



**BOTSWANA PUBLIC EMPLOYEES UNION**

• *Tshwaragano...* •

# BOPEU CONSTITUTION

ADOPTED AT THE PALAPYE NATIONAL GENERAL CONGRESS

30 November - 03 December 2015

*The Union of Choice*



# CONSTITUTION

ADOPTED AT THE PALAPYE NATIONAL GENERAL CONGRESS  
30 NOVEMBER - 03 DECEMBER 2015

# TABLE OF CONTENTS

ARTICLE	HEADING	PAGE NUMBER
<b>CHAPTER 1: CHARACTER OF THE UNION</b> <span style="float: right;"><b>1</b></span>		
1	PREAMBLE	1
2	NAME	1
3	LEGAL STATUS	2
4	HEADQUARTERS	2
5	INTERPRETATIONS	2
6	AIMS AND OBJECTIVES	5
<b>CHAPTER 2: UNION MEMBERSHIP</b> <span style="float: right;"><b>6</b></span>		
7	<b>ORDINARY MEMBERSHIP</b>	<b>6</b>
7.1	Eligibility	6
7.2	Application for membership	6
7.3	Membership subscription fees	6
7.4	Exemption from Subscriptions	7
8	<b>HONORARY MEMBERSHIP</b>	7
9	<b>RETIRED MEMBERSHIP</b>	7
10	<b>ASSOCIATE MEMBERSHIP</b>	8
11	<b>TERMINATION OF MEMBERSHIP</b>	8
12	<b>MEMBERSHIP RIGHTS</b>	8
13	<b>RECOGNITION AGREEMENTS</b>	9
<b>CHAPTER 3: WORKPLACE STRUCTURES OF THE UNION</b> <span style="float: right;"><b>10</b></span>		
14	<b>WORKPLACE UNION REPRESENTATIVES (WUR)</b>	10
15	<b>WORKPLACE UNION REPRESENTATIVES COMMITTEE (WURC)</b>	10
15.1	Composition of the WURC	10
15.2	Purpose, Powers and Duties of the WURC/SSC	11
15.3	Meeting and Quorum of the WURC/SSC	11
15.4	WURC Chairperson/Chief Shop Steward	12
16	<b>REMOVAL OF WURs FROM OFFICE</b>	12
<b>CHAPTER 4: BRANCH STRUCTURES OF THE UNION</b> <span style="float: right;"><b>13</b></span>		
17	<b>BRANCH CONVENTION</b>	13
18	<b>BRANCH EXECUTIVE COMMITTEE (BEC)</b>	14
18.1	Composition of the BEC	14

18.2	Purpose, Powers and Duties of the BEC	14
18.3	Meeting and quorum of the BEC	15
18.4	Duties of the BEC Office Bearers	15
<b>CHAPTER 5:</b>	<b>REGIONAL STRUCTURES OF THE UNION</b>	<b>18</b>
<b>19</b>	<b>REGIONAL CONVENTION (RC)</b>	<b>18</b>
19.1	Composition of the RC	18
19.2	Purpose, Powers and Duties of the RC	18
19.3	Meetings and Quorum of the RC/RGC	18
<b>20</b>	<b>REGIONAL EXECUTIVE COMMITTEE (REC)</b>	<b>19</b>
20.1	Composition of the REC	19
20.2	Purpose, Powers and Duties of the REC	19
20.3	Meetings and Quorum of the REC	20
20.4	Duties of the REC Committee Members	21
<b>CHAPTER 6:</b>	<b>NATIONAL STRUCTURES OF THE UNION</b>	<b>24</b>
<b>21</b>	<b>NATIONAL GENERAL CONGRESS (NGC)</b>	<b>24</b>
21.1	Composition of the NGC	24
21.2	Purpose, Powers and Duties of NGC	24
21.3	Meetings and Quorums of NGC	25
<b>22</b>	<b>SPECIAL GENERAL CONGRESS (SGC)</b>	<b>25</b>
<b>23</b>	<b>CENTRAL EXECUTIVE COMMITTEE (CEC)</b>	<b>26</b>
23.1	Composition of the CEC	26
23.2	Purpose, Powers and Duties of CEC	26
23.3	Meetings and Quorum of CEC	27
<b>24</b>	<b>NATIONAL EXECUTIVE COMMITTEE (NEC)</b>	<b>27</b>
24.1	Composition of NEC	27
24.2	Purpose, Powers and Duties of NEC	27
24.3	Meetings and Quorum of NEC	28
<b>25</b>	<b>NATIONAL OFFICE BEARERS (NOB)</b>	<b>29</b>
25.1	Composition	29
25.2	Purpose and Duties of the NOB	30
25.3	Duties of NOB	30
25.3.1	President	30
25.3.2	1 <sup>st</sup> Deputy President - Collective Bargaining	31
25.3.3	2 <sup>nd</sup> Deputy President – Gender and Human Rights	31
25.3.4	General Secretary	32
25.3.5	Deputy General Secretary	33
25.3.6	Treasurer General	33
25.4	Meetings and Quorum of the NOB	34

<b>CHAPTER 7: SPECIALISED STRUCTURES OF THE UNION</b>	
<b>26 NATIONAL APPEALS BOARD (NAB)</b>	<b>35</b>
26.1 Composition of NAB	35
26.2 Purpose, Powers and Duties of NAB	35
26.3 Meetings and Quorum of NAB	35
<b>27 WOMEN'S AND YOUTH COUNCIL</b>	<b>36</b>
27.1 Establishment of Women's Council	36
27.2 Purpose, Powers and Duties of Women's Council	36
27.3 Meetings and Quorum of Women's Council	37
<b>28 MISCELLANEOUS COMMITTEES, BOARDS AND COMMISSION</b>	<b>37</b>
<b>CHAPTER 8: MOTIONS OF NO-CONFIDENCE AND STATE OF EMERGENCY</b>	<b>38</b>
<b>29 MOTIONS OF NO-CONFIDENCE</b>	<b>38</b>
<b>30 STATE OF EMERGENCY</b>	<b>38</b>
<b>CHAPTER 9: COMMITTEES AT CONVENTIONS AND CONGRESSES</b>	<b>40</b>
<b>31 APPOINTMENT OF COMMITTEES</b>	<b>40</b>
<b>32 CREDENTIALS COMMITTEE</b>	<b>40</b>
<b>33 MOTIONS COMMITTEE</b>	<b>40</b>
<b>34 RESOLUTIONS COMMITTEE</b>	<b>40</b>
<b>35 MARSHALLS</b>	<b>40</b>
<b>CHAPTER 10: FINANCES OF THE UNION</b>	<b>41</b>
<b>36 GENERAL</b>	<b>41</b>
<b>37 PURPOSE</b>	<b>41</b>
<b>38 BANKING ACCOUNTS</b>	<b>41</b>
<b>39 FINANCE COMMITTEE</b>	<b>42</b>
<b>40 REPORTING</b>	<b>42</b>
<b>41 SIGNATORIES</b>	<b>42</b>
<b>42 STRIKE AND DEFENCE FUNDS</b>	<b>43</b>
<b>43 AUDIT</b>	<b>43</b>
<b>44 BORROWING POWERS</b>	<b>43</b>
<b>45 TRUSTEES OF THE UNION</b>	<b>44</b>
45.1 Appointment of Trustees	44
45.2 Qualifications of Trustees	44
45.3 Duties and Powers of Trustees	44
45.4 Termination and Resignation of Trustees	44

<b>CHAPTER 11: EMPLOYEES AND DISCPLINE IN THE UNION</b>	<b>45</b>
46 GENERAL	45
47 DISCIPLINE	45
48 SERIOUS MISCONDUCT	47
49 PUNISHMENT	47
50 INDEMNIFICATION OF OFFICE BEARERS	47
51 RESIGNATION OF OFFICE BEARERS	47
52 STUDY LEAVE OF OFFICE BEARERS AND MEMBERS	48
53 SECONDMENT OF OFFICE BEARERS	48
<b>CHAPTER 12: ELECTIONS OF THE UNION</b>	<b>49</b>
54 APPOINTMENT OF THE CHIEF ELECTIONS OFFICER	49
55 APPOINTMENT OF THE ELECTIONS OFFICERS	49
56 ELECTORAL PROCESS	49
<b>CHAPTER 13: MISCELLANEOUS PROVISIONS</b>	<b>50</b>
57 POWER TO MAKE RULES	50
58 AMENDMENT OF THE CONSTITUTION	50
59 DISSOLUTION	51
60 SAVINGS AND TRANSITIONAL ARRANGEMENTS	51
<b>CHAPTER 14 RULES AND REGULATIONS FOR BOPEU STRUCTURES</b>	<b>52</b>
61 DEMARCTION OF STRUCTURES	52
62 ELECTION PROCEDURE	54

## CHARACTER OF THE UNION

### 1. PREAMBLE

- 1.1 The Botswana Public Employees Union was founded under the name “Botswana Civil Servants Association;
- 1.2 The Union has been registered and incorporated under the Trade Unions and Employer’s Organisations Act, Cap. 48:02.
- 1.3 **STRESSING** that the formation and development of trade unions helps to provide labour with vital channels to positively influence economic and social life;
- 1.4 **RECOGNISING** that the working people of our country are the main catalysts to economic advancement;
- 1.5 **TAKING NOTE** that the vital role of workers has never been duly recognised in our country;
- 1.6 **TAKING FURTHER NOTICE** that the interests of workers are being denied and suppressed in Botswana;

**NOW THEREFORE**, we the members of the Botswana Public Employees Union accept and adopt this Constitution as the fundamental legal code of our Union.

### 2. NAME, COLOURS, LOGO AND MOTTO

- 2.1 The name of the Union is the Botswana Public Employees Union, hereinafter referred to as the ‘Union’ or abbreviated as ‘BOPEU’.
- 2.2 The Colours of the Union shall be red, white, yellow and black.
- 2.3 The logo of the Union shall be determined by the NGC and shall appear on all official documents of the Union.
- 2.4 The motto of the Union is ‘Tshwaragano...’

### **3. LEGAL STATUS**

- 3.1 The Union shall be a corporate body with perpetual succession capable of entering into contractual agreements and other relations, and shall have the capacity to sue or to be sued in its own name.
- 3.2 The Union may hold property separate from its members and shall not be a profit making organisation.

### **4. HEADQUARTERS**

- 4.1 The Headquarters of the Union shall be where the seat of Government is at.

### **5. INTERPRETATIONS**

In this Constitution, unless the context otherwise requires:

- 5.1 “AGC” means the Annual General Convention.
- 5.2 “Bargaining Structure” means members of the bargaining compositions of the Union.
- 5.3 “BC” means Branch Convention.
- 5.4 “BGC” means Branch General Congress
- 5.5 “BEC” means Branch Executive Committee.
- 5.6 “Branch” means a locally based Workplace Union structure, organized and recognized to handle labour related matters in a particular geographic area, company or organisation or business sector.
- 5.7 “Constitution” means the constitution of the Botswana Public Employees Union.
- 5.8 “Day” means, unless otherwise specified, a calendar day.
- 5.9 “Delegate” means a member of the Union or a statutory union structure representing the WURC or such a statutory union structure at the AGC, NGC or SGC who is entitled to debate and vote.

5.10 “Federation” means any workers’ federation to which the Union is affiliated to.

5.11 “CEC” The Central Executive Committee

5.12 “Government” means the Government of Republic of Botswana.

5.13 “Member in good standing” means a member who does not have subscription arrears, is not on suspension and is otherwise fully compliant with the Constitution of the Union.

5.14 “Member” means a member of the Union.

5.15 “NAB” means National Appeals Board.

5.16 “NEC” means the National Executive Committee.

5.17 “Negotiating Body” means a body established for purposes of negotiating packages for a particular group of employees.

5.18 “NGC” means National General Congress.

5.19 “NOB” means National Office Bearers.

5.20 “Observer” means a member of the Union or any other organisation attending any gathering of the union, who is entitled to debate, but cannot vote.

5.21 “Office Bearer” means a person who holds an elected office within the Union, save for the General Secretary and Deputy General Secretary.

5.22 “President” means President of the Union.

5.23 “RC” means Regional Convention.

5.24 “RGC” means Regional General Congress

5.25 “REC” means Regional Executive Committee.

5.26 “Region” means an administrative region recognised as established by the Union.

5.27 “Rules” means the rules and regulations made in terms of this Constitution.

5.28 “SGC” means Special General Congress.

5.29 “TUEOA” means the Trade Unions and Employers Organisation Act [48:01], as amended from time to time.

5.30 “Union” means Botswana Public Employees Union.

5.31 A Unit/ Workplace means a location or place at which an employee provides work or a service for an employer, duly organised and recognised in accordance with the union’s rules on demarcation of structures.

5.32 “Workplace Union Representative” means any elected member who represents employees in labour related matters regardless of where they are stationed.

5.33 “WUR” means Workplace Union Representative.

5.34 “WURC” means Workplace Union Representative Committee or Shop Stewards Committee (SSC).

5.35 “Year” or “month” means calendar year or calendar month as the case may be.

5.36 “Youth” means a member who is aged 35 years or below.

5.37 Words signifying the singular numbers shall include plural or vice versa and words signifying the masculine shall include the feminine unless they appear specifically otherwise from the context.

## **6. AIMS AND OBJECTIVES**

The aims and objectives of the Union shall be:

- 6.1 To represent members on labour matters. The said representation to include the scope of negotiation, collective bargaining, the enforcement of collective agreements, health and safety standards and the safeguarding of human rights.
- 6.2 To organise, sign to membership, and represent members affiliated to the Union.
- 6.3 To advance common, economic, social and political interests of the members.
- 6.4 To bring about improvements in the wages and working conditions of the membership, including the right of equal pay for work of equal value.
- 6.5 To promote and defend the right to strike.
- 6.6 To promote full employment and an equitable distribution of wealth within Botswana society.
- 6.7 To cooperate with other labour unions and other organisations with similar objectives in strengthening the Botswana labour union movement as a means towards advancing the interests and improving the well-being of workers locally, regionally and internationally.
- 6.8 To promote justice, equality, and efficiency in services to the public.
- 6.9 To strengthen, by precept and example, democratic principles and practices both in the Botswana labour union movement and in all manner of institutions, organisations locally and internationally and government of Botswana.
- 6.10 To perform such acts as are conducive to the attainment of these objectives.

# CHAPTER 2

## UNION MEMBERSHIP

### 7. ORDINARY MEMBERSHIP

#### 7.1 Eligibility

7.1.1 Employees in the public sector where Government has financial interest shall be eligible for membership.

#### 7.2 Application for Membership

7.2.1 Application for membership may be submitted to the WUR where the applicant is employed, or to the BEC or REC of the district in which the applicant resides or to the Head Office of the Union or to any other person as may be authorised by the Union.

7.2.2 The NEC shall approve applications for membership.

7.2.3 Application for re-admission as a member shall be:

7.2.3.1 After at least 1 month for a member whose application has been rejected and wants to re-apply.

7.2.3.2 After at least 1 month for a member who seeks re-admission after resigning.

7.2.3.3 After at least 12 months for a member who seeks re-admission after being expelled from the organisation.

#### 7.3 Membership Subscription Fees

7.3.1 The AGC or NGC shall determine subscription fees in accordance with the TUEOA or best practice.

7.3.2 Membership fees shall be paid once per annum or monthly at the rate specified, by Stop Order through the Accountant General or any other form as may be directed by the NEC.

- 7.3.3 In addition to the subscriptions referred to above, a member shall be liable for the payment of such fees as may be prescribed in terms of the rules governing any fund established to administer such fund for the benefit of members of the Union and/or their dependants.
- 7.3.4 The rights of membership shall be recognised only after the first membership subscription fee has been paid.

#### **7.4 Exemption from Subscriptions**

- 7.4.1 The Union may exempt a member from paying subscriptions if that member has been unpaid due to illness or suspension from work for a continuous period of 6 months or more.

### **8. HONORARY MEMBERSHIP**

- 8.1 The honorary membership may be granted to activists in trade unions or persons outside the union who have rendered distinguished service to the trade union movement.
- 8.2 The NEC shall be responsible for establishing criteria for the granting of honorary membership and these shall be circulated to every WUR.
- 8.3 The President shall have the sole responsibility to confer honorary membership but may do so in consultation with the NEC.
- 8.4 The Honorary members shall not be required to pay union dues.

### **9. RETIRED MEMBERSHIP**

- 9.1 This membership is available to workers with a minimum of 2 years as ordinary members or associate member who has retired due to age or illness.
- 9.2 Members who retire or resign from employment may continue with membership provided that they pay membership fees as determined by the NEC from time to time.

9.3 The NEC shall at its discretion establish a formal structure or division to bring together retired members or their delegates to discuss the peculiar problems faced by retired workers and formulate recommendations for self-sustenance or for action by the Union.

## **10. ASSOCIATE MEMBERSHIP**

10.1 A member with a minimum of 2 years as an ordinary member and is no longer employed in the public service or in the parastatal sectors where Government has financial interest may be granted associate membership.

## **11. TERMINATION OF MEMBERSHIP**

11.1 A Member who wishes to resign from the Union shall give 3 months written notice to the General Secretary and shall pay any outstanding debts to the Union.

11.2 A Member whose union subscription arrears exceed 3 months shall, except where he or she has valid reasons communicated within a reasonable period, lose membership of the Union.

11.3 The NGC and AGC shall have the power to terminate membership in line with this Constitution.

## **12. MEMBERSHIP RIGHTS**

12.1 Subject to Article [12.2] below, every member in good standing is entitled:

- 12.1.1 To be represented by the Union;
- 12.1.2 To be treated with dignity and respect within the Union;
- 12.1.3 To be free from discrimination, interference, restriction, coercion, harassment, intimidation or disciplinary action exercised or practiced by a Member with respect to another Member, both within the Union and in the workplace, by reason of race, colour, age, national or ethnic origin, political or religious affiliation, gender, family status, marital status,

record of offences, physical characteristics or physical or mental disability;

12.1.4 Subject to any qualifications stipulated elsewhere in this Constitution, to be nominated for, and hold, one or more offices in the Union;

12.1.5 To participate in the Union's business at the Local level, in the election of delegates and alternates to Conventions and/or Congress, and vote on the ratification of collective agreements affecting such Member, except where the collective agreement is the result of a binding arbitration;

12.1.6 Subject to any qualifications stipulated elsewhere in this Constitution, to be elected as delegates or observers and to represent the Union at national, regional or local level.

12.1.7 After due process within the hierarchical structure of the organization, to make a formal presentation to the NEC upon receipt of such invitation in writing at Headquarters not less than 10 days before the date of the regularly scheduled NEC meeting at which the presentation is to be made, provided always that notice may be waived by majority vote of the NEC;

12.1.8 To receive a copy of the Constitution of the Union and to be advised of amendments to it, and to receive an up-to-date copy whenever the Constitution is compiled and reprinted.

12.1.9 Only members in good standing may hold office subject to the provisions of Article 54.

12.2 The rights stated at Article [12.1.4], [12.1.5] and [12.1.6] above shall not apply to Honorary, Retired and Associate members of the Union.

### **13. RECOGNITION AGREEMENTS**

13.1 The Union may for purposes of recognition agreement(s) determine from time to time a bargaining unit(s) for specific employees/ professions.

# CHAPTER 3

## WORKPLACE STRUCTURES OF THE UNION

### 14. WORKPLACE UNION REPRESENTATIVES (WUR)

- 14.1 In every workplace there shall be elected WURs who shall form a WURC.
- 14.2 To be eligible to be voted as a WUR a member shall have been a member of the Union in good standing for a period of not less than 1 year, provided that the Union shall have the power to provide for special dispensation in deserving cases.
- 14.3 The number of WURs shall depend on the number of employees in that particular workplace and also on the recognition agreement.
- 14.4 In case of a parastatal organisation, Workplace Union Representatives will be elected based on the administrative structure of the organisation.

### 15. WORKPLACE UNION REPRESENTATIVES COMMITTEE (WURC) / SHOP STEWARDS COMMITTEE (SSC)

#### 15.1 Composition of the WURC/SSC

- 15.1.1 Every workplace shall have a WURC/SSC made up of elected WURs.
- 15.1.2 Where the number of elected WURs is not enough to form a WURC, members at the concerned workplace shall elect such additional number of WURs as is necessary to form a WURC/SSC.
- 15.1.3 WURs shall hold office for a term of 3 years and office bearers shall be eligible for re-election.
- 15.1.4 The WURC/ SSC shall be composed of the Chief Shop Steward and 2/4 Shop stewards.
- 15.1.5 The number of shop stewards shall depend on the rules and regulations of the union on workplace structures.

## **15.2 Purpose, Powers and Duties of the WURC/SSC**

A WURC/SSC shall serve the following purposes and duties, namely, to:

- 15.2.1 recruit and service members of the Union;
- 15.2.2 ensure adherence to collective agreements;
- 15.2.3 assist members in matters of internal grievances;
- 15.2.4 negotiate accommodation procedures and other matters with the management of their institution on behalf of their membership;
- 15.2.5 coordinate training and education programmes;
- 15.2.6 prepare periodic reports on their performance;
- 15.2.7 carry out such other duties as determined from time to time by the NGC, NEC and REC.
- 15.2.8 coordinate health and safety issues at the workplace.

## **15.3 WURC Chairperson/ Chief Shop Steward**

- 15.3.1 The WURC Chairperson/Chief Steward shall chair all WUR meetings
- 15.3.2 The WURC/ Chief Shop Steward: Chairperson shall have a casting vote in the case of a tie.
- 15.3.3 He/she shall study Government/organisation policies and rules to educate other workers on their implications
- 15.3.4 He/she shall be the key spokesperson of the WUR
- 15.3.5 He/she shall report to the Branch Executive Committee Chairperson on a monthly basis.
- 15.3.6 He/she shall assist other WUR in the drafting of agenda items
- 15.3.7 He/ She shall perform such other duties as may be directed by co-workers, BEC, REC and NEC

#### **15.4 Meeting and Quorum of the WURC/SSC**

- 15.4.1 Meetings of the WURC/SSC shall be held monthly and whenever necessary, provided that reasonable notice of the meeting is issued to all members.
- 15.4.2 The quorum at a meeting of the WURC/SSC shall be two-thirds of the WURC/SSC members.
- 15.4.3 In the event that the meeting does not meet a quorum in 60 minutes, within 7 days the WURC/SSC shall reconvene and if no quorum is met then, the number present shall proceed with the meeting.

#### **16. REMOVAL OF WURS/SHOPSTEWARDS FROM OFFICE**

- 16.1 Any member of any one of the WURs/Shop stewards who misses 3 consecutive meetings without any reasonable explanation or excuse made in writing shall automatically cease to be a member of the WURC/SSC.
- 16.2 The position of a member removed from office in terms of the above shall, at the next meeting attended by all remaining members, be declared vacant by the WURC/SSC and the member shall be replaced.

## BRANCH STRUCTURES OF THE UNION

### 17. BRANCH CONVENTION (BC)

#### 17.1 Composition of the BC

- 17.1.1 Every Branch shall have a BC.
- 17.1.2 A BC shall be made up of 3 WURs members from each of the various workplaces within a Branch.

#### 17.2 Proposed purpose, powers and duties of the BC

- 17.2.1 A BC shall serve the following purposes and duties, namely, to:
- 17.2.2 Implement and give effect to decisions of the NGC, AGC, NEC and REC
- 17.2.3 Consider reports and activities of the BEC and Branch officials
- 17.2.4 Consider reports of the Work Place Union Representative Councils
- 17.2.5 Elect members of the BEC

#### 17.3 Meeting and quorum of the BC

- 17.3.1 The BC shall be held once a year, or whenever necessary, provided that reasonable notice of the meeting is issued to all members.
- 17.3.2 The BC shall hold an elective congress once every 3 years
- 17.3.3 The quorum of the BC shall be two-thirds of the BC members.
- 17.3.4. In the event that the quorum is not met, within 60 minutes the meeting shall be adjourned for 7 days. The delegates present at the next meeting shall form the quorum.

## **18. BRANCH EXECUTIVE COMMITTEE (BEC)**

### **18.1 Composition of the BEC**

- 18.1.1 Each BC shall have a BEC, elected by members of the BC.
- 18.1.2 A BEC shall be composed of a Chairperson; Deputy Chairperson-Collective Bargaining; Deputy Chairperson-Gender and Youth; Treasurer; Secretary; Vice Secretary.
- 18.1.3 To be eligible to be elected to the BEC a member shall have been a member of the Union in good standing for a period of not less than 2 years, provided that the Union shall have the power to provide for special dispensation in deserving cases.
- 18.1.4 The BEC shall hold office for a term of 3 years and office bearers shall be eligible for re-election.

### **18.2 Purpose, Powers and Duties of the BEC**

A BEC shall serve the following purposes and duties, namely, to:

- 18.2.1 manage the affairs of the Units/workplace structures between Branch meeting.
- 18.2.2 assess the quality and standards of the service delivery to the membership within the Branch.
- 18.2.3 discuss any recommendation on service delivery initiatives to the membership within the Branch.
- 18.2.4 develop strategies to assist WUR and Branch office bearers in handling matters in their respective areas of operation.
- 18.2.5 prepare periodic report on the progress of the Branch.
- 18.2.6 decide on the deployment of resources within the Branch.
- 18.2.7 assess eligibility and recommend applications for membership.
- 18.2.8 carry out such other duties as determined from time to time by the NGC, NEC and RC.

## 18.3 **Meeting and Quorum of the BEC**

- 18.3.1 Meetings of the BEC shall be held quarterly and whenever necessary, provided that reasonable notice of the meeting is issued to all members.
- 18.3.2 The quorum at a meeting of the BEC shall be two-thirds of the BEC members.
- 18.3.3 In the event that the meeting does not meet a quorum in 60 minutes, within 7 days the BEC shall reconvene and if no quorum is met then, the number present shall proceed with the meeting.

## 18.4 **Duties of the BEC Office Bearers**

### 18.4.1 **Branch Chairperson**

- 18.4.1.1 The BEC Chairperson shall chair meetings of the Branch Executive Committee and has the casting vote.
- 18.4.1.2 To study Government policies and rules to educate other workers on their implications
- 18.4.1.3 Shall be the spokesperson of the Branch.
- 18.4.1.4 To submit monthly activity reports on activities of the branch to the Regional Chairperson.
- 18.4.1.5 To prepare the agenda items in consultation with the Branch Secretary
- 18.4.1.6 The Chairperson shall be eligible to be a signatory to BEC Bank accounts
- 18.4.1.7 To represent Union members on matter of internal grievances
- 18.4.1.8 He/ She shall perform such other duties as may be directed by BC, BEC, REC and NEC

#### **18.4.2 1<sup>st</sup> Deputy Chairperson Collective Bargaining**

- 18.4.2.1 The 1<sup>st</sup> Deputy Chairperson shall assist with the execution of duties in the absence of the Branch Chairperson
- 18.4.2.2 To study policies relating to bargaining and ensure adherence to collective agreements.
- 18.4.2.3 The 1<sup>st</sup> Deputy shall perform such other duties as may be directed by the BEC

#### **18.4.3 2<sup>nd</sup> Deputy Chairperson – Gender and Youth**

- 18.4.3.1 To implement policies relating to promotion of youth, as well as gender equality and human rights to educate other workers on their implementation.
- 18.4.3.2 To ensure that the Gender and Human Rights programmes aimed at empowering men and women are promoted.
- 18.4.3.3 To build confidence amongst youth and women, as well as promote the spirit of team spirit within the Union members.
- 18.4.3.4 To identify youth, gender and wellness activities at Branch level.
- 18.4.3.5 To identify youth and gender related training needs within the Branch and liaise with Regional Gender and Human Rights Representative.
- 18.4.3.6 To report to the Regional Gender and Youth Representative on monthly basis
- 18.4.3.7 To facilitate and coordinate Youth, Gender and Wellness activities at Branch level.
- 18.4.3.8 She shall perform such other duties as may be directed by co-workers, BEC, REC and NEC
- 18.4.3.9 Shall perform such other duties as may be directed by the BEC

#### **18.4.4 Branch Secretary**

- 18.4.4.1 To keep records of all BEC meetings and correspondences.

- 18.4.4.2 To maintain and monitor Branch member data base.
- 18.4.4.3 To communicate to BEC members, dates and venues of meetings.
- 18.4.4.4 To maintain a reliable filling of records of meetings and communiqué
- 18.4.4.5 He/ She shall perform such other duties as may be directed by co-workers, BEC, REC and NEC

#### **18.4.5 Branch Vice Secretary**

- 18.4.5.1 The Vice Secretary shall assist with the execution of duties in the absence of the Branch Secretary.
- 18.4.5.2 He/ She shall perform such other duties as may be directed by co-workers, BEC, REC and NEC

#### **18.4.6 Branch Treasurer**

- 18.4.6.1 To receive all membership application forms from workers and to submit to relevant offices for processing
- 18.4.6.2 To advice members on benefits and procedures of claims
- 18.4.6.3 To ensure members receive their membership cards
- 18.4.6.4 Treasurer shall be eligible to be a signatory to BEC Bank Accounts
- 18.4.6.5 Shall deposit all monies received by him/her without undue delay in such a bank as the BEC may direct
- 18.4.6.6 He/ She shall perform such other duties as may be directed by co-workers, BEC, REC and NEC.

# CHAPTER 5

## REGIONAL STRUCTURES OF THE UNION

### 19. REGIONAL CONVENTION (RC)

#### 19.1 Composition of the RC

- 19.1.1 Every Region shall have a RC.
- 19.1.2 A RC shall be made up of 5 BEC members from each of the Branches within the Region, provided that such members shall be the Chairperson, Deputy Chairperson - Collective Bargaining, Deputy Chairperson - Gender and Youth, Regional Secretary and Treasurer
- 19.1.3 All Regional officials shall attend the Regional convention except that they shall not have voting rights.

#### 19.2 Purpose, Powers and Duties of the RC

A RC shall serve the following purposes and duties, namely, to:

- 19.2.1 Implement and give effect to decision of the NGC, CEC and NEC.
- 19.2.2 Consider reports and activities of the REC and the Regional officials.
- 19.2.3 Formulate policies for the region provided that such policies will not be inconsistent with the decisions of NGC, CEC and NEC or the provisions of this Constitution.
- 19.2.4 The RC Shall elect members of the REC

#### 19.3 Meetings and Quorum of the RC

- 19.3.1 The RC shall be held once a year and whenever necessary, provided that reasonable notice of the meeting is issued to all members.

- 19.3.2 The quorum of the RC shall be two-thirds of the RC members.
- 19.3.3 In the event that the quorum is not met, within 60 minutes the meeting shall be adjourned for 14 days. The delegates present at the next sitting following the adjourned meeting shall form the quorum.
- 19.3.4 The Region shall hold an elective Regional General Congress once every 3 Years

## **20. REGIONAL EXECUTIVE COMMITTEE (REC)**

### **20.1 Composition of the REC**

- 20.1.1 Each Region shall have a REC, elected by members at the Regional General Congress,
- 20.1.2 A REC shall be composed of a Chairperson; Deputy Chairperson-Collective Bargaining; Deputy Chairperson-Gender and Youth; Treasurer; Secretary; Vice Secretary;
- 20.1.3 To be eligible to be elected to the REC a member shall have served in any other Union structure for a period of not less than 3 years and shall have been a member of the Union in good standing for a period of not less than 4 years.
- 20.1.4 The REC shall hold office for a term of 3 years and office bearers shall be eligible for re-election.

### **20.2 Purpose, Powers and Duties of the REC**

A REC shall serve the following purposes and duties, namely, to:

- 20.2.1 manage the affairs of the Region between regional meetings.
- 20.2.2 assess the quality and standards of the service delivery to the membership within the Region.
- 20.2.3 discuss any recommendations on service delivery initiatives to the membership within the Region.
- 20.2.4 develop strategies to assist WURs and local office bearers in

handling matters in their respective areas of operation.

- 20.2.5 prepare periodic report on the progress of the Region.
- 20.2.6 decide on the deployment of resources within the Region.
- 20.2.7 issue mandates to the CEC.
- 20.2.8 carry out such other duties as determined from time to time by the NGC, NEC and RC.

### **20.3 Meetings and Quorum of the REC**

- 20.3.1 The REC shall meet once every 3 months.
- 20.3.2 Notice of formal meetings together with agendas, minutes of previous meetings and other relevant documents shall be circulated by the Regional Secretary 10 working days before the meeting is due to take place.
- 20.3.3 The Secretary shall give all REC members 14 days' notice of any change of date of a normal REC meeting and shall likewise give 48 hours written notice of any special urgent meetings of the REC 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
- 20.3.4 Only such business occasioned by the calling of a special urgent meeting of the REC shall be discussed at such meeting.
- 20.3.4 The quorum at a meeting of the REC shall be two-thirds of the REC members.
- 20.3.5 If there is no quorum present within 60 minutes of the meeting, the meeting shall stand adjourned for 7 days, and at such an adjourned meeting the delegates present shall form a quorum.
- 20.3.6 The resolutions of meetings of the REC shall be read and adopted at the end of the meeting.
- 20.3.7 The resolutions shall be forwarded to the General Secretary within 3 working days of the meeting.

## 20.4 **Duties of REC Committee Members**

### 20.4.1 **REC Chairperson**

- 20.4.1.1 The REC Chairperson shall chair meetings of the Regional Executive Committee and has the casting vote.
- 20.4.1.2 In consultation with all REC members, he/she shall convene all meetings of the REC.
- 20.4.1.3 He/ She shall be the spokesperson of the Region.
- 20.4.1.4 She/he shall keep the NEC informed of the events in the Region
- 20.4.1.5 She/he shall serve on the NEC during his/her term of Office
- 20.4.1.6 The He/she shall liaise with the BEC in the given Region
- 20.4.1.7 Chairperson shall be eligible to be a signatory to REC Bank accounts
- 20.4.1.8 He/ She shall perform such other duties as may be directed by REC and NEC

### 20.4.2 **1<sup>st</sup> Deputy Chairperson- Collective Bargaining**

- 20.4.2.1 The 1<sup>st</sup> Deputy Chairperson shall assist the Regional Chairperson in the execution of his/her duties and act as the Regional Chairperson in his/her absence.
- 20.4.2.2 He/ She shall perform such other duties as may be directed by REC and NEC

### 20.4.3 **2<sup>nd</sup> Deputy Chairperson – Gender and Youth**

- 20.4.3.1 To implement policies relating to promotion of gender equality and Youth rights to educate other workers on their implementation.
- 20.4.3.2 To ensure that the Gender and Youth Rights programmes aimed at empowering men and women are promoted.

- 20.4.3.3 To build confidence amongst women and young people, and promote team spirit within the Union members.
- 20.4.3.4 To identify gender, youth and wellness activities at Regional level in consultation with Branches, as well as youth mainstreaming.
- 20.4.3.5 To lobby for gender and youth related training needs of the Region and liaise with 2nd Deputy President Gender and Youth Representative.
- 20.4.3.6 To report to the Regional Chairperson on monthly basis
- 20.4.3.7 He/ She shall perform such other duties as may be directed by REC and NEC

#### **20.4.4 *Regional Secretary:***

- 20.4.4.1 To keep records of all REC and RC/RGC meetings and related correspondences in consultation with the Regional Chairperson
- 20.4.4.2 He/she shall be responsible for taking minutes of the RC/ RGC and all meetings of the REC
- 20.4.4.3 He/she shall have a co-ordinating responsibility for the general activities of the REC through the office of Regional Organiser.
- 20.4.4.4 He/ She shall perform such other duties as may be directed by REC and NEC
- 20.4.4.5 He/She shall be eligible to be a co-signatory to the REC Bank Accounts

#### **20.4.5 *Regional Vice Secretary:***

- 20.4.5.1 The Vice Secretary shall assist the Regional Secretary in the execution of his/her duties and act as the Secretary in his/ her absence.
- 20.4.5.2 He/ She shall perform such other duties as may be directed by REC and NEC

#### **20.4.6    Regional Treasurer**

- 20.4.6.1 Shall be responsible for the administration and maintenance of all financial books, records and funds of BOPEU in the given Region.
- 20.4.6.2 Treasurer shall be eligible to be a co-signatory to REC Bank Accounts
- 20.4.6.3 He/she shall liaise with the Branch Treasurers in the Region in organising fund-raising activities.
- 20.4.6.4 In consultation with Regional Secretary, he/she shall prepare and present a financial report to the RC on behalf of the REC.
- 20.4.6.5 He/she shall be responsible for making out payments on behalf of the REC and for the Banking of monies received without undue delay.
- 20.4.6.6 Shall be responsible for auditing Branches Accounts
- 20.4.6.7 He/ She shall perform such other duties as may be directed by REC and NEC

# CHAPTER 6

## NATIONAL STRUCTURES OF THE UNION

### 21. NATIONAL GENERAL CONGRESS (NGC)

#### 21.1 Composition of NGC

- 21.1.1 The NGC shall be composed of the following:
  - 21.1.1.1 NEC.
  - 21.1.1.2 NAB.
  - 21.1.1.3 Board of Trustees.
  - 21.1.1.4 Bargaining Structures.
  - 21.1.1.5 Delegates from WURCs, BECs and RECs
- 21.1.2 Each REC will send delegates and observers to the NGC as per the allocated slots.
- 21.1.3 Each REC must inform the General Secretary in writing of the names of delegates and observers 60 days prior to the NGC. However, the General Secretary may extend the date of submission by a period not exceeding 10 days.

#### 21.2 Purpose, Powers and Duties of NGC

- 21.2.1 The NGC shall be the supreme body of the Union.
- 21.2.2 The NGC must adopt general and specific policy measures by means of resolutions.
- 21.2.3 The NGC considers and decides on the following:
  - 21.2.3.1 Credentials of delegates to the NGC.
  - 21.2.3.2 Agenda.
  - 21.2.3.3 Reports from NEC.
  - 21.2.3.4 Audited Financial Reports.
  - 21.2.3.5 Amendment and Adoption of the Constitution.
  - 21.2.3.6 Resolutions.
  - 21.2.3.7 Report of the Board of Trustees.

- 21.2.3.8 Elections of national office bearers in line with the electoral procedure.
- 21.2.3.9 Any other matter that may be deemed to be in the interest of the Union.

- 21.2.4 The NGC shall have the power to confirm, amend, repudiate or revoke decision(s) of any organ of the Union, save for the Report of the Board of Trustees.
- 21.2.5 The NGC shall make decisions on motions and resolutions tabled before it by simple majority vote unless otherwise provided in this Constitution.

### **21.3 Meetings and Quorum of NGC**

- 21.3.1 The NGC shall meet once every 3 years.
- 21.3.2 The Congress Call shall be issued by the President 90 days prior to the opening of the NGC.
- 21.3.3 The Congress Call shall state the venue and duration of the Congress. Not less than 15 days prior to the opening of the NGC, the NEC shall forward to all delegates a copy of all motions, minutes, reports and constitutional amendments submitted by the Union structures.
- 21.3.4 The quorum of the NGC shall be two-thirds of the delegates.
- 21.3.5 In the event that the quorum is not met within 60 minutes of the meeting, the meeting shall be adjourned and within 60 days the NGC shall be re-convened. If no quorum is met then, the number present shall proceed with the meeting.

## **22. SPECIAL GENERAL CONGRESS (SGC)**

- 22.1 A SGC of the Union may be convened by the NEC or at a written request of not less than one-third of all the delegates of the Union. The subject to be discussed shall be detailed and specified to all the delegates or the NEC.

- 22.2 At least 30 days notice with the details of the business to be discussed shall be given by the General Secretary to all the delegates of the Union;
- 22.3 Representation at the SGC shall be in accordance with the provisions of Articles relevant to the composition of the NGC in this Constitution;
- 22.4 The business of a SGC shall be conducted strictly in accordance with the agenda;
- 22.5 Voting on motions at a SGC shall be by show of hands or secret ballot, whichever shall be decided by the President.

## **23. CENTRAL EXECUTIVE COMMITTEE (CEC)**

### **23.1 Composition of CEC**

- 23.1.1 There shall be a CEC which will be an annual general meeting of the Union
- 23.1.2 The CEC shall be composed in accordance with Article [21].

### **23.2 Purpose, Powers and Duties of CEC**

- 23.2.1 The CEC shall meet to consider all matters stipulated under Article [21.2.3] save for the following:
  - 23.2.1.1 Amendment and adoption of the Constitution.
  - 23.2.1.2 Elections of national office bearers in line with the electoral procedure.
- 23.2.2 The CEC shall review the progress of the Union in between the CEC and the NGC.
- 23.2.3 The CEC shall have the power to adopt general and specific policy majors, which further the aims and objectives of the Union.
- 23.2.4 The CEC shall have the power to consider reports and the annual budget submitted by the NEC.
- 23.2.5 The CEC shall have the power to consider reports from NEC and RECs.

### **23.3 Meetings and Quorum of CEC**

- 23.3.1 The CEC shall meet annually, except on the year in which the NGC sits.
- 23.3.2 The CEC Call for the CEC shall be issued in accordance with Article [21.3.2].
- 23.3.3 The CEC Call shall state the Venue and duration of the CEC. Not less than 15 days prior to the opening of the CEC the NEC shall forward to all delegates a copy of all motions, minutes, reports and constitutional amendments submitted by the Union structures.
- 23.3.4 The quorum of the CEC shall be two-thirds of all the delegates of the Union.
- 23.3.5 In the event that the quorum is not met, within 60 minutes of the meeting, the meeting shall be adjourned and within 60 days the CEC shall be re-convened. If no quorum is met then, the number present shall proceed with the meeting.

## **24. NATIONAL EXECUTIVE COMMITTEE (NEC)**

### **24.1 Composition of NEC**

- 24.1.1 There shall be a NEC, which shall be composed of the following:
  - 24.1.1.1 All NOB members.
  - 24.1.1.2 The chairpersons of all the Regions.

### **24.2 Purpose, Powers and Duties of NEC**

- 24.2.1 The NEC in which shall be vested the power and authority to carry out the business of the Union in accordance with the provisions of this Constitution and resolutions from the CEC, or NGC.
- 24.2.2 The NEC shall be the sole medium of correspondence and communication with any external organizations in all

matters relating to the policy of the Union or other affairs of the Union, whether such matters emanate from branches or individual members of the Union.

- 24.2.3 The NEC shall be a Union organ with the sole prerogative to issue mandates for negotiations.
- 24.2.4 Any member of the NEC who misses 3 consecutive meetings without any reasonable explanation or excuse made in writing shall automatically cease to be a member of the NEC, and his/her position shall be declared vacant by the NEC at a meeting attended by all remaining members of the NEC.
- 24.2.5 In the event of a vacancy occurring within the NEC before the expiration of the period of office, the NEC shall have the power to fill the vacant post from other Union structures, except that:
  - 24.2.5.1 for the office of the President the vacancy shall be filled by the 1<sup>st</sup> Deputy President in an acting capacity until ratified by the CEC or NGC;
  - 24.2.5.2 for the General Secretary the vacancy shall be filled by the Deputy General Secretary in an acting capacity until ratified by NEC.
  - 24.2.5.3 for the office of the Regional Chairpersons, the vacancy shall be filled by a member of the REC, elected by the Region whose Chairperson has vacated the NEC office.
- 24.2.6 The NEC shall have the power to convene any particular group to address issues as they may arise. Resolutions taken at such gatherings may be submitted to any structure of the Union.

### **24.3 Meetings and Quorum of NEC**

- 24.3.1 The NEC shall hold quarterly meetings but may convene such other special or emergency meetings as and when necessary.

- 24.3.2 Notices of intended agenda items shall be given in writing to the General Secretary 14 days before the NEC meeting who shall place them in the order received.
- 24.3.3 The General Secretary shall send notice of meetings and agenda of the business to be dealt with to each member of the NEC at least 7 days before the meeting except in cases of an emergency.
- 24.3.4 The quorum of the NEC shall be two-thirds of the NEC membership.
- 24.3.5 In the event that the meeting does not meet a quorum in 60 minutes, within 7 days the NEC shall reconvene and if no quorum is met then, the number present shall proceed with the meeting.

## **25. NATIONAL OFFICE BEARERS (NOB)**

### **25.1 Composition**

- 25.1.1 The following shall be the NOB:
  - 25.1.1.1 President
  - 25.1.1.2 1st deputy President-Collective Bargaining
  - 25.1.1.3 2nd Deputy President-Gender and Human Rights
  - 25.1.1.4 General Secretary
  - 25.1.1.5 Deputy General Secretary
  - 25.1.1.6 Treasurer General
- 25.1.2 To be eligible to hold office as NOB, a member shall have served at least one full term in REC or any other national statutory structures of the Union and also have been a member of the Union in good standing for a period of not less than 4 years.

25.1.3 NOB shall hold office for a term of 3 years and office bearers shall be eligible for re-election.

## 25.2 **Purpose and Duties of the NOB**

- 25.2.1 The NOB shall be tasked with the day-to-day running of the Union.
- 25.2.3 To implement the resolutions of the NGC, NEC and CEC
- 26.2.4 Collaborate with the employer and other stakeholders on areas of best interest to the efficient running of the union.
- 25.2.5 Accountable for Reports to the NEC, CEC and NGC

## 25.3 **Duties of NOBs**

**The duties of the respective NOB shall be as follows:**

### 25.3.1 **President**

- 25.3.1.1 The President shall be the Head and Chief Spokesperson on policy matters of the Union.
- 25.3.1.2 The President shall have a casting vote in the case of a tie.
- 25.3.1.3 The President shall preside or delegate at all NGC, CEC, SGC and NEC meetings and shall be responsible for the proper conduct of all such meetings, provided that the President's right to a casting vote may only be delegated where the President is absent from a meeting;
- 25.3.1.4 The President shall be eligible to be a signatory to Union Bank Accounts.
- 25.3.1.5 The President shall be eligible to sign legal documents on behalf of the Union;
- 25.3.1.6 The President shall, where there is ambiguity in the Constitution, have the sole responsibility of interpreting the Constitution with the guidance of the NEC.
- 25.3.1.7 The President shall perform such other duties as may be directed by the NGC, CEC, NEC, this Constitution and its Rules.

### **25.3.2 1<sup>st</sup> Deputy President- Collective Bargaining**

- 25.3.2.1 The 1<sup>st</sup> Deputy President shall deputise the President and act in his position during the latter's absence.
- 25.3.2.2 The 1<sup>st</sup> Deputy President shall formulate and implement policies relating to collective bargaining.
- 25.3.2.3 The 1<sup>st</sup> Deputy President shall promote adherence to the Union Code of Conduct.
- 25.3.2.4 The 1<sup>st</sup> Deputy President shall be eligible to be a signatory to Union Bank Accounts.
- 25.3.2.5 The 1<sup>st</sup> Deputy President shall ensure that structures for negotiations are adequately resourced.
- 25.3.2.6 The 1<sup>st</sup> Deputy President shall perform such other duties as may be directed by the NGC, CEC, NEC this Constitution and its Rules.

### **25.3.3 2<sup>nd</sup> Deputy President- Gender and Human Rights**

- 25.2.3.1 The 2<sup>nd</sup> Deputy President shall formulate and implement policies relating to promotion of gender and Youth equality and human rights issues.
- 25.2.3.2 The 2<sup>nd</sup> Deputy President shall ensure that the Gender and Youth programmes aimed at empowering men and women are promoted.
- 25.2.3.3 The 2<sup>nd</sup> Deputy President shall deal with issues relating to women and Youth empowerment.
- 25.2.3.4 The 2<sup>nd</sup> Deputy President builds confidence amongst women and Youth and promotes the spirit of good working relationships within the Union.
- 25.2.3.5 The 2<sup>nd</sup> Deputy President shall perform such other duties as may be directed by the NGC, CEC, NEC this Constitution and its Rules.

## **25.2.4 General Secretary**

- 25.2.4.1 The General Secretary shall be a full time employee of the union employed under the conditions of service to be determined by the NEC.
- 25.2.4.2 The General Secretary shall be an official of the Union.
- 25.2.4.3 The General Secretary shall conduct the business of the Union in accordance with constitution and its Rules and shall carry out the instructions of the CEC and the NEC.
- 25.2.4.4 The General Secretary shall supervise, and be responsible for conducting all correspondence and keeping all books, minutes, records, documents and papers belonging to the Union in such a form and manner as the NEC may direct.
- 25.2.4.5 The General Secretary shall, in consultation with the President, have the power to act on behalf of the NEC and its committees between meetings.
- 25.2.4.6 The General Secretary shall be responsible for the formulation and implementation of the Union's strategic plan.
- 25.2.4.7 The General Secretary shall be responsible for the preparation and compilation of reports to the NEC, CEC or NGC.
- 25.2.4.8 The General Secretary shall be responsible for formulation and implementation of the Grievance Management Systems of the Union.
- 25.2.4.9 The General Secretary shall be eligible to be a signatory to Union Bank Accounts.
- 25.2.4.10 The General Secretary shall be the Chief Executive Officer of the Union.
- 25.2.4.11 The General Secretary shall perform such other duties as may be directed by the NGC, CEC, NEC, this Constitution and its Rules.

### **25.2.5 Deputy General Secretary**

- 25.2.5.1 The Deputy General Secretary shall be a full time employee of the union employed under the conditions of service to be determined by the NEC.
- 25.2.5.2 The Deputy General Secretary shall be an official of the Union.
- 25.2.5.3 The Deputy General Secretary shall assist the General Secretary and shall act in the absence of the General Secretary, save in the signing of cheques unless otherwise appointed as signatory.
- 25.2.5.4 The Deputy General Secretary shall be responsible for the Human Resource and Operational Planning.
- 25.2.5.5 The Deputy General Secretary shall monitor and develop staff performance management systems.
- 25.2.5.6 The Deputy General Secretary shall perform such other duties as may be directed by the NGC, CEC, NEC this Constitution and its Rules.

### **25.2.6 Treasurer General**

- 25.2.6.1 The Treasurer General shall be responsible for managing the financial affairs of the Union, in accordance with the Rules of the Union and acceptable international accounting practices.
- 25.2.6.2 The Treasurer General shall present an audited financial statement, and draft budget estimates for the following year to the NGC and the CEC.
- 25.2.6.3 The Treasurer General shall deposit all monies received by him or her without undue delay in such a bank as the NEC may direct.
- 25.2.6.4 The Treasurer General shall be eligible to be a signatory to Union Bank Accounts.
- 25.2.6.5 The Treasurer General shall be charged with the responsibility

of chairing Sub-Budget Committee appointed by the NGC and the Finance and Investments committee.

- 25.2.6.6 The Treasurer General shall ensure the auditing of the accounts of the Union.
- 25.2.6.7 The Treasurer General shall perform such other duties as may be directed by the NGC, CEC, NEC this Constitution and its Rules.

## **25.4 Meetings and Quorum of the NOB**

- 25.4.1 The NOB shall have monthly meetings but may convene such other special or emergency meetings as the President shall determine.
- 25.4.2 Notices of intended agenda items shall be given in writing to the General Secretary 14 days before the NOB meeting who shall place them in the order received.
- 25.4.3 The General Secretary shall send notice of meetings and agenda of the business to be dealt with to each member of the NOB at least 7 days before the meeting except in cases of an emergency.
- 25.4.4 The quorum at the meeting of the NOB shall be two-thirds of the NOB membership.
- 25.4.5 In the event that the meeting does not meet a quorum in 60 minutes, within 7 days the NOB shall reconvene and if no quorum is met then, the number present shall proceed with the meeting.

## SPECIALISED STRUCTURES OF THE UNION

### 26. NATIONAL APPEALS BOARD (NAB)

#### 26.1 Composition of NAB

- 26.1.1 There shall be a NAB for the Union which shall be composed as follows:
  - 26.1.1.1 Four (4 )members elected by the NGC through a secret ballot;
  - 26.1.1.2 One (1) member appointed by the NEC.
- 26.1.2 The General Secretary shall appoint the Secretary to the NAB.
- 26.1.3 NAB shall hold office for a term of 3 years and shall be eligible for re-election.

#### 26.2 Purpose, Powers and Duties of NAB

- 26.2.1 The NAB shall have jurisdiction in matters relating to disputes that arise within the Union which are referred to it.
- 26.2.2 The NAB shall preside over the matters from the Commissions.
- 26.2.3 The NAB shall preside over matters referred to by the NGC or CEC
- 26.2.4 In all its proceedings, the NAB shall observe the rules of natural justice.
- 26.2.5 A decision of the NAB shall be final.

#### 26.3 Meetings and Quorum of NAB

- 26.3.1 The quorum of the meetings of the NAB shall be three members, excluding the secretary.

## **27. WOMEN'S AND YOUTH COUNCIL**

### **27.1 Establishment of Women's and Youth Council**

- 27.1.1 There shall be Women's and Youth Council chaired by the 2<sup>nd</sup> Deputy President.
- 27.1.2 The 2<sup>nd</sup> Deputy Chairperson; Gender and Youth shall represent the Region at the Council.
- 27.1.3 The Council shall be in office for a period of 3 years running parallel to the period of the NEC.
- 27.1.4 In the event the Women's and Youth Council member of a region is transferred outside the region that she represents at the Council, the position shall be declared vacant and the affected region shall hold elections to replace the member within 30 days of the vacancy or at the next REC meeting whichever occurs first.

### **27.2 Purpose, Powers and Duties of Women's and Youth Council**

The Women's Council shall serve the following purposes and duties, namely, to:

- 27.2.1 Coordinate women activities across all structures of the organization.
- 27.2.2 Train and empower women on leadership skills.
- 27.2.3 Advocate for women empowerment and equal representation of members based on gender across all the union structures.
- 27.2.4 Serve as a link between young members and the Union;
- 27.2.5 Play a role in advising the Union on issues of concern to young workers in general;.
- 27.2.6 Coordinate and promote youth activities within its location, acting in collaboration with the Deputy Chairperson- Gender and Youth.
- 27.2.7 Advocate for youth empowerment and equal representation of members based on age across all the union structures.

### **27.3 Meetings and Quorum of Council**

- 27.3.1 Meetings of the Women's Council shall be held as and when necessary, provided that reasonable notice of the meeting is issued to all members.
- 27.3.2 The quorum at a meeting of the Women's Councils shall be two-thirds of the Women's Council members.
- 27.3.3 In the event that the meeting does not meet a quorum in 60 minutes, within 7 days the Women's Council shall reconvene and if no quorum is met then, the number present shall proceed with the meeting.

### **28. MISCELLANEOUS COMMITTEES, BOARDS AND COMMISSIONS**

- 28.1 The NEC shall have the power to appoint any member of the Union to represent the Union at any committee, board or commission in which the Union and/or Government might deem expedient for the Union to be represented. Such members shall be directly accountable to the NEC.
- 28.2 Any report(s) of any committee, board or commission referred to above shall be included in the Secretary General's Annual Report.

# CHAPTER 8

## **MOTIONS OF NO-CONFIDENCE AND STATE OF EMERGENCY**

### **29. MOTIONS AND MOTION OF NO-CONFIDENCE**

- 29.1 Motions to the NGC or CEC shall be received by the General Secretary 60 days prior to the opening of the NGC or CEC.
- 29.2 The General Secretary shall send consolidated motions to delegates 30 days prior to the opening of the NGC or CEC.
- 29.3 If at the NGC or CEC or SGC, a motion of no confidence in the NEC or any of its member(s) is passed and is supported by not less than two-thirds of majority of delegates who are present and voting, the NEC shall automatically, following the motion be dissolved and new elections shall immediately be held in terms of the provisions of this Constitution.
- 29.4 The procedure followed in the elections shall be in accordance with the provisions of the elections procedure.
- 29.5 Since the dissolution of the NEC may affect certain committees, boards or commissions that had been appointed by the NEC, the incoming NEC shall have the power to decide whether to retain or dissolve such committees, boards or commissions.

### **30. STATE OF EMERGENCY**

- 30.1 The President may, where it is necessary and in the interest of the Union and during the NGC, CEC or SGC or any gathering of the Union, and in cases of an emergency, declare that a state of emergency exists, and may thereafter take any action necessary and proper in the circumstances.

- 30.2 In taking any steps or action deemed necessary the President shall act in consultation with the NEC.
- 30.3 Notwithstanding Article [30.2] above, such actions shall not include the dissolutions of the NEC, provided that:
  - 30.3.1 an urgent meeting of the NEC is convened within 7 days.
  - 30.3.2 the NEC may by resolution, supported by the votes of a majority of all voting members, extend its approval of the declaration for periods of not more than 30 days.
  - 30.3.3 where the NEC considers that by reason of industrial action, force majeure or other cause beyond the Union's control, or in case of emergency, any time limit specified in this Constitution cannot be fulfilled, the NEC may notwithstanding any provisions in the Constitution change such times as it considers necessary.

# CHAPTER 9

## COMMITTEES AT CONVENTIONS AND CONGRESSES

### 31. APPOINTMENT OF COMMITTEES

31.1 At the beginning of a convention or congress, there shall be appointed the committees set out in this Chapter and every such committee shall have 4 members 3 of whom shall be elected by the CEC or Congress and 1 member of the NEC.

### 32. CREDENTIALS COMMITTEE

32.1 The Credentials Committee shall be responsible for verification of delegates' credentials, the quorum of the CEC or congress in accordance with the provisions of this constitution.

32.2 The Credentials Committee shall submit a report to the CEC or congress with appropriate recommendations

32.3 Voting and elections shall not take place before NGC or CEC has discussed and voted on the initial report and recommendations of the Credentials Committee.

### 33. MOTIONS COMMITTEE

33.1 The Motions Committee shall be responsible for consolidation and presentation of motions.

### 34. RESOLUTIONS COMMITTEE

34.1 The Resolutions Committee shall be responsible for NGC or CEC resolutions.

### 35. MARSHALLS

35.1 There shall be appointed such number of Marshalls as NGC or CEC may determine necessary.

35.2 Marshalls shall be responsible for providing security.

35.3 Marshalls shall ensure that participants are gathered in the NGC or CEC venue.

35.4 Marshalls shall ensure there is order in the house.

## FINANCES OF THE UNION

### 36. GENERAL

- 36.1 The funds of the Union are made up of all monies received by means of subscriptions, levies, donations, fund raisings activities, investments and any other means within the framework of this Constitution.
- 36.2 The Treasurer General shall be responsible for the monies of the Union and shall receive all monies paid to the Union.
- 36.3 Expenditure shall be governed by an annual budget prepared by a sub-committee appointed by the NGC or CEC, and approved by the NGC or CEC.
- 36.4 The Treasurer General shall be responsible for keeping the accounts of the Union and shall make all payments. He or She shall keep the books and submit annually to the CEC Statements of Income and Expenditure, supplementing them by such reports and comments, as he or she may deem necessary or as may be requested.

### 37. PURPOSE

- 37.1 The funds of the Union shall be applied exclusively in furtherance of the Union's objectives subject to decision of the NGC, CEC and/or NEC.
- 37.2 Funds contributed for a specific purpose shall be used for that purpose and no other except as otherwise directed by the NEC.

### 38. BANKING ACCOUNTS

- 38.1 All monies received shall be deposited into the Union's bank accounts within 3 days of receipt.
- 38.2 No persons shall open a bank account in the name of the Union or any other similar name without the authority of the NEC by resolution signed by 3 national office bearers.
- 38.3 The Financial year shall be July to June.

## **39. FINANCE AND INVESTMENTS COMMITTEE**

- 39.1 The Finance and Investments Committee shall compose of the Treasurer General, Deputy General Secretary, Finance Manager, 1 staff member, and 2 members appointed by the NGC or CEC.
- 39.2 The Finance and Investments Committee shall report to the NEC.
- 39.3 The Treasurer General shall be the Chairperson of the Finance and Investments Committee.
- 39.4 The Finance and Investments Committee shall appoint its Deputy Chairperson.
- 39.5 The Finance and Investments Committee shall be responsible for:
  - 39.5.1 assisting the Treasurer General in preparing financial reports for the NEC;
  - 39.5.2 recommending amendments to the Financial Policy;
  - 39.5.3 monitoring the Union's accounts and investigating unusual expenditures;
  - 39.5.4 making recommendations to the NEC with regards to requests from members;
  - 39.5.5 proposing ways of ensuring that the Union is financially stable;
  - 39.5.6 assisting in the preliminary work for the budget.

## **40. REPORTING**

- 40.1 The Treasurer General shall prepare a finance report monthly for the NEC which shall have a clear statement of any unbudgeted expenditures.

## **41. SIGNATORIES**

- 41.1 The NEC may appoint the President, General Secretary, Treasurer or any office bearer or employee to be signatories to the Union's Banking Accounts.

41.2 The President and the 1<sup>st</sup> Deputy President shall counter sign all cheques.

## **42. STRIKE AND DEFENCE FUNDS**

42.1 The Union may allocate a certain percentage of its savings to an emergency fund as determined by the NEC.

42.2 The funds must be able to cover a number of days as determined by the NEC from time to time.

42.2 The funds shall be used in cases of emergency which shall include but not limited to, disasters, strikes and other deserving circumstances.

## **43. AUDIT**

43.1 The books of accounts of the Union shall be submitted annually to a detailed audit by a qualified auditor appointed by the NEC subject to approval of the CEC or NGC.

43.2 The Auditor shall satisfy himself that all monies received have been properly entered in the books, that all claims to payment are pursued, that all expenditure is genuine, authorized and recorded correctly, and that financial property of the Union is in safe custody.

43.3 The Auditor shall have access to the books and to all documents related to finance.

43.4 The Auditor shall present an annual report on his findings to the NEC, which shall also be circulated to all structures of the Union before the NGC or CEC. The NGC or CEC shall discuss and give comments on the audit report.

43.5 There shall be an Internal Audit Committee comprising 3 members appointed by the NEC.

## **44. BORROWING POWERS**

44.1 The Union is empowered to acquire any property, whether movable or

immovable, and to mortgage, lease or deal with the property in such a manner as it deems fit, for the purpose of achieving its objectives.

44.2 The Union may borrow money, enter into financial transactions, and or other financial arrangements or schemes for purpose of achieving its objective.

## **45. TRUSTEES OF THE UNION**

### **45.1 Appointment of Trustees**

45.1.1 There shall at all times be 5 trustees for the Union, who shall be appointed by the NGC. The NGC may appoint a Bank approved by the Registrar of Trade Unions to be a trustee.

45.1.2 In between the NGC, should a vacancy occur in the number of trustees, the NEC shall be empowered to fill the vacancy until the next Congress.

### **45.2 Qualifications of Trustees**

45.2.1 Trustees shall be members of the Union or, in the case of a Bank, one approved by the Registrar of Trade Unions.

### **45.3 Duties and Powers of Trustees**

45.3.1 All property belonging to the Union shall vest in and under the control of the Trustees.

### **45.4 Termination or Resignation of Trustees**

45.4.1 Trustees may resign from office by giving at least 30 days' notice to the General Secretary.

## EMPLOYEES AND DISCIPLINE IN THE UNION

### 46. GENERAL

- 46.1 Employment of specified employees of the Union, their terms and conditions shall be determined by the NEC and reported to the Convention/Congress from time to time.
- 46.2 The specified employees shall be subject to the supervision and discipline of the General Secretary, except in the case of serious misconduct which might result in suspension and/or dismissal, the matter shall be referred to the NEC which shall have the power to deal with the matter.
- 46.3 The NGC or CEC may authorize the employment of additional employees as it sees fit and when it deems necessary, provided that, the terms and conditions of such employment comply with requirements of this Constitution.

### 47. DISCIPLINE

- 47.1 The NEC shall have the authority to discipline the members or any other group affiliated to the Union.
- 47.2 Where any statutory structure of the Union believes on reasonable grounds that a member is conducting or has conducted himself or herself in a manner that is inconsistent with the purposes and spirit or objects of the Union, the said structure shall make a recommendation to NEC to discipline the member.
- 47.3 The NEC shall have the power to institute disciplinary proceedings against a member if it believes on reasonable grounds that such a member is conducting or has conducted himself in a manner that is inconsistent with the purposes and spirit or objects of the Union.

47.4 If it will be in the best interests of the Union to suspend such a member, the President shall have the power to suspend such a member, until a decision by the NEC is made.

47.5 The NEC shall appoint a Commission to investigate the alleged misconduct.

47.6 In the case where the NEC is to lay a charge against a member, such a member shall immediately be informed of the charge against himself and a Commission comprising of 3 members shall be appointed to hear the case and report its findings and recommendations to the NEC, which shall have the power to take any action it deems appropriate.

47.7 A member charged shall be afforded a fair hearing and shall at a disciplinary proceeding be afforded an opportunity to represent himself or herself either in person or through a legal representative.

47.8 If the member is not satisfied with the decision of the NEC, such member shall have the right to appeal to the NAB and the decision of the NAB shall be final.

47.9 In each of the above instances the member shall be given 14 working days to answer for a charge against him or her and 14 working days to appeal from one body to the other.

47.10 If such a member fails in all his or her appeals, he or she may receive any of the punishments contained under Article [49] provided that the power to dismiss any member from the Union will only be vested in the NGC or CEC.

47.11 All disciplinary proceedings shall be conducted in accordance with the rules of natural justice, save that the Commission or NAB, as the case may be, shall have the power to regulate its own procedure and shall not be bound by the strict rules of procedure and shall be entitled to disregard any technical irregularity which does not or is not likely to result in a miscarriage of justice.

47.12 The Union shall have the right to withdraw from such a dismissed member its membership card.

## **48. SERIOUS MISCONDUCT**

48.1 For the purpose of this Constitution, “serious misconduct” means:

- 48.1.1 working against the interests of the Union.
- 48.1.2 failure to observe the provisions of the Constitution and the objectives of the Union generally.
- 48.1.3 any act or omission which in the opinion of the Union is misconduct.

## **49. PUNISHMENT**

49.1 If a member is found guilty of an offence or charge, following a fair and proper hearing he or she may receive any of the following punishments:

- 49.1.1 A reprimand;
- 49.1.2 Suspension from the Union or from any specific committee, board or commission of the Union;
- 49.1.3 Dismissal from the Union or from any specific committee, board or commission of the Union;
- 49.1.4 Any penalty, which may be deemed appropriate in the circumstances.

## **50. INDEMNIFICATION OF OFFICE BEARERS**

50.1 Provided that they have not acted in a manner which constitutes misconduct and provided they act in good faith and in furtherance of the objectives of the Union, office bearers of Union shall:

- 50.1.1 be indemnified by the Union against all proceedings, costs and expenses incurred by reason of any omission negligence or act done while performing their duties on behalf of the Union or a member; and
- 50.1.2 shall not be personally liable for any of the liabilities of a Union or any of its members.

## **51. RESIGNATION OF OFFICE BEARERS**

51.1 Office bearers may resign from their positions by way of a written notice to the President by giving 30 days notice.

51.2 Upon resignation, an office bearer shall be required to return all property of the Union and to prepare a handover report.

## **52. STUDY LEAVE OFFICE BEARERS AND MEMBERS**

52.1 Office bearers who are on study leave in Botswana shall continue to hold office provided that they are able and available.

52.1.1 where there is a dispute regarding availability of an office bearer, the President shall make a ruling on the matter and the officer may appeal to the NAB which will make a final decision;

52.1.2 where it is the President who is on study leave and there is a dispute regarding his or her availability, the NEC shall make a ruling on the matter and the President may appeal to the NAB which will make a final decision; and

52.1.3 If a decision is reached by the NAB on appeal that the officer bearer or President is unavailable the officer bearer or President shall be compelled to resign.

52.2 Office bearers on Union or Employer sponsored training of more than 6 months shall be compelled to resign their positions.

52.3 Members on study leave shall not be delegates or observers at the BC, RC, CEC, NGC, or SGC however they may participate at committee meetings with voice but no vote.

## **53. SECONDMENT OF OFFICE BEARERS OR UNION LEAVE**

53.1 The Union may request for secondment and or union leave of any office bearers to perform any function at the Union.

53.2 The remuneration of seconded office bearers will be determined by the NGC or CEC as a recommendation from the Finance Committee.

## ELECTIONS OF THE UNION

### 54. APPOINTMENT OF CHIEF ELECTIONS OFFICER

- 54.1 There shall be a Chief Elections Officer duly appointed by the NEC to supervise and oversee the elections of members to the NOB and other committees of the Union.
- 54.2 The Chief Elections Officer shall for the purpose of the election not be eligible to stand for election for any of the positions of the NOB and other committees.

### 55. APPOINTMENT OF ELECTIONS OFFICERS

- 55.1 The Congress shall elect 4 election officers to assist in the conduct of elections provided that these officers shall not be eligible to stand for elections as candidates.
- 55.2 Election officers shall be appointed by show of hands from the delegates at the NGC.

### 56. ELECTORAL PROCESS

- 56.1 The electoral process at NGCs shall be run by an independent body or persons appointed by the NEC and approved by NGC. The process shall be run in accordance with the Rules of Elections approved by NGC from time to time.

# CHAPTER 13

## MISCELLANEOUS PROVISIONS

### 57. POWER TO MAKE RULES

- 57.1 The Union shall have the power to make rules and/or regulations governing any procedure or subject within the affairs of the Union, provided that in the case of conflict between such rules and/or regulations and this Constitution, the Constitution shall prevail.
- 57.2 A copy of any Rules passed by the Union shall be supplied to any member free of charge on application to the Head Office.
- 57.3 All members shall be bound by the Union's Rules.

### 58. AMENDMENT OF THE CONSTITUTION

- 58.1 This Constitution shall not be amended except at a NGC or at a SGC called for that purpose in terms of this Constitution.
- 58.2 Any committee desiring the amendment of the Constitution or any regulations made in accordance with the provisions of this Constitution, shall notify the NEC, in writing of the proposed amendment not later than 30 days before the date of the NGC. Similar notices shall be given by the NEC to the workplace union representative compositions if it proposes amendments to the Constitution.
- 58.3 No amendment of this Constitution shall be made unless a two-thirds vote at such meeting is recorded in favour of such amendment.
- 58.4 Such amendments shall be effected only after registration by the Registrar of Trade Unions.
- 58.5 Unless otherwise expressly specified, and to the extent that such is not inappropriate or inconsistent therewith, an amendment of this Constitution shall not:

- 58.5.1 Affect any right, privilege, obligation or liability acquired, accrued or incurred prior to the amendment;
- 58.5.2 Revive anything not in force or existing at the time when the amendment takes effect;
- 58.5.3 Affect any penalty, forfeiture or punishment incurred in respect of any offence committed prior to the amendment.

## **59. DISSOLUTION**

- 59.1 The Union may be dissolved at a SGC called specifically for that purpose, provided that the motion of dissolution is carried by a three-quarter majority of the delegates.
- 59.2 Any assets remaining to the credit of the Union or accruing from the sale of the Union's property, and property still belonging to the Union shall be ceded to a trade union or federation of trade unions having similar interests as the Union, except in the case where Union caused its dissolution for the purposes of re-structuring or any other cause related thereto in which case the assets will vest with restructured organisation.

## **60. SAVINGS AND TRANSITIONAL ARRANGEMENTS**

- 60.1 Prior to this Constitution being registered by the Registrar of Trade Unions, the provisions of the previous Constitution shall prevail.
- 60.2 On registration by the Registrar of Trade Unions, this Constitution shall immediately take effect and the previous Constitution shall simultaneously be repealed, provided that until lawfully changed, any existing organ of the Union as was established, and any action as was taken, in terms of a previous Constitution shall continue in existence and shall respectively be regarded as having been established or taken in terms of the corresponding provision in this Constitution.

# CHAPTER 14

## **REGULATIONS, RULES AND PROCEDURES FOR BOPEU STRUCTURES.**

### **61 DEMARCATON OF UNION STRUCTURES.**

For the purpose of the rules and regulations there is a need to present practical elaborations to support the demarcation of the union structures, and progress upwards. The demarcations take on board the different set-ups as already presented above. And for the purpose of operationalizing them we propose the following:

#### **61.1 Unit/Workplace**

For the purpose of this regulation a workplace and/or unit shall refer to the following:

- 61.1.1 A place of work will be made up of a minimum of 15 members but not exceeding 100 members falling within the scope of recruitment,
- 61.1.2 A minimum number or 3 shop stewards, to a maximum 5 shall be elected.
- 61.1.3 Two or more places of work grouped together for the purpose of attaining the minimum number(15) of members
- 61.1.4 Subject to 61.1.3 above, grouping of workplaces shall be done by the Branch Executive Committee subject to approval by the Regional Executive Committee.
- 61.1.5 Grouping of workplaces shall take into consideration the following aspects:
  - 61.1.5.1 Department/Divisions and Ministries/Sectoral alignment

- 61.1.5.2 Locality and distance between locations
- 61.1.5.3 Common employer
- 61.1.6 Notwithstanding 61.1.1, 61.1.2, 61.1.3, 61.1.4 and 61.1.5 above the National Executive Committee may designate special workplaces.

61.2 **Branch**

- 61.2.1 The Branch Executive Committee shall have the power to recommend demarcation of Workplaces, however they will recommend to the REC approval to confer areas into Branches,
- 61.2.2 Branches will be formed by least five (5) workplaces but not more than twenty (20) workplaces.
- 61.2.3 A Branch shall further be demarcated into two branches if it has 20 plus 5 workplaces.
- 61.2.4 The NEC will however due to special circumstances have the power to confer special recognition for establishing a branch where workplaces are fewer than 5.
- 61.2.5 Parastatal Branches will be demarcated in accordance with their administrative alignment

61.3 **Region**

- 61.3.1 The National Executive Committee shall have the power to demarcate Branches into Regions,
- 61.3.2 A region shall be formed by at least 5 and not more than 10 branches
- 61.3.3 A Region shall be further demarcated into two if it has 10 plus 5 branches.
- 61.3.4 However, the NEC may confer regional status, due to special circumstances where the region has fewer than 5-10 branches.
- 61.3.5 Each parastatal may be conferred a region and will have representation at the NEC.

## **62 ELECTION PROCEDURES**

In accordance with the BOPEU Constitution and the rules, the election of a candidate shall be done for every Workplace, Branch, Region and National per the relevant structures (i.e. members in the case on units/workplace union representative) done per members present at the respective election.

### **62.1 ELECTION OF WORKPLACE UNION REPRESENTATIVES**

- 62.1.1 The nomination of a candidate shall be done amongst members present at the respective workplace.
- 62.1.2 A member in regular and good standing can submit a written submission for nomination to a post in absentia.
- 62.1.3 Nomination of Workplace Union Representatives (WUR)/ Workplace Union Representative Council (WURC) shall be by a show of hand.
- 62.1.4 Names of candidates shall be seconded by anyone apart from the proposer.
- 62.1.5 Candidates shall be allowed to contest for more than one position, provided they did not succeed in another
- 62.1.6 Voting for the WURC shall be by show of hand unless otherwise agreed.
- 62.1.7 The elected candidates shall be confirmed by the overseer of election
- 62.1.8 Their names should be submitted for record to the Branch, Region and Office.

### **62.2 ELECTION OF BRANCH COMMITTEES**

- 62.2.1 The nomination of a candidate shall be done amongst members present at the Branch Conference.
- 62.2.2 A member in regular and good standing can submit a written submission for nomination to a post in absentia.
- 62.2.3 Nomination of Branch Executive Committees shall be as

proposed by their (WUR)/Workplace Union Representative Council (WURC).

- 62.2.4 Names of candidates shall be seconded by someone apart from their proposer.
- 62.2.5 Candidates shall be allowed to contest for more than one position, provided they did not succeed in another
- 62.2.6 Voting for the BEC shall be by ballot box unless otherwise agreed by the branch.
- 62.2.7 The elected candidates shall be confirmed by the overseer of the elections
- 62.2.8 Names of elected officers should be submitted for record to the Region and Union Head Office.

### **62.3 ELECTION OF REGIONAL COMMITTEES**

- 62.3.1 There shall be a Principal Election Officer appointed in each Region by the NEC who shall oversee and make sure that the elections are conducted.
- 62.3.2 There shall be Election Assistants nominated from among members who are not contesting positions to assist in conducting elections for the REC.
- 62.3.3 The nomination of a candidate for election shall be done amongst members present at the Regional Conference.
- 62.3.4 Branches will nominate members to contest for the Regional Positions, and shall be seconded by another branch.
- 62.3.5 Nomination of candidates for the Regional Executive Committee (REC) shall be done through completion of a nomination form, which shall be designed and approved by the National Executive Committee.
- 62.3.6 Elections for candidates of the REC shall be conducted simultaneously for all positions,
- 62.3.7 On closure of nominations for the REC, the Principal

Elections Officer will screen all received forms in order to test their validity.

- 62.3.8 Candidates shall not be allowed to contest for more than one position,
- 62.3.9 Voting for the REC shall either be by ballot box unless otherwise agreed by the Regional Conference.
- 62.3.10 The elected candidates shall be confirmed by the overseer of election
- 62.3.11 Their names should be submitted for record to the Regional Office and Head Office.

## 62.4 **ELECTIONS AT NATIONAL GENERAL CONGRESS**

In facilitation of Chapter 12 of the constitution, Election of National Office Bearers and other National Committees of the union shall be held as follows:

### 62.4.1 **CANDIDATE NOMINATION**

- 62.4.1.1 Nomination of Office Bearers and other National offices shall be on a provided nomination form
- 62.4.1.2 No candidate shall be allowed to contest for more than one position in the NOB.
- 62.4.1.3 Nomination of contestants for the NOB and other National offices shall be by 10 delegates, being a proposer, seconder and eight (8) witnesses.
- 62.4.1.4 Nomination of candidates for the National Office Bearers (NOB) and other National Offices shall be done through completion of a nomination form, which shall be designed and approved by the National Executive Committee.
- 62.4.1.5 Nominations for the NOB and other National offices shall be opened and declared closed on a date and/or time determined by the National Executive Committee.

62.4.1.6 All nominations shall be submitted to the Chief Electoral Officer appointed for such by the National Executive Committee before the prescribed expiry times.

#### **62.4.2 NOMINATION SCREENING AND VALIDATION**

62.4.2.1 Nominees for all the structures shall be required to validate their union membership, using a valid Union Membership Card, and the National Identification Card (omang).

62.4.2.2 On closure of nominations for the NOB and other National offices, Chief Electoral Officer will screen all received forms in order to test their validity. A nomination shall be valid provided;

62.4.2.3 The nominee has indicated his/her acceptance of the nomination by completing the relevant section on the nomination forms, or the nominee has submitted a letter indicating acceptance on nomination

62.4.2.4 The nominee and the defined supporting members/ delegates have duly signed the nomination form.

62.4.2.5 The nomination form has been duly submitted at the place and within the time prescribed by the executive structure

62.4.2.6 Validation of nominations shall be done at a specified time after closure of nominations.

62.4.2.7 The Chief Elections Officer shall display the list of Candidates on noticeboards and other strategic locations for viewing before a specified time and day.

62.4.2.8 The Chief Elections Officer shall present a nomination report, which entails those who have qualified, disqualified and withdrawn from election.

62.4.2.9 Whose nominations have not met requirements shall be disqualified.

#### **62.4.3 APPOINTMENT OF ELECTION OFFICERS**

62.4.3.1 The National Executive Committee shall in line with SS 55 appoint the Chief Election Officer and other Election Officers for the NGC elections, before the date of the start of the Congress.

#### **62.4.4 VOTING PROCEDURE**

62.4.4.1 On completion of the nomination process, the Electoral Officer shall prepare ballot papers where a number of contested positions may appear on one ballot paper.

62.4.4.2 Names on the ballot paper shall be arranged in alphabetical order starting with the surname.

62.4.4.3 The Ballot papers shall be colour coded to differentiate the positions contested.

62.4.4.4 Voting for the NOB and other National offices shall be by secret ballot.

62.4.4.5 Voting for the NOB positions and other National positions, shall be by one man one Vote (i.e. for the NAB a voter shall only select a maximum of four candidates where they cannot elect a person more than once).

62.4.4.6 Notwithstanding 62.4.4.5 above, elections for candidates of the NOB and other National Offices shall be conducted simultaneously for all positions,

62.4.4.7 The election shall be conducted based on the first-past-the-post system (FPTP).

62.4.4.8 A candidate who receives the highest number of votes shall be declared the winner of the election for the contested position.

62.4.4.9 Voting will be conducted according to the following procedures:

62.4.4.10 The polling station/s for voting shall be open for specified hours. However, an extension can be made if voters are still on queue.

62.4.4.11 If the voter/delegate spoils the ballot paper prior to casting the vote, the Electoral officer shall after proof issue her/him with a replacement ballot paper.

#### 62.4.5 **VOTING METHOD**

62.4.5.1 The prescribed method of voting for all office bearers at all structures shall be by a secret ballot,

62.4.5.2 A candidate who stands unopposed shall not be subjected to voting, he/she shall be declared a winner.

62.4.5.3 There shall be ballot boxes for casting in votes in the voting room/space as will be determined, each voter shall be issued with a ballot paper

62.4.5.4 A ballot shall be declared invalid/spoiled and will not be counted for determination of the election results if:

62.4.5.5 It has more than the required number of marks

62.4.5.6 It has been marked in such a way that it is impossible to determine the voter's preference

62.4.5.7 The ballot is not the official ballot paper issued by the electoral Officer

#### **62.4.6 CREDENTIALS LIST**

- 62.4.6.1 To ensure that only the authentic voters participate in the elections, a list of all delegates accredited to vote shall be availed at a practical time by the Chief Elections Officer.
- 62.4.6.2 The voter's name shall be checked and crossed off against the voter's register; which shall be the list of members of the delegates to the congress.
- 62.4.6.3 The Union Secretariat shall hand the credentials list over to the appointed Chief Elections Officer prior to commencement of the elections.

#### **62.4.7 ELECTION AGENTS**

- 62.4.7.1 The candidates for the NGC committees shall appoint elections agents who shall in turn be entitled to witness the voting and counting process.
- 62.4.7.2 Every contesting candidate for candidacy to the NGC Committees may appoint his/her preferred representative to observe the election process on his/her behalf.
- 62.4.7.3 Such persons names shall be submitted to the Electoral officer at least three (3) hours before the commencement of the election process
- 62.4.7.4 All election agents are subject to the authentication of the Chief Electoral Officer,
- 62.4.7.5 During the elections no one, unless authorized by the Electoral Officer, may be allowed to touch ballot papers, or any other election materials.
- 62.4.7.6 No information that may compromise the secrecy of the election will be disclosed.

62.4.7.7 Any person failing to abide by this shall be removed from the election room and disqualified from observing, and no replacement thereof will be accepted.

## 62.4.8 **COUNTING PROCEDURES**

### 62.4.8.1 **RECONCILIATION**

62.4.8.1.1 Votes shall be counted as soon as practically possible for the NGC Committees.

62.4.8.1.2 Once the counting has been completed for the NGC elections, the electoral officer will complete the results form, which records the number of spoilt ballots, abstaining and total number of votes cast per candidate

### 62.4.8.2 **RECOUNTS**

62.4.8.2.1 The Chief Electoral Officer may decide to conduct a recount at any time before the declaration of the results

62.4.8.2.2 The Chief Electoral Officer shall conduct a recount on receiving a request from the candidate/election agent before the declaration of the results. The request must be supported with reasons.

62.4.8.2.3 Subject to 62.4.8.2.2 Above, the electoral officer may object to the recount after satisfying herself/himself that the counting was done in accordance with the procedure and that the recount would not change the results.

## 62.4.9 **DECLARATION OF THE RESULTS**

62.4.9.1 Once the count has been completed for the various NGC posts, the Electoral Officer shall pronounce the winner,

62.4.9.2 The Electoral Officer shall declare the results to the elections meeting as soon as possible after the counting has been completed and upon satisfying herself/himself that the election process was in accordance with the constitution.

62.4.9.3 Where there is a tie of counts, the concerned candidates will be subjected to re-election, as will be determined by the Chief Elections Officer.

#### **62.4.10 ELECTORAL COMPLAINTS.**

62.4.10.1 The NEC shall appoint Elections Appeals Committees for each election of the union.

62.4.10.2 A complaint shall be lodged with the Chief Electoral Officer in the station at the NGC.

62.4.10.3 All complaint/s shall be dealt with through consensus. Should this fail however; the aggrieved parties shall be entitled to lodge a formal objection with an appointed appeals committee.

62.4.10.4 Oral objection shall be registered with the Chief Electoral Officer as soon as possible, before the final declaration of the results, by a candidate or by an agent on behalf of his/her candidate.

62.4.10.5 Subject to 62.4.10.4 above, the written objection shall follow and made to the Electoral Officer within thirty (30) minutes thereof.

62.4.10.6 Upon receipt of such an objection, the Chief Electoral Officer at the NGC shall hand the matter over to the Elections Appeals Committee, who shall immediately convene a meeting with the complainants for amicable resolution. The committee decision shall be made at the sitting meeting and shall be final.

62.4.10.7 Any objection not in compliance with 62.4.10.4, 62.4.10.5 and 62.4.10.6 above; shall not be accepted after the sitting.

62.4.10.8 During the process of objection and complaint, the ballot box shall remain sealed and kept in the safe place.

62.4.10.9 Every contesting candidate for candidacy to the NGC Committees may appoint his/her preferred representative to observe the election process on his/her behalf.

62.4.10.10 Such persons names shall be submitted to the Electoral officer at least three (3) hours before the commencement of the election process

62.4.10.11 All observers are subject to the authentication of the Chief Electoral Officer,

62.4.10.12 During the elections no one, unless authorized by the Electoral Officer, is allowed to touch ballot papers, or any other election materials.

62.4.10.13 No information that may compromise the secrecy of the election may be disclosed.

62.4.10.14 Any person failing to abide by this shall be removed from the election room and disqualified from observing, and no replacement thereof will be accepted.

WE, THE PRESIDENT AND THE GENERAL SECRETARY OF THE UNION,  
CERTIFY THAT THE PROVISIONS AND REGULATION OF THE ADOPTION OF  
THIS CONSTITUTION HAVE BEEN COMPLIED WITH.

SIGNED IN GABORONE ON THE 21<sup>ST</sup> DAY OF DECEMBER 2015.



President



General Secretary



## CONTACT INFORMATION

### **HEADQUARTERS**

Plot 6036, Extension 2, Gaborone  
P. O. Box 320, Gaborone  
Tel: (+267) 393 5773  
Fax: (+267) 393 5774

### **FRANCISTOWN REGIONAL OFFICE**

Plot 13993/4/5, Botswana Life Building  
P. O. Box 10905, Tatitown, Francistown  
Tel: (+267) 393 5773 / 242 1910  
Fax: (+267) 242 1911

### **MAUN REGIONAL OFFICE**

Plot 693, Main Mall  
P. O. Box 12295, Maun  
Tel: (+267) 393 5773 / 686 3655  
Fax: (+267) 686 2385

### **KANG REGIONAL OFFICE**

Plot KA5/KA6/KA7  
Private Bag 012, Kang  
Tel: (+267) 6511577  
Fax: (+267) 6511578

Grievances - 3181338  
Loan Scheme - 3922526  
Funeral Scheme - 3916219

[www.bopeu.co.bw](http://www.bopeu.co.bw)