17.10.6 If the DC, as the case may be, is satisfied that the REC member Charged has,

through absent, received the prescribed notice, the hearing may be conducted in absentia.

17.10.7 If the REC member charged is present at the hearing the DC may proceed to deal

with the charge by reading out and explaining the charge/s, call witnesses, afford the REC member to state his case and to call witnesses and to consider all relevant information, provided that such proceedings may only be conducted if the representative of the REC member is present or if the REC member has waived the right of representative.

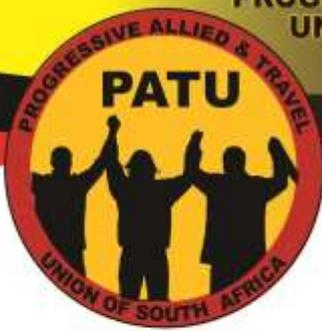
17.10.8 Any member of the committee trying the charge/s shall be competent to give evidence in connection with the charge, provided that for the rest of the proceedings he shall have no vote in the matter.

17.10.9 Is membership is terminated in terms of paragraph 17.8, the REC member shall have a right of appeal to the CEC within twenty (20) days of termination.

17.11 Penalties

17.11.1 If the DC finds the charge/s proved on a balance of probabilities it may:

17.11.1.1 Expel the REC member from the union upon which all monies owing to the nation shall immediately become payable;



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17.11.1.2 suspend him/her for a period determined by the DC from membership of the union; provided that during the suspension subscriptions due by the REC member shall continue to accrue;

7.11.1.3 Impose a fine not exceeding the amount equivalent of three (3) months' membership subscription fee for the first offence and not exceeding six (6) months membership subscription fee or any subsequent offence. The DC, as the case may be, may suspend a REC member from membership until such fine is paid, without prejudice to the right of action of the union to recover such monies by civil proceedings.

17.12 Appeals

17.12.1 If a REC member is not satisfied with the outcome in the case of guilty verdict brought by the DC, there shall be a right of appeal against the finding of the DC of the next CEC Meeting.

17.12.2 The GS shall notify the REC member concerned in writing of the decision taken is, and such notification shall also advise the REC member of his right to appeal.

17.12.3 The REC member must lodge the appeal in writing within twenty (20) days of the date on which the decision/notice was received by him/her.

17.12.4 A REC member who does not agree with the findings of the DC must lodge an appeal in writing clearly stating all the reasons why he does not agree. The appeal shall be lodged to the DC who reached the finding.

17.12.5 The DC will forward the appeal to the CEC at least two (2) weeks before the next CEC meeting.

17.12.6 The appeal will be dealt with at the next CEC meeting.

17.12.7 The CEC will make their findings on the written submissions but may request the Shop Steward to appear in the person if so decided by the CEC.

17.12.8 The CEC will have the powers to amend or reverse the findings of the DC.

17.13 Restrictions



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17.13.1 A REC member shall cease to be entitled to the benefits of, including the right to vote, during any period while he is under suspension and shall be considered a member out of good standing.

17.13.2 If the membership fees or other charges due to him/her to the Trade Union is more than four (4) months in arrears.

17.13.3 During any period while he/she is under suspension in terms of the Constitution.

17.14 Vacant office of an REC member

17.14 1 If the office of the REC member becomes vacant due to resignation, removal, death or termination the office will be filled by:

17.14.1.1 A ballot has been arranged by the GS;

17.14.1.2 The date and venue to be agreed by the REC Chairperson or Vice Chairperson in the relevant region;

17.14.1.3 The member with the highest vote will fill the vacant office of the departed REC member;

17.14.1.4 The term of office and duties will be in terms of clauses 17.3 through to 17.4.

17.15 Exceptions

17.15.1 An REC member of the Trade Union may not be disciplined or have their membership terminated for failure or refusal to participate in a strike if:

17.15.1.1 No ballot was held about the strike;

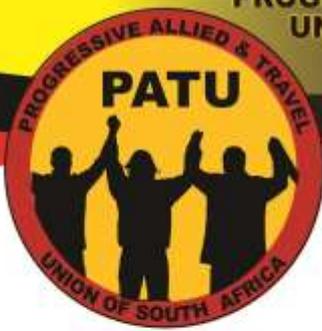
17.15.1.2 A ballot was held but a majority of the membership who voted did not vote in favour of the strike.

17.16 Re-admissions

17.16.1 An REC member who has been expelled shall have the right to apply for readmission as a member after a period of six (6) months from the date the expulsion became effective.

17.16.2 An REC member may be readmitted to the membership on such conditions as the CEC may determine.

17.16.3 The same terms and conditions will apply as set out for new applications in terms of clause 7.1 through 7.1.6.



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18 BALLOTS

18.1 Decision to Vote

In addition to those cases in respect of which the taking of a ballot members of the Trade Union is compulsory in terms of this Constitution, a ballot on any question shall be taken if the CEC so decides, and shall also be taken if demanded by a region.

18.2 Authority

The CEC shall determine the date, time and place for such ballots.

18.3 Process for voting

Decisions in the union shall be made in the following manner:

1. By show of hands;
2. By ballot; or
3. By postal ballot

18.4 Voting by Show of Hands

In the normal course of events all decisions in the union will be made by way of show of hands of the members entitled to vote on such matter. The relevant structure shall be bound to take action according to the decision of the majority of members voting by show of hands.

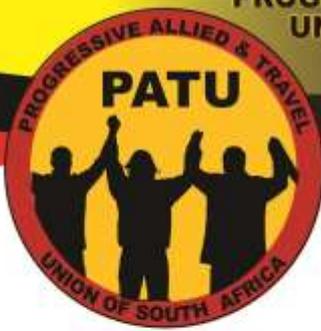
18.5 Ballots

“Ballot” is a method of voting in secret by marking a paper and putting it in a sealed box.

18.5.1 In addition to those cases in respect of which the taking of a ballot of members of the whole trade union is compulsory in terms of this Constitution, a ballot on any question shall be taken if the executive committee so decides, and shall also be taken-

18.5.1.1 If demanded in writing by not less than 10% of the members of the union or any recognized structure of the union; or

18.5.1.2 On any proposal to declare or take part in any strike in which event a strike ballot shall be held.



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18.5.2 Ballots shall be conducted in the following manner:

18.5.2.1 Notice of a ballot shall be given to each member in writing by the secretary, at least three days before the ballot is to be taken: provided that a ballot may be taken without notice at any general meeting on the decision of a majority of the members present.

18.5.2.2 Two independent scrutineers shall be appointed by the executive committee or the Congress to supervise any ballot and ascertain the result thereof.

18.5.2.3 Ballots shall be taken at any general meetings on the decision of a majority of the members present, ballots shall be conducted at any office of the trade union or at any such other venue as may be specified in the notice referred to in paragraph 18.5.2.1 of this sub clause on the date and during the hours specified in said notice.

18.5.2.4 Ballot papers shall be prepared and supplied by officials of the union appointed for such purposes by the General Secretary. The issue to be voted upon shall set forth clearly on the ballot papers and such papers shall not contain any information by means of which it will be possible to identify the voter.

18.5.2.5 Ballot boxes shall be inspected by the scrutineers and sealed by the General Secretary in their presence prior to issuing the ballot papers.

18.5.2.6 One ballot paper may only be issued to a member who is entitled to vote. The ballot paper shall be issued on demand at the place and during the hours fixed for taking the ballot.

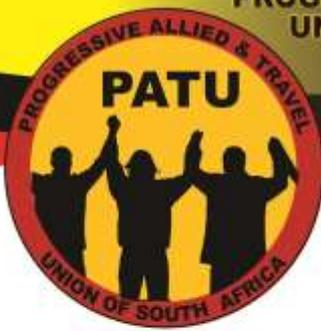
18.5.2.7 Each voter shall, in the presence of the scrutineers, be issued with one ballot paper which he/she shall thereupon, in secret, complete, fold and deposit the ballot paper in a ballot box provided for the purpose.

18.6 Postal Votes

18.6.1 The CEC may decide that a postal ballot of members shall be taken, in which event the ballot shall be conducted in the following manner:

18.4.1.1 The GS shall send by registered post to each member of the Trade Union; a Ballot Paper and a stamped and addressed envelope marked "Ballot".

18.6.2 The ballot papers shall on completion be inserted in the envelope provided for the purpose, which shall be sealed and posted so as to reach the GS within fifteen (15) days from the date of dispatch from Head Office to such member.



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18.6.3 On receipt of such envelopes the GS shall immediately place such envelopes in a sealed ballot box.

18.6.4 Two Scrutinizers shall be appointed by the CEC to ascertain the result of the ballot and the box shall be opened and the ballot papers counted by the Scrutinizers in the presence of the ballot.

18.6.5 The same procedure shall mutatis mutandis apply to a postal ballot confined to members of the CEC or any region/s of the Trade Union.

18.6.6 In any ballot conducted in connection with any election the candidates, up to the required number, receiving the highest number of votes, shall be declared elected.

18.6.7 The NC, NEC and the CEC shall be bound to take action according to the decision of a majority of members voting in a ballot.

18.6.8 The Trade Union must, before calling a strike, conduct a ballot of those of its members in respect of whom it intends to call the strike if so decided by the CEC.

19. REPRESENTATION ON BARGAINING AND STATUTORY COUNCILS

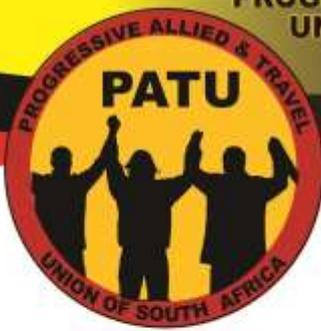
19.1 NEC must at any time that the Trade Union shall become a party to a Bargaining Council or Statutory Council established in terms of the LRA.

19.2 Representatives and their alternatives who will serve on these Councils shall be appointed by the NEC.

19.3 Representatives or their alternatives on a Bargaining or Statutory Council may be removed by the NEC and may resign on giving one (1) months' notice to the NEC or such notice as may be prescribed in the Constitution of the Council concerned.

19.4 In the event of the resignation or death of a representative or an alternate or his/her removal by the NEC the vacancy shall be filled by a new representative appointed by the NEC.

20. WINDING UP



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20.1 The Trade Union shall be wound up if in a ballot conducted in the manner prescribed in this Constitution not less than three (3) quarters (75%) of the total number of members of the Trade Union vote in favour of a resolution that the organization be wound up.

20.2 If a resolution for the winding up of the Trade Union has been passed or if for any reason the Trade Union is unable to continue to function, following provisions shall apply:

20.2.1 The last appointed President of the Trade Union, or if he/she is not available, the available members of the last appointed NEC of the Trade Union, shall forthwith transmit to the Labour Court a statement signed by him/her or them setting forth the resolution adopted or the reasons for the Trade Union's inability to continue to function, as the case may be, the request to the Labour Court to grant an order in terms of Section 103 of the LRA.

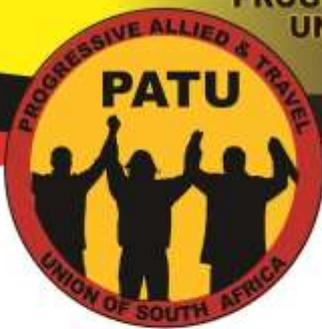
20.2.2 The Liquidator appointed by the Labour Court shall call upon the last appointed Office Bearers of the Trade Union to deliver him/her the Trade Union's books of accounts showing the assets and liabilities together with the register of members showing, for the past twelve (12) months prior to the date as from which the Trade Union was unable to continue to function, as the case may be (hereinafter referred to as the date of dissolution), the membership fees paid each member and his/her address as the said date.

20.2.3 The Liquidator shall also call upon the said Office Bearers to hand over to him/her all unexpected funds of the Trade Union and to deliver to him/her the Trade Union's assets and the documents necessary to liquidate the assets.

20.2.4 The Liquidator shall take the necessary steps to liquidate the debts of the Trade Union for its unexpected funds, and any other monies realized from any assets of the Trade Union for its unexpected funds, and any other monies are insufficient to pay all creditors after the Liquidator's fees and the expenses of winding up have been met as prescribed in any Law for the time being in force relating to the distribution of the assets of an insolvent estate, and the Liquidator's fees and the expenses of winding up shall rank in order as that of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate.

20.2.5 After payment of all debts in accordance with Clause 21.2.4 the remaining funds, if any, shall be distributed among the remaining members of the Trade Union on the basis of membership fees actually paid during the twelve (12) months prior to the date of dissolution.

20.2.6 After the payment of all liabilities, any assets that cannot be disposed of in accordance with the provisions of this clause shall be realized by the Liquidator and the proceeds paid to the Commission for Conciliations, Mediation and Arbitration in accordance with Section 103 of the LRA.



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20.2.7 The liability of members shall for the purpose of this clause be limited to the amount of the membership fees due by them to the Trade Union in terms of this Constitution as the date of dissolution.

21. INDEMNIFICATION

21.1 The Office Bearers, members of all committees provided for in this Constitution, elected officials and other officials of the Union will be indemnified by the Union for all proceedings, costs and expenses incurred for any act of omission performed in accordance with the provisions of the Constitution, provided they have acted:

21.1.1.1 In good faith; and

21.1.1.2 within the provisions of the Constitution.

21.2 The above will be held personally liable for expenditure incurred on behalf of the Union if they have incurred such liability not provided for in this Constitution or contrary to any lawful resolution taken by the Union.

22. CONFIDENTIALITY CLAUSE

22.1 It is recorded by the Union that during the normal course and scope and nature of its business, certain disclosures will be made that may be considered as Confidential Information.

22.2 The Parties subject to this clause shall include, but is not limited to:

22.2.1 Members of the Union;

22.2.2 Union Officials;

22.2.3 Union Representatives;

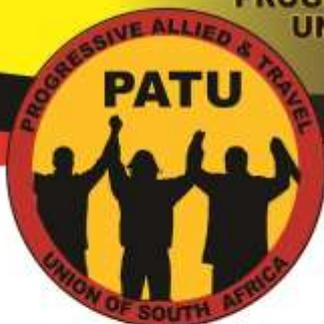
22.2.4 Union Staff Members;

22.2.5 Office Bearers; and

22.2.6 Service Providers.

22.3 Each party may not disclose the other party's confidential Information without prior written consent to any person and/or entity and shall not use the confidential information to any other purpose.

22.4 "Confidential Information" means any information disclosed by the parties and shall include but is not limited to:



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22.4.1 All knowledge, information or materials, whether of a technical or financial nature, or otherwise relating in any manner to the business affairs, trade secrets, know – how, proprietary ideas, current or future plans, diagrams, presentations, feel/subscription structures, specifications, computer programs, financial results and financial projections, member information, proprietary intellectual property and the like, descriptions of corporate structure, shareholdings, franchise and licensing arrangements; or

22.4.2 Any written information which is labeled “confidential” or “proprietary” before it is disclosed to the Recipient Party; or

22.4.3 Any oral information which is preceded by a statement that it is intended to be confidential.

22.5 A breach of Confidentiality shall be deemed on offence in terms of the code of Conduct.

23. AMENDMENTS TO THE CONSTITUTION

23.1 Any of the provisions of this Constitution may be repealed, amended are added to in any manner by resolution of the National Congress of the Trade Union.

23.2 No changes or additions shall have any force until certified in terms of Section 101 (3) of the Labour Relations Act 66 Of 1995.

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General Secretary

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President

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DATE

