



POPCRU



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POLICE AND PRISONS CIVIL RIGHTS UNION

POPCRU CONSTITUTION

**ADOPTED AT THE
7th NATIONAL CONGRESS**



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CONSTITUTION

CHAPTER 1

1. PREAMBLE

We, the members and employees of the South African Police Services, Correctional Services and Traffic Services, recognise the civil and basic human rights of all people in South Africa including those employed in the services of South African Police Services, Correctional Services and the Traffic Department. We recognise further that such basic human rights are fundamental rights worthy of enhancement and protection, and we are as such committed to the creation and development of a security establishment, which is the just expression of the will of the people. A system, which will reflect co-operation between our members and the community in an effort to truly serve and protect all members of our society.

We therefore, declare our commitment to co-operate and to work with members of the community and any other progressive minded sections of the community so as to build a security system that will protect and serve the interest of all South Africans. We, therefore, adopt this constitution and in so doing dedicate ourselves to the establishment of a security service free of all discrimination, racial bias, sexism, repression or any other form of discrimination and to the establishment of an impartial and effective service.

2. NAME AND LOGO

The name of the organisation shall be the POLICE AND PRISONS CIVIL RIGHTS UNION (hereinafter referred to as ["POPCRU"]) and the logo of POPCRU shall be the logo determined by the National Congress and shall appear on all official documents of the Union. The logo shall be mounted on the top right-hand side of the flag and all official documentation. The colours shall be in the sequence of red, gold, white and black.



3. SCOPE OF THE UNION

- 3.1. The Union will operate as a trade Union in the following sectors:**
 - 3.1.1.** South African Police Service;
 - 3.1.2.** Correctional Services;
 - 3.1.3.** All Traffic Departments;
- 3.2.** All Public Service personnel employed by the South African Police Service, Correctional Services and Traffic Department in terms of any Act of Parliament, Regulation or other provision, as amended from time to time.

4. LEGAL STATUS

- 4.1. The Union is a body corporate with perpetual succession. The Union can in its own name:**
 - 4.1.1.** Enter into contracts;
 - 4.1.2.** Sue; and
 - 4.1.3.** Be sued;
 - 4.1.4.** Hold property in its own name separate from its members;
 - 4.1.5.** The liability of individual members is limited to the amount of their outstanding subscriptions or other monies due to the Union;
 - 4.1.6.** The Union is an association not for gain. The union may be a shareholder in a profit making entity incorporated as such in terms of the company laws of the Republic of South Africa, as amended from time to time.

5. STRUCTURES OF THE UNION

- 5.1. The structure of the Union shall comprise of the following bodies:**
 - 5.1.1.** National Congress [NC];
 - 5.1.2.** Central Executive Committee [CEC];

- 5.1.3. National Executive Committee [NEC];
- 5.1.4. Provincial Congress [PC];
- 5.1.5. Provincial Shop Steward Council [PSC];
- 5.1.6. Provincial Executive Committee [PEC];
- 5.1.7. Locals; and
- 5.1.8. Institutions.

6. LOCATION OF THE HEAD OFFICE

- 6.1. **The NEC will determine from time to time the location of the Head Office.**

7. AIMS AND OBJECTIVES

7.1. General

- 7.1.1. To unite all members in the sectors referred to in clause 3 of this constitution;
- 7.1.2. To work for a non-racial, non sexist, non-violent, impartial, just and democratic South Africa;
- 7.1.3. To assist and support other Unions, organisations, and individuals as deemed appropriate locally, nationally and internationally;
- 7.1.4. To participate in International Trade Union activities and to foster international links;
- 7.1.5. To perform such other duties or engagements in the interest of its members which are not inconsistent with the spirit of the Union as embodied in this constitution;
- 7.1.6. To function autonomously and independently as a Union;
- 7.1.7. To engage in all social transformation processes.

7.2. Work in the community

- 7.2.1. To promote a positive image and improve the relationship between Union members and the wider community in a democratic South Africa in order to enjoy the confidence and co-operation of the society they

serve;

- 7.2.2. To work with all interested parties in the communities to maintain and improve the quality of services rendered by its members to the public;
- 7.2.3. To promote and encourage the active participation of members of the community in the activities of the Police, Correctional Services and all Traffic departments; and
- 7.2.4. To work towards the creation of a safe and secure environment for all members of the South African community.

7.3. Service to members

- 7.3.1. To organise all those employed within the Union's scope of operation;
- 7.3.2. To seek to ensure equality of treatment and fair representation for all members and to work for the elimination of discrimination on the grounds of race, gender, disability, age, religion and any other form of unfair discrimination;
- 7.3.3. To strive to establish economic and social justice for all members by means of regulating relationships between members and their employers;
- 7.3.4. To secure the settlement of disputes arising from employment, and
- 7.3.5. To participate in any collective bargaining machinery;
- 7.3.6. To protect the employment security of members to advance their employment prospects and generally to do business that will serve the interests of members socially and otherwise in their individual and collective capacities;
- 7.3.7. To provide, insofar as it is practicable, legal assistance to members in connection with their employment;
- 7.3.8. To be involved in the planning of policing, rehabilitation and traffic control policies, programmes, changes and/or other developments as well as to conduct research into new methods of policing, rehabilitation and traffic processes;
- 7.3.9. To encourage the settlement of disputes by conciliatory methods;
- 7.3.10. To strive for the improvements of wages and conditions of service for all members and to strive for healthy working conditions for all members;
- 7.3.11. To resist arbitrary retrenchments and unfair dismissals and to fight for permanent employment for all workers;

- 7.3.12.** To provide information and produce publications about the Union and its work on a regular basis in languages and design that can be easily understood;
- 7.3.13.** To provide and to promote project training, training courses, seminars and other educational facilities for members in order to encourage self-improvement and self- preparation.

7.4. Union Democracy

- 7.4.1.** To promote, safeguard and improve the interests and status of members and the Union as a whole;
- 7.4.2.** To promote and establish a worker centred Union and to carry out and fulfil decisions by members in the spirit of unity, accountability and transparency;
- 7.4.3.** To promote fair representation in all Union structures for women and the disabled;
- 7.4.4.** To promote and safeguard the rights of members to have an adequate opportunity to participate in the initiation and development of policy-making, through meetings, conferences or delegations and to encourage the maximum democratic debate, together with the right to campaign to change policy, while at all times acting within the rules and agreed polices of the Union;
- 7.4.5.** To promote, maintain and contribute to schemes or funds for the financial, physical and social welfare of members and their dependents.

8. MEMBERSHIP**8.1. Eligibility**

Subject to the approval of the Local Shop Steward Council, which has jurisdiction, membership of the Union is open to all employees who are:

- 8.1.1.** Employed in the sectors referred to in clause 3 of this Constitution;
- 8.1.2.** About to enter employment in the sectors referred to above;
- 8.1.3.** Former members in such sectors who are temporarily without work, and
- 8.1.4.** Elected office bearers of the union.

8.2. Entitlement to benefits

- 8.2.1.** Only members in good standing are entitled to the benefits of membership.
- 8.2.2.** Members in good standing are members who are not more than three [3] months in arrears with their subscription fees.
- 8.2.3.** Members who are between one [1] and three [3] months in arrears with their subscription fees remain members of the Union, subject to the approval of the Local Shop Steward Council, but are not entitled to the benefits of membership.
- 8.2.4.** Members who despite written notice are more than three [3] months in arrears automatically lose their membership.
- 8.2.5.** All members will be given seven [7] days within which to rectify their arrear membership fees before their membership of the Union is terminated. To facilitate this, the Local Secretary shall give the member or members concerned seven [7] days written notice to rectify the arrear membership fees.
- 8.2.6.** Members shall be entitled to appeal against loss of membership to the first ensuing Local Shop Steward Council. Notice of any such appeal shall be given to the Local Secretary in writing within ten [10] days of the

date on which the decision of the Local Shop Steward Council was communicated to the person concerned.

8.3. Application Procedure

8.3.1. Workers must apply for Union membership to the Institutional Committee with jurisdiction over the area where they are employed, or seek to be employed.

8.3.2. The Local Shop Steward Council may reject any application if it is of the opinion that the worker is not a fit and proper person to be a member of the Union.

8.4. Appeal Procedures against Refusal of Membership

8.4.1. If the Local Shop Steward Council rejects an application for membership, the worker may appeal against the decision at the next meeting of the Provincial Executive Committee. The worker must lodge the appeal with the Provincial Secretariat in writing at least seven [7] days before the meeting. The worker can appeal personally at the meeting to present the appeal. The decision of the PEC meeting is final for a period of twelve [12] months. After twelve [12] months an unsuccessful applicant for membership may apply again to the Local Shop Steward Council.

8.5. Termination of Membership

8.5.1. Resignation by members

8.5.1.1. Any member may resign from the Union after giving three months written notice to the Local Secretary.

8.5.1.2. The member must pay all amounts owing to the Union as at the last date of membership.

8.5.2. Suspension or expulsion by the Local Shop Steward Council

8.5.2.1. If a Local Shop Steward Council is of the opinion that a member has

conducted himself or herself in a manner that is harmful to the Union or its members then the Local Shop Steward Council must hold an enquiry into the member's conduct.

8.5.2.2. The member must be given an opportunity to present his or her case at such an enquiry.

8.5.3. The Local Shop Steward Council may thereafter decide:

8.5.3.1.1. To uplift the suspension;

8.5.3.1.2. Suspend a member for a fixed period on such conditions as they may deem fit;

8.5.3.1.3. To expel the member;

8.5.4. If it is decided to expel the member then:

8.5.4.1. Within fourteen [14] days of the Local Shop Steward Council notifying the member of a disciplinary action they have taken, the member may lodge an appeal to the Provincial Executive Committee within its jurisdiction.

8.5.4.2. Members may not be disciplined or have their membership terminated for failure or refusal to participate in a strike if:

8.5.4.2.1. No ballot was held about the particular strike action; or

8.5.4.2.2. A ballot was held, but the majority of the members who voted did not vote in favour of the strike.

8.6. Summary Termination of Membership

8.6.1. The union reserves a right to summarily terminate a membership. Membership shall be terminated under the following processes:

8.6.1.1. LSCs' recommends to PEC.

8.6.1.2. PEC confirms termination.

8.6.1.3. NEC approves termination.

8.7. Termination of Contract of Employment by Employer

- 8.7.1.** If an employer terminates a member's contract of employment but that member intends resuming employment within the Union sector of operation then he or she;
- 8.7.2.** Remains a member of the Union for up to one year only, unless re-employed in the sector; and is exempted from paying subscription fees for the period of unemployment.

8.8. Labour disputes or unfair dismissals

- 8.8.1.** If an employer terminates a member's employment as a result of a labour dispute or under circumstances which the Local Shop Steward Council believes are unfair, that member remains a member of the Union;
- 8.8.2.** For a period of twelve [12] months from the date of termination; or
- 8.8.3.** Until legal proceedings challenging the dismissal have been finalised. The member is exempted from paying subscription fees until he or she is re-employed reinstated, or until the Local Shop Steward Council so determines.

8.9. Re-admission

Any member who has resigned or who has been expelled from membership may be re-admitted to the Union if that member complies with the conditions determined by the Local Shop Steward Council guided by the constitution and code of conduct.

8.10. Honorary Members

Honorary membership may be bestowed by the National Congress on any person in recognition of a special contribution to the Union or in any sector within which the Union operates.

9. SUBSCRIPTIONS**9.1. Amount**

- 9.1.1.** A monthly subscription fee of an amount as stipulated by a National Congress Resolution from time to time shall be payable by each members of the union in advance to the General Secretary.

The provisions of clause 8.2. are applicable in this regard.

9.2. Collection and Banking of Subscriptions

- 9.2.1.** Members, including office bearers, must pay their subscription fee monthly and in advance to the Union;
- 9.2.2.** The Union must issue receipts immediately for these fees unless check off facilities are in operation;
- 9.2.3.** The Union must keep a record of the contributions of each member;
- 9.2.4.** All amounts received for membership subscriptions and other amounts due to the Union from members must be deposited in a national banking account no later than seven [7] days after receipt thereof.

9.3. Exemption from Subscription

- 9.3.1.** The Local Shop Steward Council may exempt a member from paying subscriptions if that member has been unpaid due to illness/suspension for a continuous period of six [6] months.
- 9.3.2.** In addition to the subscriptions referred to above a member may also be liable for the payment in the same manner of such other fees as may be prescribed in terms of the rules governing any fund established to administer funds for the benefit of the members and their dependants.

10. NATIONAL CONGRESS

The National Congress shall be the Supreme governing body of the Union.

10.1. Composition

10.1.1. The National Congress shall be composed of the National Office Bearers, Heads of Departments, National Gender Co-ordinators and representatives appointed by each Province of the Union. Each province will be entitled to 0,5% delegates of its total membership.

10.1.2. An agenda for the Congress, together with all the resolutions that have been submitted and any other necessary documents, shall be sent to each delegate of the Congress and the officials of each local not less than two [2] weeks before the date of the Congress.

10.1.3. The General Secretary shall be entitled to request proof of membership on which the province has decided its delegation.

10.1.4. The National Congress shall sit once after every four [4] years.

10.2. Quorum

A quorum for the National Congress shall be the majority of the delegates eligible to be present provided that at least two-thirds of the provinces are represented. In the event of there not being a quorum the meeting shall stand adjourned and shall be reconvened within a period of eight [8] weeks. At such adjourned meeting the delegates present shall form a quorum. At least four [4] weeks written notice of such adjourned meeting shall be given to the locals and provinces.

10.3. Powers and Duties

10.3.1. The National Congress shall adopt general and specific policy measures by means of resolutions in the furtherance of the aims

and objectives of the Union and will consider and/or decide upon the following:

- 10.3.1.1.** Confirmation of the agenda;
- 10.3.1.2.** Amendments to the Constitution;
- 10.3.1.3.** Reports from the CEC;
- 10.3.1.4.** Reports from the National Office Bearers;
- 10.3.1.5.** A financial report and the approval of the Auditor's report and the Union's financial statements;
- 10.3.1.6.** All resolutions submitted to it by the Provincial representatives;
- 10.3.1.7.** The election of National Office Bearers;
- 10.3.1.9.** Any such matter that may be deemed in the best interest of the Union;

10.4. Resolutions

- 10.4.1.** Resolutions to be moved at the National Congress shall be submitted in writing and delivered by the Provincial Executive Committee to the National Congress not less than ten [10] working days before the National Congress is held, provided that the National Congress shall have the right to consider special resolutions.
- 10.4.2.** Unless otherwise provided herein every matter for consideration by the National Congress shall be on motion duly seconded and shall be decided by a simple majority of members present.

10.5. Minutes

- 10.5.1.** The General Secretary, or a person appointed by him/ her, shall be responsible for the keeping of minutes and the sending out of notices and minutes of all National Congresses, Central Executive Committee, National Executive Committee and such other committee meetings as may from time to time be appointed.

11. CENTRAL EXECUTIVE COMMITTEE [CEC]**11.1. Composition**

- 11.1.1. The National Office Bearers;
- 11.1.2. The National Gender Coordinators;
- 11.1.3. All Provincial Office Bearers;
- 11.1.4. The Provincial Gender Coordinators;
- 11.1.5. One [1] representative for each two hundred and fifty [250] members per province;
- 11.1.6. All Heads of Departments.

11.2. Powers and duties

- 11.2.1. The management of the affairs of the Union shall be vested in the Central Executive Committee [hereafter referred to as the CEC] between meetings of the NC. The CEC shall have all such powers and duties, which customarily are vested in such an executive body and shall include the following powers and duties;
- 11.2.2. To give broad direction covering organizational, political, educational and policy issues within the Union;
- 11.2.3. To set up sub-committees and determine their nature, membership and scope;
- 11.2.4. To ratify decisions of the NEC as may from time to time be referred to it;
- 11.2.5. To approve the annual audited financial statements and balance sheet of the Union and to approve and submit these documents to the NC;
- 11.2.6. To determine budget guidelines;
- 11.2.7. To establish or dissolve locals of the Union and demarcate the jurisdiction of such locals and to further delegate such powers to the Provincial Congress and Provincial Shop Steward Council;
- 11.2.8. To fill vacancies occurring in the position of President, Deputy President First and Second Vice Presidents, Treasurer, General Secretary and Deputy General Secretary;
- 11.2.9. To generally give effect to the aims and objectives of the Union and to assume such powers as are necessitated by this constitution;

11.2.10. Convene a special NC on grounds of urgency.

11.3. Meetings

11.3.1. The CEC shall sit at least once per annum, except in the year of the National Congress.

11.3.2. A quorum shall be two thirds of the provinces represented.

11.4. Officials

All persons employed by the Union on a full-time or part time basis, and for which services are being paid are considered to be officials of the Union.

11.4.1. The General Secretary or Deputy General Secretary shall have the right to resign on giving [3] months notice to the CEC. Other officials of the Union may submit their resignation to the NEC.

11.4.2. The CEC may appoint a General Secretary only in an acting capacity subject to the election of the new incumbent by the NC.

11.4.3. Officials of the Union attending meetings shall have the full speaking rights but no voting rights.

12. NATIONAL EXECUTIVE COMMITTEE [NEC]**12.1. Composition**

- 12.1.1. The National Office Bearers;
- 12.1.2. The National Gender Co-coordinators and Provincial Gender Co-ordinators;
- 12.1.3. The Provincial Chairpersons and Secretaries;
- 12.1.4. All heads of departments.
- 12.1.5. Media Officer.

12.2. Powers and Duties

- 12.2.1. The National Executive Committee [hereinafter referred to as NEC] shall have no power to make or amend any policy decision of the Union. It shall;
 - 12.2.1.1. Execute Union policy as determined by the NC, and the CEC;
 - 12.2.1.2. To carry out the day to day running of the Union;
 - 12.2.1.3. Consider a report from the Secretariat on activities of each department and all provinces and give direction where necessary;
 - 12.2.1.4. Decide what employment posts should be created, maintained or terminated for the effective running of the Union;
 - 12.2.1.5. Engage, determine terms and conditions of employment and discharge any employee of the Union other than the General Secretary and Deputy General Secretary;
 - 12.2.1.6. Open, operate and close banking accounts on behalf of the Union and generally control the funds and finances of the Union;
 - 12.2.1.7. Borrow, raise and invest monies and funds;
 - 12.2.1.8. Allocate float amounts and other funds to respective provinces;
 - 12.2.1.9. Institute and/ or defend legal proceedings in the name of the Union, appoint attorneys and advocates to act on behalf of the Union and appoint any person to sign any document in connection with or on behalf of the Union provided that in urgent matters the General Secretary may institute or defend such proceedings;
 - 12.2.1.10. Acquire either by purchase, lease or otherwise, any movable or

immovable property on behalf of the Union and sell, let, mortgage or otherwise deal with or dispose of any immovable property belonging to the Union;

12.2.1.11. Make awards and appeal by-laws that are not inconsistent with this Constitution to regulate Union affairs but not limited to matters such as:

12.2.1.11.1 Election procedures;

12.2.1.11.2. Balloting procedures;

12.2.1.11.3 Inquiry procedures;

12.2.1.11.4. Meeting procedures;

12.2.1.11.5. Union Discipline.

12.2.12. Deal with such matters as are specifically delegated to it by the CEC, provided that no decision is inconsistent with a decision taken by the NC, CEC or the provisions of this Constitution and all such decisions are subject to confirmation of the CEC.

12.2.13. The NEC shall have the right to suspend or dismiss the General Secretary, Deputy General Secretary and any other official of the Union should that official, be found guilty by the NEC of misconduct, neglect of duties, or acted in a manner detrimental to the interest of the Union, or in conflict with the NEC or CEC, or for any reason which the NEC may deem sufficient for termination of services, provided that the official shall have the right to appeal to the next CEC against such suspension or dismissal. The decision of the CEC will be final in exhausting internal remedies.

12.3. Meetings

12.3.1. The NEC shall meet four [4] times a year and shall be convened by the General Secretary in consultation with the President;

12.3.2. The General Secretary shall give at least fourteen [14] days notice of NEC meetings, serve in the case of special urgent meetings when no less than three [3] days notice shall be given. To every notice of a meeting an agenda shall be attached. The minutes of all NEC meetings shall be circulated to all provinces;

12.3.3. A quorum of the NEC shall be at least two thirds of the provinces with at least half their representation and half the National Officer

Bearer, provided a majority of the delegates shall be members in good standing;

12.3.4. In the event of a meeting of the NEC not being a quorum two [2] hours after the time for its commencement, the meeting shall stand adjourned and may be reconvened not earlier than seven [7] working days and not later than fourteen [14] working days thereafter. At such adjourned meeting the delegates present shall constitute a quorum;

12.3.5. All provisions of the meeting of the CEC shall serve as a guideline to the meetings of the NEC and all lower structures of the Union, serve in case of where specifics are dealt with in this Constitution.

12.4. NEC sub-committees

12.4.1 Secretariat Forum Duties

12.4.1.1 The Secretariat Forum shall execute duties as shall be deferred by the NEC from time to time.

12.4.1.2 Develop and recommend Programmes to the NEC.

12.4.1.3 Shall be responsible for co-ordination of the organizational activities.

12.4.1.4 Ensure the implementation of resolutions from constitutional structures.

12.4.1.5 Composition

12.4.1.5.1 National Secretariat

12.4.1.5.2 Provincial Secretaries

12.4.1.5.3 All HODs

12.4.2 Chairpersons' Forum Duties

12.4.2.1 Monitor the implementation of resolutions from constitutional structures.

12.4.2.2 Shall enforce observance of the rules and orders of the constitution.

12.4.2.3 To develop and implement a National Political programme

12.4.2.4. Execute duties as shall be deferred by the NEC from time to time.

12.4.2.5 Composition

- 12.4.2.5.1 Presidency
- 12.4.2.5.2 Provincial Chairpersons

12.4.3 FINCOM Duties

- 12.4.3.1 Execute duties as shall be deferred by the national structures from time to time
- 12.4.3.2 Develop and recommend organizational budgets to the NEC.
- 12.4.3.3 Monitor and supervise the financial affairs of the organisation.
- 12.4.3.4 Monitoring and evaluating the union finances.

12.4.3.5 Composition

- 12.4.3.5.1 National Treasurer
- 12.4.3.5.2 General Secretaries
- 12.4.3.5.3 Provincial Treasurers
- 12.4.3.5.4 All HODs

12.4.4 NEDCOM

12.4.4.1 Composition

- 12.4.4.1.1 NOBs
- 12.4.4.1.2 Deputy Provincial Secretaries
- 12.4.4.1.3 Unit Head Human Resources
- 12.4.4.1.4 Training officer
- 12.4.4.1.5 Researcher

12.4.4.2 Duties

- 12.4.4.2.1 Identify training needs and develop programmes.
- 12.4.4.2.2 Monitor the implementation of training programmes.
- 12.4.4.2.3 Evaluate training and development programmes.
- 12.4.4.2.4 Identify training institutions e.g. SETAs.

12.4.5 Gender Forum

- 12.4.5.1 The Gender Forum shall execute duties as shall be deferred by the NEC from time to time.
 - 12.4.5.1.1 Develop and recommend Programmes to the NEC.
 - 12.4.5.1.2 Shall be responsible for co-ordination of the organizational activities at all levels.

- 12.4.5.1.3 Ensure the implementation of resolutions from constitutional structures
- 12.4.5.1.4 To ensure full implementation of gender programmes
- 12.4.5.1.5 To monitor Provincial activities on gender programmes

12.4.5.2 Composition

- 12.4.5.2.1 The Gender Forum shall be composed of the following:
- 12.4.5.2.2 National Gender Co-ordinators
- 12.4.5.2.3 2nd Vice President
- 12.4.5.2.4 National Secretariat
- 12.4.5.2.5 All Heads of Departments
- 12.4.5.2.6 National Gender Co-ordinator

13. NATIONAL OFFICE BEARERS [NOBs]**13.1. Vacation of Position**

- 13.1.1.** A National Office Bearer shall vacate his/ her seat in any of the following circumstances:
- 13.1.2.** On resignations, expulsion or suspension from membership of the Union;
- 13.1.3.** On absenting himself/ herself without permission from a constitutional meeting for three [3] consecutive meetings;
- 13.1.4.** On ceasing to be a member in good standing;
- 13.1.5.** In consequence of ballot to remove an office bearer as provided for in the provisions of this Constitution.

13.2. Presidency**13.2.1. President**

- 13.2.1.1.** The President shall be elected from amongst the members and may act as an executive full-time President.
- 13.2.1.2.** The President shall preside over all meetings of the National Congress, Central Executive Committee and National Executive Committee, in which he/ she is present and shall conduct such meetings in accordance with the Constitution.
- 13.2.1.3.** The President shall enforce observance of the rules and orders of this Constitution.
- 13.2.1.4.** The President shall exercise supervision over the work of the General Secretary and the affairs of the Union.
- 13.2.1.5.** The President may be co-signatory to the national banking account of the Union and sign minutes of the NC, CEC and NEC.
- 13.2.1.6.** The President shall have speaking and voting rights and a casting vote.
- 13.2.1.7.** The President shall be eligible for re-election.
- 13.2.1.8.** The President shall perform such duties as by usage and customs pertain to the office of the President.

13.2.1.9. The President shall be elected by the delegates at the congress and shall hold office until the next congress.

13.2.2. Deputy President

13.2.2.1. The Deputy President shall assist the President in performing his/her duties and perform such duties of the President as are delegated to him/her.

13.2.2.2. Perform duties of the President where the President is temporarily or permanently unable to perform.

13.2.2.3. Shall be eligible for re-election.

13.2.2.4. Shall be elected by the delegates at the congress and shall hold office until the next congress.

13.2.2.5. Shall have speaking and voting rights.

13.2.3. First [1ST] Vice President

13.2.3.1. The 1st Vice President exercises the power and duties of the President in the absence of both the President and the Deputy President.

13.2.4. Second [2ND] Vice President

13.2.4.1. The 2nd Vice President exercises the power and duties of the President in the absence of the President, Deputy President and 1st Vice President.

13.3. Treasury

13.3.1. National Treasurer

13.3.1.1. The Treasurer shall supervise financial affairs of the union;

13.3.1.2. Endorse all accounts for payment and sign cheques of the National banking accounts of the Union and perform other duties as by usage and custom pertaining to the Treasury office.

13.3.1.3. Submit / present statements of the Union's National accounts in respect of each of the month to the NEC, CEC and in respect of each



annual period to the NC.

- 13.3.1.4.** Such other duties as are reasonably required of the Treasurer from time to time by the NC, CEC and NEC.
- 13.3.1.5.** Shall have both speaking and voting rights.
- 13.3.1.6.** Shall be eligible for re-election.
- 13.3.1.7.** Must ensure that there is compliance with Section 98 of the Labour Relations Act 66 of 1995, as amended from time to time in respect of accounting records and audits.
- 13.3.1.8.** The Treasurer shall be elected by the delegates at the congress and shall hold office until the next congress.

13.4. Secretariat

13.4.1. General Secretary

- 13.4.1.1.** The General Secretary shall be a full-time employee and official of the Union elected in terms of the Constitution. The General Secretary can be elected amongst the members.
- 13.4.1.2.** Be responsible for the keeping of such books and accounts of the Union as may be required by the NEC and assist the Treasurer to submit statements of income and expenditure of the Union to each meeting of the CEC and NC.
- 13.4.1.3.** Conduct the correspondence of the Union and shall table such correspondence at the ensuing NEC meeting.
- 13.4.1.4.** Supervise, direct and monitor the work of the Provincial Secretaries and all officials of the union.
- 13.4.1.5.** Send out notices and minutes of all NC, CEC, NEC and any other committees as may from time to time be appointed.
- 13.4.1.6.** Be responsible for the preparation and circulation of the annual report on the activities of the union, which shall include statement of income and expenditure and the balance sheet, certified by the Union's auditors together with the auditor's report to the NEC, CEC and NC.
- 13.4.1.7.** Be responsible for the general organising and co-ordination of the work of the union.
- 13.4.1.8.** Be responsible for the general office work and administration of the affairs and activities of the Union.

- 13.4.1.9.** Be the chief negotiator acting on behalf of the union.
- 13.4.1.10.** Coordinate the activities of the Union's Bargaining Council, composed of three delegates from each province [one per sector], whose main function is to facilitate matters of negotiation.
- 13.4.1.11.** Undertake such and other duties as may become necessary from time to time or as may be decided by the NC, CEC and/or NEC.
- 13.4.1.12.** Be elected by the delegates attending the National Congress and shall hold office until the next election at the next National Congress.
- 13.4.1.13.** Be eligible for re-election.
- 13.4.1.14.** Keep a list of the Union's members.
- 13.4.1.15.** Retain minutes of the meetings of the Union in an original and un-reproduced form for a period of four [4] years from the end of financial year to which they relate;
- 13.4.1.16.** Retain the ballot papers for a period of four [4] years from the date of every ballot.
- 13.4.1.17.** Provide the information required by the Registrar to ensure compliance with Section 100 of the Labour Relations Act, as amended from time to time.
- 13.4.1.18.** Have both speaking and voting rights.

13.4.2. The Deputy General Secretary

- 13.4.2.1.** The Deputy General Secretary shall assist the General Secretary in all his/ her duties and in the event of the General Secretary not being able to fulfil such duties, ensure that they are carried out.
- 13.4.2.2.** Have both speaking and voting rights.
- 13.4.2.3.** Be elected by the delegates attending the National Congress and shall hold office until the next election.
- 13.4.2.4.** Be eligible for re-election.

13.5. Powers to act between Meetings

- 13.5.1.** The General Secretary, in consultation with the President, shall have the power to act on behalf of the NEC and its committees between meetings. The General Secretary shall seek the endorsement of the National Executive Committee upon any exercise of the power.

13.5.2. The Treasurer and the General Secretary shall have the power to act on behalf of the NEC and its Committees between meetings in any matter related to the union's finances. The Treasurer and the General Secretary shall seek the endorsement of the NEC upon any exercise of their power.

13.6. Procedure for the Nomination and Election of Office Bearers at National and Provincial Level

13.6.1. Office Bearers at National Level

13.6.1.1. President

13.6.1.1.1. Election of the President shall be made on nomination duly seconded at the National Congress.

13.6.1.1.2. Voting for the President shall be made by ballot.

13.6.1.1.3. The President shall hold office for a period of four [4] years until next election of the position.

13.6.1.1.4. If he/she is nominated for the position of President, the nominee shall be a member of the Union in good standing.

13.6.1.1.5. The president shall hold office for a period of four year until the election for the position.

13.6.1.2. Deputy and Vice Presidents

13.6.1.2.1. The election of the Deputy and Vice Presidents shall be made by a nomination dully seconded at the National Congress.

13.6.1.2.2. Voting for the Deputy and Vice Presidents shall be made by ballot.

13.6.1.2.3. The Deputy and Vice Presidents shall hold office for a period of four [4] years until election of the position.

13.6.1.2.4. If he/she is nominated for the position in the Deputy and Vice Presidents, the nominee shall be a member of the Union in good standing.

13.6.1.2.5. The Deputy and vice President shall hold office for a period of four year until the election for the position.

13.6.1.3. General Secretary and Deputy General Secretary

- 13.6.1.3.1.** The election of the General Secretary and the Deputy General Secretary shall be made on nomination duly seconded at the National Congress.
- 13.6.1.3.2.** Voting for the General Secretary and Deputy General Secretary shall be made by ballot.
- 13.6.1.3.3.** The General Secretary and Deputy General Secretary shall hold office for a period of four [4] years until the next election of the position.
- 13.6.1.3.4.** If he/she is nominated for the position of President, the nominee shall be a member of the Union in good standing.

13.6.1.4. National Treasurer

- 13.6.1.4.1.** Election of the National Treasurer shall be made on nomination duly seconded at the National Congress.
- 13.6.1.4.2.** Voting for the National Treasurer shall be made by ballot.
- 13.6.1.4.3.** The Treasurer shall hold office for a period of four [4] years until the next election for the position.
- 13.6.1.4.4.** If he/ she is nominated for the position of National Treasurer, the nominee shall be a member of the Union in good standing.

13.6.2. Office Bearers at Provincial Level

- 13.6.2.1.** The election of Provincial Office Bearers shall be made on nominations and duly seconded in the Provincial Congress.
- 13.6.2.2.** Voting for Provincial Office Bearers shall be made by ballot.
- 13.6.2.3.** Elected Provincial Office Bearers shall hold office for a period of four [4] years until next election for the position.
- 13.6.2.4.** The nominee for any position of the Provincial Office Bearers shall be a member of the Union in good standing.

14. PROVINCIAL CONGRESS**14.1. Composition**

- 14.1.1.** The PC shall consist of the Provincial Office Bearers, Provincial Gender Coordinators and delegates from locals elected as follows:
- 14.1.1.1.** One delegate per hundred [100] members where a province has more than five thousand [5 000] members;
 - 14.1.1.2.** One delegate per fifty [50] members where a province has less than five thousand [5 000] members;
 - 14.1.1.3.** All provincial officials shall attend the Provincial Congress except that they shall not have voting rights.

14.2. Powers and duties

- 14.2.1.** The Provincial Congress [hereinafter referred to as PC] shall have such powers and duties as may be assigned to it by the CEC and NEC, which shall include the following powers and duties:
- 14.2.1.1.** To implement and give effect to decisions of the NC, CEC and NEC;
 - 14.2.1.2.** To every four [4] years, elect provincial office bearers;
 - 14.2.1.3.** To consider reports of the activities of locals in the provinces;
 - 14.2.1.4.** To consider reports and the activities of the Provincial Executive Committee and the Provincial Office Bearers;
 - 14.2.1.5.** To formulate policies for the province provided that such policies will not be inconsistent with the decisions of the NC, CEC, NEC, or provisions of this Constitution;
 - 14.2.1.6.** To generally carry out the aims and objectives of the Union with regard to the organisation of workers in the province.

14.3. Meetings

- 14.3.1.** The Provincial Congress may be convened by the Provincial Executive Committee, Provincial Working Committee whenever necessary on thirty [30] working days written notice to all locals in the province

with the approval of the National Executive Committee. A special PC may be convened within fourteen [14] working days after such notice to such locals. Such notice shall state the agenda for the meeting, as well as the venue date and time.

- 14.3.2.** The quorum for meetings of a Provincial Congress shall be the majority of the locals, provided that:
 - 14.3.2.1.** Each local is represented by the majority of its delegates.
 - 14.3.2.2.** Each delegation shall consist of a majority of members of the local in good standing.

15. PROVINCIAL SHOP STEWARD COUNCIL

15.1. Composition

15.1.1. The Provincial Shop Steward Council shall consist of all Provincial Office Bearers, all Local Office Bearers, Provincial Officials and Provincial and Local Gender Co-ordinators and convening LSCs' and PSCs'.

15.2. Powers and Duties

15.2.1. The duty of the Provincial Shop Steward Council shall be to adopt an annual programme of action for the Province.

15.2.2. To adopt the annual provincial budget.

15.2.3. To approve or reject the annual financial report of the province.

15.2.4. To assess the performance of the province and take corrective action where necessary.

15.2.5. To decide on the recommendations for the industrial action in the province.

15.2.6. To decide on the recommendations to dismiss a staff member.

15.2.7. To fill a vacancy in the provincial leadership between the Provincial Congress.

15.2.8. To discuss the Central Executive Committee [CEC] report.

15.3. Meetings

15.3.1. Provincial Shop Steward Council shall sit once a year except in the year where the Provincial Congress shall be sitting.

15.3.2. A quorum shall be two thirds majority of the locals represented.

16. PROVINCIAL EXECUTIVE COMMITTEE

The management of the affairs of the province between Provincial Congress meetings shall be visited in the Provincial Executive Committee, [hereinafter referred to as PEC].

16.1. Composition

16.1.1. The PEC shall be composed of:

16.1.1.1. The Provincial Chairperson, Provincial Vice-Chairperson, Provincial Treasurer, Provincial Secretary and Provincial Deputy Secretary.

16.1.1.2. Provincial gender co-ordinator.

16.1.1.3. Chairperson and secretary of each local.

16.1.1.4. Provincial officials and any person utilized by the province at any operational level shall not have voting rights;

16.1.2. A member of the PEC shall vacate his/ her seat in circumstances as those which are applicable to the NEC.

16.2. Powers and duties

16.2.1. To assess the quality and standard of the service delivery to the membership.

16.2.2. To implement the resolutions of the Provincial Shop Stewards Council.

16.2.3. To discuss any recommendations on service delivery initiatives by the membership.

16.2.4. To develop strategies to assist Shop Stewards and Local Office Bearers in handling matters in their respective areas of operation.

16.2.5. To prepare a report on the progress of the Province.

16.2.6. To decide on the deployment of resources within the Province.

16.3. Meetings

16.3.1. The PEC shall meet quarterly.

16.3.2. Notice of formal meetings together with agendas, minutes of previous meetings and other relevant documents shall be circulated by the Provincial Secretary ten [10] working days before the meeting is due to take place.

16.3.3. The Provincial Secretary shall give all PEC members fourteen [14] working days notice of any change of date of a normal PEC meeting and shall likewise give forty eight [48] hours written notice of any special urgent meetings of the PEC, together with a written agenda specifying the issues requiring such a meeting, provided such period of notice and/or written agenda may be waived with prior consent of the majority of the members.

16.3.4. Only such business occasioned by the calling of a special urgent meeting of the PEC shall be discussed at such meeting.

16.3.5. The PEC shall have a quorum when at least there is a majority of the locals present, and provided these shall be a majority of locals in good standing.

16.3.6. If there is no quorum present within sixty [60] minutes of the meeting, the meeting shall stand adjourned for seven days. At such an adjourned meeting the delegates present shall form a quorum.

17. PROVINCIAL OFFICE BEARERS (POBs)

- 17.1.** The election, removal, powers and duties of office bearers shall be in the same fashion as those on the national level and they shall liaise with the respective national counterparts and keep them informed generally about the affairs of the province.
- 17.1.1.** The Treasurer shall present a financial statement to each ordinary meeting of the Provincial Congress and shall generally exercise supervision over the financial affairs of the province and together with the provincial secretary present the annual budget of the province. The PEC shall liaise with the NEC on the employment of full-time or part-time officials, subject to the powers of the NEC to determine the terms of employment of such officials and subject to the powers of the CEC to ratify these terms and conditions of service.
- 17.2.** The Provincial Office Bearers must meet at least once a month.

18. LOCALS**18.1. Establishment of Locals**

- 18.1.1.** The CEC establishes and demarcates locals of the Union subject to the following:
- 18.1.2.** The rationale on the demarcation shall always be based on the improvement of service to the membership.
- 18.1.3.** The guiding principle on the demarcation shall be that Locals:
- 18.1.4.** Must consist of a number of institutions.
- 18.1.5.** Must be within reach of its Office Bearers.
- 18.1.6.** The local structure shall consist of Chairperson, Deputy Chairperson, Secretary and Deputy Secretary.

18.2. Powers and Duties of the Locals

- 18.2.1.** The local Office Bearers shall exercise a political oversight on all the institutions in their jurisdiction.
- 18.2.2.** Shall supervise the provision of service to the members within their jurisdiction.
- 18.2.3.** Shall represent the union in the federation, community structures and any other structures where the participation of the union is needed at local level.
- 18.2.4.** Shall coordinate the union and the federations' campaigns at local level. Shall coordinate the political development of Shop Stewards.
- 18.2.5.** Shall scrutinize reports on the performance of institutions.
- 18.2.6.** Make recommendations to the Provincial Secretary on all matters relating to the membership.

18.3. Local Congress**18.3.1. Composition**

- 18.3.1.1.** Local office bearers, local gender coordinator and delegates shall be elected as follows:

18.3.1.1.1. One Shop steward per institution.

18.3.1.1.2. One extra delegate for every 150 paid up membership per institution.

18.3.2. Powers and duties

18.3.2.1. Institutions within the jurisdiction of each local shall elect their office bearers every two years.

18.3.2.2. Candidates must be identified in general meetings members of an institution shall decide whether to nominate one shopsteward to contest in the local structure.

18.3.2.3. If elected, the shop steward may also remain a shop Steward in his/her own institution as well.

18.3.2.4. The local congress shall meet once after every two years to elect its office bearers.

18.4. Local Shop Steward Council

18.4.1. Composition

18.4.1.1. Local Office Bearers and Local Gender Coordinator.

18.4.1.2. One shopsteward per institution.

18.4.2. Powers and duties of Local Shopsteward Council

18.4.2.1. To draft a two year political programme of the local.

18.4.2.2. To fill a vacancy of Office Bearers of the local.

18.4.2.3. To discuss the Provincial Shopsteward Council [PSC] report.

18.4.2.4. To assess the functioning of the local and make appropriate decisions.

18.5. Local Office Bearers.

18.5.1. The election, renewal, and duties of local office bearers shall be in the same fashion as on the provincial level.

18.5.2. The Local Office Bearers shall meet monthly to discuss reports from institutions and prepare their report to the Provincial Secretary.

18.5.3. During campaigns the Local Office Bearers shall meet as and when the programme or the campaigns demands.

19. INSTITUTIONS

19.1. Institutional Committee

- 19.1.1. Each police station, prison and traffic department station shall elect its own institutional committee.
- 19.1.2. Members of the institution in a general meeting shall amongst themselves elect the institutional committee.
- 19.1.3. The institutional committee shall consist of at least three office bearers depending on the number of its membership.
- 19.1.4. The committee shall hold office for a period of three years.

19.2. Powers and Duties of the Institutional Committee

- 19.2.1. The Institutional Committees shall be responsible for:
 - 19.2.2. Servicing the membership of their institution.
 - 19.2.3. Negotiating with the management of their institution on behalf of their membership.
 - 19.2.4. Carrying out their duties as determined from time to time by the National Congress, Central Executive Committee, National Executive Committee, Provincial Congress and the Provincial Shop Steward Council.
 - 19.2.5. Provide a report on their performance.
 - 19.2.6. Ensuring the observance of the organizational discipline.
 - 19.2.7. Taking reasonable steps to address any deviation from the organizational discipline by any member or institutional office bearer.
 - 19.2.8. Making a representation to the secretary of the province with recommendations on the steps to be taken in the event that they fail to address any matter successfully.
 - 19.2.9. Reporting any dispute with management to the provincial secretary for further guidance and decisions on steps to be taken.

19.2.10. Recruiting members for the union.

19.3. Structures of the Institutional Committee.

19.3.1. The Institutional Committee shall consist of the Institutional Chairperson Institutional Secretary, One or more Shop Steward[s] depending on the membership.

19.4. Institutional Meetings

19.4.1. The Institutional Committee shall at least once a month convene a general meeting of all members of the institution.

19.4.2. The meeting shall discuss issues affecting members in the institution and organization reports.

19.4.3. The committee meeting may include any member or a group of members the committee need to consult on specific matters.

19.5. Shop Stewards

19.5.1. The election of shop Stewards shall be in the general meetings of institutions.

19.5.2. The removal shall be the same as those of the other office bearers.

19.5.3. The term of office shall be two years.

19.6. Gender

19.6.1. POPCRU is committed to the elimination of women's' subordination, the transformation of gender relations and empowerment of women in terms of representation, leadership and cadreship. Issues of gender will be regulated by the Gender Policy.

20. BALLOTS

- 20.1.** **A ballot shall be taken in addition to those cases in respect of which the taking of a ballot of members of the Union is required or the Constitution of this Union so prescribes.**
- 20.2.** **Ballots shall be conducted in the following manner:**
- 20.2.1.** Notice of a ballot shall be given to each member in writing by the Secretary at least three working days before the ballot is to be taken, provided that a ballot may be taken without notice at any Constitutional meeting on the decision of a majority of members present;
- 20.2.1.1.** Two scrutinizers shall be appointed for a Constitutional meeting to supervise any ballot and ascertain the result thereof;
- 20.2.1.2.** Except for Constitutional meetings on the decision of a majority of the members present, ballots shall be conducted at the various offices of the Union;
- 20.2.1.3.** The General Secretary shall supply ballot papers. The issue to be voted on shall be so forth clearly on the ballot and such papers shall not contain information on the identity of the voter;
- 20.2.1.4.** One ballot paper shall be issued on demand at the place and during the hours fixed for taking of the ballot to each member who is entitled to vote;
- 20.2.1.5.** Each voter in front of the sentinel shall be issued with one ballot and shall thereof complete, fold and deposit it in a container provided for the purpose;
- 20.2.1.6.** Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in recording his vote. Papers bearing any other marks shall be regarded as spoilt and shall not be counted;
- 20.2.1.7.** On completion of a ballot or as soon as possible thereafter, the result thereof in respect of each member shall be scrutinized and results made known to the Constitutional structure, and the result shall then be notified to the next structure.

- 20.2.1.8.** Ballot boxes, including spoilt papers, shall be placed in a container, which shall be sealed and inspected by the Secretary in their presence prior to the issue of ballot papers;
- 20.2.1.9.** Ballot papers, including spoilt papers, shall be placed in a container, which shall be sealed after they have been counted and retained at the head office for a period not less than three [03] years.
- 20.2.1.10.** Except as provided in this Constitution and Section 65[2] of the Labour Relations Act 1995, as amended from time to time, and subject to the provisions below, the NEC shall be bound to take action according to the decision of a majority member voting in a ballot;
- 20.2.1.11.** The provincial/ local may confine a ballot to the members of a particular Province or local in respect of matters affecting the members of such local/s on application of not less than 2/3 members in good standing of such province/local. Ballots of members of a particular province/ local shall be conducted, *mutatis mutandis* in the same way as ballot of total membership of the Union.

21. STANDING ORDERS AND RULES OF PROCEDURE AT POPCRU MEETINGS

- 21.1.** The chair shall be taken by the President or in his/ her absence by the Deputy President, in his/ her absence, by the 1st Vice President or in his/ her absence by the 2nd Vice President, or in their absence as the meeting may decide;
- 21.2.** Business shall proceed in accordance with the agenda, unless otherwise decided by the meeting;
- 21.3.** No matters other than those appearing on the agenda shall be debated, provided that the meeting may by resolution agree to discuss a matter not included on the agenda;
- 21.4.** Except as otherwise provided all questions shall be decided on motion duly seconded by a majority of votes by show of hands, unless such meeting decided on a ballot. In the event of a motion not being carried, the motions shall lapse;
- 21.5.** No motion that has already been debated and determined shall be considered, debated, altered, added to, varied or rescinded at that meeting unless the meeting decides otherwise;
- 21.6.** A ruling given by the chairperson shall be final provided that it shall be in order to move and second a motion to overrule or rescind a ruling from the chairperson and a majority of members present shall be sufficient to carry out such a motion, provided that there shall be no discussion on any such motion to over rule or rescind the chairperson's ruling at any meeting other than a statement by the mover of the motion and reply by the chairperson limited to five [5] minutes in each case;

- 21.7.** The mover of the motion shall have the right to speak for ten minutes, provided that any delegates other than the mover may propose an extension of time not longer than five minutes;
- 21.8.** All other speakers, except with the permission of the meeting, shall speak no longer than five minutes.
- 21.9.** No subject shall be debated for longer than one and half hours, provided that any delegate shall have the right to oppose an extension of time, and such motion if seconded shall be put without debate and shall not have effect unless carried out by majority;
- 21.10.** Any delegate who refuses to obey the chairperson's ruling or who is deemed guilty of misconduct shall upon a vote being taken to the effect, withdraw from the meeting and the meeting shall have the right to suspend any such member for such period as it may deem fit;
- 21.11.** At all meetings at which more than fifty [50] delegates are present; votes shall be counted by scrutinizers, who shall be appointed by the meeting and who shall record the vote and report to the chairperson.

22. FINANCES

- 22.1.** The funds of the Union shall be made up of all monies received by means of subscription fees, levies, donations, and functions, and in any other manner within the framework of this Constitution. Funds received by the General Secretary on behalf of the Union shall be deposited to its credit within three [3] working days of receipt. Such funds may be used for the payment of expenditure relating to the acquisition of property and for other purposes as may be decided upon by the NC or the NEC;
- 22.2.** Funds contributed by members of the Union for any specific purpose shall not be used for any other purpose, save with the written consent of such members;
- 22.3.** The Union's financial year shall be from 1 March to 28 February the next year;
- 22.4.** A Financial Committee [FINCOM] shall be composed of the National Treasurer, all Provincial Treasurers, the Secretariat and all Heads of Departments, and shall meet at least four[4] times a year and shall be convened by the National Treasurer in consultation with the General Secretary. The National Treasurer shall act as chairperson of FINCOM. FINCOM shall report directly to the National Executive Committee and shall be responsible for:
- 22.4.1.** Assisting the National Treasurer;
- 22.4.2.** Preparing financial reports for the National Executive Committee;
- 22.4.3.** Recommending amendments or additions to the Union's financial policy;
- 22.4.4.** Monitoring the Union's accounts and querying unusual expenditure;
- 22.4.5.** Making recommendations regarding financial requests from provinces;
- 22.4.6.** Proposing ways of making the Union self-sufficient;
- 22.4.7.** Preparatory work regarding the Union's budget;

- 22.4.8.** All income and expenditure shall be reported to each meeting of the NEC, such reports shall include a clear statement of any budget expenditure;
- 22.4.9.** The NEC shall have responsibility for rectification of all expenditure by the Union provided that expenditure on immovable property and vehicles shall be subject to the approval of the CEC;
- 22.4.10.** Execute duties as shall be deferred by the national structures from time to time.
- 22.4.11.** Develop and recommend organizational budgets to the NEC.
- 22.4.12.** Monitor and supervise the financial affairs of the organization.
- 22.4.13.** Monitor and evaluating the union finances.

23. SIGNATORIES

- 23.1.** The following National Office Bearers shall be signatories to the National Banking Accounts:
 - 23.1.1.** President;
 - 23.1.2.** General Secretary; and
 - 23.1.3.** National Treasurer

24. PROVINCIAL FINANCE

- 24.1.** All the provincial income and expenditure shall be reported to each meeting of the PSC for ratification. Such reports shall include a clear statement of any unbudgeted expenditure.
 - 24.1.2.** Cheques of the provinces shall be signed by the Provincial Secretary and one of the following:
 - 24.1.2.1.** Provincial Treasurer;
 - 24.1.2.2.** Chairperson or Vice-Chairperson.

25. LOCAL FINANCES

- 25.1.** The local shall have such financial duties and responsibilities as delegated to them by the Provincial Executive Committee or National Executive Committee.

25.2. General Provisions

- 25.2.1.** No account shall be opened by any bank in the name of POPCRU, the Police and Prisons Civil Rights Union, or any other similar name without the explicit authority of resolution of the National Executive Committee on an official Union letter head and subsequent verbal confirmation by either the National Treasurer or General Secretary. Such written authority shall be signed by the following:
- 25.2.1.1.** The President;
 - 25.2.1.2.** General Secretary; and
 - 25.2.1.3.** National Treasurer;
- 25.2.2.** No profits or gains will be distributed to any person and the funds of the Union shall be utilised solely for investment or the achievement of the aims and objectives of the Union.

26. INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE MEMBERS

- 26.1.** The officials, office bearers and committee members of the Union, [provided that they have not acted in a manner which could constitute misconduct], shall be indemnified by the Union against all proceedings, costs and expenses incurred by reason of any omission, negligence or other act done in the performance of their duties on behalf of the Union and they shall not be personally liable for any liabilities of the Union.

27. DISSOLUTION

- 27.1.** The Union may be dissolved by resolution of the NC carried by not less than $\frac{3}{4}$ majority of the quorating NC meeting;
- 27.2.** In the event of a resolution being adopted as provided above, the NC shall appoint a Liquidator to wind up the affairs of the Union;
- 27.3.** The Liquidator shall take the necessary steps to liquidate the debts of the Union from its unexpected funds and any other monies realised from any assets of the Union. The Liquidator's fees and expenses shall rank in order of preference as though he/she was a trustee of an insolvent and as though the expenses were the costs of sequestration of an insolvent estate;
- 27.4.** After payment of all debts the remaining assets, if any, shall be transferred to another non-profit, tax-exempt organization/s with objects similar to those of the Union.
- 27.5.** If all the liabilities of the Union have been discharged, [and remaining assets cannot be disposed of in accordance with the constitution of the Union], the liquidator must realise those assets and pay the proceeds to the Commission for its own use.

28. AMENDMENTS TO THE CONSTITUTION

- 28.1.** The provisions of the Constitution may be repealed, amended, or added to by way of a resolution passed by $\frac{2}{3}$ majority at a quorating meeting of the NC or CEC, provided that notice of the proposed amendments has been sent to the General Secretary and circulated finally on the agenda of such meeting to the Provinces and to the members of the NC and CEC.
- 28.2.** Once the meeting referred to above has passed the Resolution, the draft amended Constitution must be circulated to the Registrar, together with a copy of the Resolution and a certificate signed by the General Secretary.

28.3. Once the Registrar has registered the amended or new Constitution, then the Constitution may be finally amended and circulated to the members of the Union. Should the Registrar decline to register the amendment, the Resolution must be resubmitted to a quorating meeting of the NC or CEC for consideration, together with any comments from the Registrar.

29. INTERPRETATION OF THE CONSTITUTION

29.1. Whenever any doubt arises as to the interpretation of any of the provisions of the Constitution, the NC shall make a ruling on the matter and such ruling [by majority vote] shall be the only final interpretation of the Constitution, provided that the CEC shall be empowered to make an interim ruling on the interpretation prior to the NC's final decision.

30. DISCIPLINARY PROCEDURES

- 30.1.** The disciplinary procedures listed hereunder shall be applicable to the Union only albeit, internally;
- 30.2.** Disciplinary committees shall operate at the Provincial and National levels;
- 30.3.** Disciplinary committees shall be constituted by three persons or more duly elected at the National Executive Committee and Provincial Executive Committee;
- 30.4.** Disciplinary procedures shall be instituted and regulated in terms of the POPCRU Constitution and Code of Conduct;
- 30.5.** Any offence of a serious nature and not covered by the provisions of POPCRU Constitution and Code of Conduct shall be deemed to be subject to the institution of a disciplinary committee;
- 30.6.** Whenever it is alleged that a member has committed a misconduct;
- 30.7.** Any member or group of members may request in writing an investigation into such conduct;
- 30.8.** The request for an investigation shall be mailed or delivered to the Union and shall set out the nature and particulars of complaint;
- 30.9.** Upon receipt of a written request for an investigation of misconduct, the NEC, PEC and LSC as the case may be, may direct that an investigation be conducted by the Investigating Committee provided that the member whose conduct is under investigation be informed of these actions;
- 30.10.** If the Investigating Committee's report indicates that there are sufficient grounds warranting a hearing, the committee shall convene a hearing.

- 30.11.** Whenever the Disciplinary Committee has been directed to hold a hearing its Secretary shall in accordance with the POPCRU Code of Conduct cause to be served on the person whose conduct is the subject of the hearing and upon the complainant a notice setting forth the date, time and subject matter of such hearing.
- 30.12.** In setting the date, time and place of such a hearing, regard shall be given for the convenience of the Disciplinary Committee and all parties concerned;
- 30.13.** The Secretary of the Disciplinary Committee shall cause a record of its proceedings to be taken. The Secretary may cause to be served on any such person a notice requiring him/her to attend before the Committee and to produce at the hearing any documents he/ she may have in her/his possession, which is relevant to the hearing. Such notice shall be served in the same way and shall have the same effect as a notice requiring the attendance of a witness legal trial;
- 30.13.** In the event of a person who is found guilty of unprofessional or unethical conduct there shall be the right to appeal from the Province to the National Disciplinary Committee whose decision shall be final;
- 30.14.** Misconduct shall include breaches and/or violation of POPCRU's Constitution and Code of Conduct;
- 30.15.** A member shall be deemed guilty of unprofessional conduct if he/she:
- 30.15.1.** Willfully takes, because of animosity or for personal advantages, any steps to secure the dismissal of another member;
- 30.15.2.** Willfully circulates false reports derogatory to any fellow member;
- 30.15.3.** Maliciously, carelessly, irresponsibly or otherwise not in fulfillment of official duties, criticizes the work of a fellow member in such a way as to undermine the confidence of the public in that member;
- 30.15.4.** Where a member bargains on his/her own behalf on questions affecting each and all members of the group;
- 30.15.5.** Is addicted to the excessive use of intoxicating liquors or the excessive or habitual use of opiates or narcotics and related substances whilst on duty;
- 30.15.6.** Sexually harasses members or officials;

- 30.15.7. Financial mismanagement of the Union's funds and resources.
- 30.15.8. Mismanagement or misappropriation of union funds or resources.
- 30.15.9. Bringing the organization into disrepute.

31. APPEALS

- 31.1. In the event that a person is found guilty of misconduct there shall be a right to appeal within fourteen days on receipt of the final outcome to:
- 31.2. The PEC through the Provincial Secretary if the disciplinary hearing was conducted by the Provincial Disciplinary Committee .The decision of the PEC shall be final;or
- 31.3. The NEC through the General Secretary if the hearing was conducted by the National Disciplinary Committee . The decision of the NEC shall be final;or
- 31.4. The CEC through the General Secretary if the disciplinary hearing involves a National Office Bearer. The decision of the CEC shall be final.
- 31.5. The appeal procedure shall be in the form of written submissions.

**ADOPTED AS AMENDED BY THE SEVENTH NATIONAL CONGRESS
ON THE 16th OF JUNE 2011.**



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Nkosinathi Theledi



PRESIDENT
Zizamele Cebekhulu

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