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1. NAME

The union shall be called Sasbo – The Finance Union.

2. DEFINITIONS

- 2.1 A "member" is a person who is employed by or works in a financial institution as defined in sub-clause 2.3 of this constitution and who has paid his subscription to the union.
- 2.2 "Financial institution undertaking" means the undertaking in which employers and their employees are associated in a financial institution for the purpose of conducting business including such activities if conducted by a parent company, associate company or subsidiary of a financial institution.
- 2.3 A "financial institution" shall mean:
- 2.3.1 Any institution registered in terms of the Bank Act, 1990 (Act No. 94 of 1990) and the Financial Services Board Act, 1990 (Act No. 97 of 1990) and any mutual bank as defined in Section 1(1) of the Mutual Banks Act, 1993 (Act No. 124 of 1993) as amended from time to time;
- 2.3.2 An insurer registered in terms of the Insurance Act, 1943 (Act No. 27 of 1943) as amended from time to time;
- 2.3.3 A pension fund organisation registered in terms of the Pension Funds Act, 1956 (Act No. 24 of 1956) as amended from time to time;
- 2.3.4 A friendly society registered in terms of the Friendly Societies Act, 1956 (Act No. 25 of 1956) as amended from time to time;
- 2.3.5 A unit trust scheme as defined in the Unit Trust Control Act, 1981, (Act No. 54 of 1981) as amended from time to time;
- 2.3.6 A board of executors or a trust company or any other company which in terms of the Trust Property Control Act, 1988 (Act No. 57 of 1988) and the Financial Institutions (Protection of Funds) Act, 2001 (Act No. 28 of 2001), makes investments or keeps in safe custody, controls or administers any trust property as amended from time to time;
- 2.3.7 A member who, in terms of the Participation Bonds Act, 1981 (Act No. 55 of 1981) as amended from time to time, controls or administers a scheme;
- 2.3.8 The Reserve Bank established in terms of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989) as amended from time to time;
- 2.3.9 The Land Bank established in terms of the Land and Agricultural Development Bank Act, 2002 (Act No. 15 of 2002) as amended from time to time;
- 2.3.10 The Development Bank of Southern Africa registered in terms of the Development Bank of Southern Africa Act, 1997 (Act No. 13 of 1997) as amended from time to time;
- 2.3.11 The Corporation for Public Deposits established by section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984) as amended from time to time;

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- 2.3.12 The Public Investment Commissioners referred to in section 2 of the Public Investment Commissioners Act, 1984 (Act No. 45 of 1984) as amended from time to time;
 - 2.3.13 Any stock broking or similar firm which conducts business on the Johannesburg Stock Exchange established in terms of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985) as amended from time to time;
 - 2.3.14 The Small Business Development Corporation established in terms of the National Small Business Act, 1995 (Act No. 102 of 1995) as amended from time to time;
 - 2.3.15 The Industrial Development Corporation Limited as established in terms of the Industrial Development Act, 1940 (Act No. 22 of 1940) as amended from time to time;
 - 2.3.16 Medical aid societies and schemes registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998) as amended from time to time;
 - 2.3.17 Any institution in the business of data input, data processing or information technology;
 - 2.3.18 Any institution or organisation or company or closed corporation wholly or partly owned or administered by any of the organisations referred to above, which conducts business of any nature whatsoever, solely or partly for the benefit of the said organisations or any similar organisation;
 - 2.3.19 The Road Accident Fund as established in terms of the Road Accident Fund Act, 1996 (Act No. 56 of 1996);
 - 2.3.20 Any member or recognised clearing house as defined in Section 1 of the Financial Market Control Act, 1989 (Act No. 55 of 1989) or any person referred to in section 5(1) of that Act managing investments as contemplated in that section;
 - 2.3.21 Any central securities depository institution" as defined in Section 1 of the Custody and Administration of Securities Act, 1992 (Act No. 55 of 1995) which deals with trust property as a regular feature of its business.
- 2.4 "Act" means the Labour Relations Act No. 66 of 1995, as amended from time to time.
 - 2.5 Any expression used in this constitution shall have the meaning ascribed to it in this constitution save where it is defined in the Labour Relations Act, 1995 (Act No. 66 of 1995) in which case, it shall have the same meaning as in the Act.
 - 2.6 Save where expressly stated, the masculine shall include the feminine and *vice versa*.

3. OBJECTS

The objects of the Union shall be:

- 3.1 To encourage all eligible persons to become members of the union.
- 3.2 To improve the conditions of service and protect the interests of its members, individually and collectively, in relation to their employers, and otherwise, and generally to raise their status.

- 3.3 To regulate the relations between its members and their employers and to represent its members in all matters that may arise between them and their employers.
- 3.4 To encourage sound industrial relations with employers and/or their organisations with the intention of regulating conflict as peacefully and constructively as possible by endeavouring to settle disputes by conciliatory methods.
- 3.5 To encourage links with other trade unions, joint committees of other unions, organisations, institutions, authorities or bodies in similar fields, in order to interact with them for the purpose of creating and expanding a broad base of mutual unity, support, strength, and sharing of knowledge and experience in the best interests of its members.
- 3.6 To establish and administer funds for the benefit of its members and/or their dependants, provided that such fund or funds shall be administered in terms of the rules, or any amendments thereto, which have been adopted at a duly constituted management committee meeting of the union. The rules and amendments governing such funds shall on establishment be submitted to the Registrar of Labour Relations.
- 3.7 To promote social interaction between its members.
- 3.8 To watch over all legislative measures which may affect, or tend to affect, the interests of its members; to use all means at its disposal to secure the promotion, or rejection of, or amendments to, legislation affecting financial institutions and their employees, as circumstances may require, but it shall not belong to or support any political party.
- 3.9 To obtain and disseminate amongst its members interesting and useful information.
- 3.10 To raise, maintain and administer a common fund or funds to be applied and used in carrying out the objects herein stated.
- 3.11 To provide for the acquisition and control of property and for the investment or borrowing or lending of money on mortgage, or otherwise.
- 3.12 To do such lawful things as may appear to be in the interests of the union or its members and which are not inconsistent with the objects or any matter specifically provided for in this constitution.

4. STATUS AND HEADQUARTERS

- 4.1 This trade union shall be a body corporate with perpetual succession capable of entering into contractual and other relations and of suing and being sued in its own name and shall be an organisation not for gain.
- 4.2 The headquarters of the union shall be situated within a radius of 80 kilometres from Johannesburg.

5. MEMBERSHIP

- 5.1 All persons employed in a financial institution undertaking in South Africa are eligible for membership.

- 5.2 Members shall be elected by vote of the national executive congress that shall have the right to terminate such membership at any time at their discretion.
- 5.3 Notwithstanding the provisions of sub-clauses 5.1 and 5.2, the national executive congress, in its discretion, may admit as honorary members any persons who, in the opinion of the national executive congress, are in sympathy with and useful to the union.
- Such honorary members shall be allowed to be present at all meetings, but shall not be allowed to vote on or move resolutions. They may, however, be allowed to address the meeting and make suggestions. Such members shall not be taken into consideration when considering the representativeness of the union.
- 5.4 The national executive congress or management committee, in its discretion, may accept any member of the union who has been such for a period of ten (10) years or more, as a fully paid-up member, on such terms and conditions as the national executive congress, from time to time, may determine. Such members shall not be taken into consideration when considering the representativeness of the union.
- 5.5 The national executive congress or management committee, in its discretion may, for signal services rendered, elect any member of the union as a life member and such member shall be subject to the same conditions, which are applicable to honorary members.
- 5.6 A member may resign from membership of the union by giving one (1) month's notice, in writing, to the general secretary. Such notice shall be effective only on receipt of the letter or relevant returned debit order.

6. SUBSCRIPTIONS AND LEVIES

- 6.1 The annual subscriptions shall be such amount as shall be determined by the management committee from time to time, but shall not exceed the sum of two thousand rand (R2 000.00) per annum, provided that twenty-one (21) days' notice of any proposed increase in maximum annual subscriptions shall first have been given in the official publication of the union.

Should more than ten percent (10%) of the members in good standing object in writing to the proposed increase within the prescribed period, the general secretary shall instruct each branch to call a general meeting to consider the matter.

- 6.2 The national executive congress shall have discretionary powers to deal with members in default with their subscriptions.
- 6.3 Subscription shall become due and payable on the 1st day of January each year. They may be paid monthly.

Any member joining the union during the course of the year shall be liable for only one-twelfth of the annual subscriptions for each unexpired month, or part thereof, of that year, including the month of entry.

- 6.4 The national executive congress may, not more than once each year, with a view to securing funds for a specified purpose, impose a levy not exceeding an amount equal to one (1) month's subscriptions on each member, provided that notice of the proposed levy has been given to all branches, and provided further, that any branch general meeting may demand that a ballot of members of the union be taken on the subject.

7. FINANCE AND BUDGET

- 7.1 The funds of the union shall be applied to the payment of its expenses; the acquisition of property and towards the attainment of the objects specified in clause 3 and such other lawful purposes as may be decided upon by the management committee.
- 7.2 Payments in excess of an amount determined by the management committee, which have not been included in the union's annual budget, shall require the prior approval of the management committee.
- 7.3 Funds required for a petty cash account, which shall be kept in such form as the management committee may determine, shall be provided by the drawing of cheques.

Unless national executive congress or management committee approves, cheques amounting in the aggregate to more than 0.2% of the previous year's actual subscription income shall not be drawn during any one month in respect of petty expenses.

- 7.4 The union's financial year shall end on 31 December of each year.

8. LEGAL ASSISTANCE

After consultation with the legal advisor of the union, the management committee, in its discretion, may raise or defend or assist or concur in raising or defending, any action in any court of law to protect the professional interests of a member/s and pay or contribute towards the expenses of any such action.

CHAPTER II – OFFICE BEARERS AND PAID OFFICIALS

9. OFFICE BEARERS

The office bearers of the union shall be:

The president, deputy president, together with a minimum of one (1) and a maximum of four (4) vice-presidents.

- 9.1 Members of the national executive congress shall elect a president and a deputy president for the union from among their ranks.
- 9.2 Nominations for candidates for election to the offices of president and deputy president shall be confined to the delegates to the national executive congress and shall be called for by the general secretary to be lodged with him in writing at least sixty (60) days prior to the national executive congress meeting or as soon as it is practicable.
- 9.3 The elections shall be by ballot of the national executive congress on the nomination submitted. The nominee for president and the nominee for deputy president receiving the highest number of votes shall be declared elected to office.
- 9.4 The president and the deputy president shall hold office for a period of four (4) years and shall be eligible for re-election. The President shall not hold office for more than two (2) consecutive periods.

- 9.5 In the event of a vacancy occurring for any reason in the office of president, the deputy president shall become the president and shall hold office for the unexpired portion of the predecessor's term of office.
- 9.6 In the event of a vacancy occurring for any reason in the office of deputy president, between national executive congress meetings, a new deputy president shall be elected by the management committee from amongst the incumbent vice-presidents and shall hold office until the next national executive congress, at such congress the deputy president will be elected for the unexpired portion of the predecessor's term of office.
- 9.7 The members of an institutional national council may elect a vice-president for the union from amongst their ranks at the first institutional national council meeting in the triennial cycle.
- 9.8 Nominations for candidates for election to the office of vice-president shall be confined to the members of the institutional national council concerned and shall be called for by the general secretary to be lodged with him in writing at least sixty (60) days prior to the institutional national council meeting or as soon as it is practicable.
- 9.9 The election shall be by ballot of the institutional national council on the nominations submitted and the nominee for vice-president receiving the highest number of votes shall be declared elected to office.
- 9.10 Each vice-president shall hold office for a period of three (3) years or until the first institutional national council meeting in the following triennial cycle and shall be eligible for re-election.
- 9.11 In the event of a vacancy occurring for any reason in the office of vice-president, a new vice-president shall be elected by the institutional national council from amongst their ranks and shall hold office for the unexpired portion of the predecessor's term of office.
- 9.12 The president, deputy and vice-presidents shall vacate their respective offices on resigning by giving thirty (30) days' notice in writing to the general secretary. In addition, the deputy president shall vacate office in the event of his assumption of the office of president and a vice-president shall vacate office in the event of his assumption of the office of deputy president.
- 9.13 In the event of the president, the deputy president and vice-presidents not being available, the national executive congress may authorise a national executive congress member to act on behalf of the president until he or the deputy president or any of the vice-presidents is able to resume office or in the event of such vacancy being permanent, the terms of sub-clauses 9.5 and/or 9.9 hereof shall *mutatis mutandis* apply.
- 9.14 The duties of the president are:
- 9.14.1 To preside over all meetings of the national executive congress and management committee.
- 9.14.2 To sign all minutes confirmed by the above-mentioned structures.
- 9.14.3 To, in consultation with the other members of the management committee and guided by Sasbo policy, have the powers to suspend and discipline any member of the management committee. Such a decision is subject to ratification by the national executive congress.

9.15 The duties of the deputy president are:

To assist the president when called upon to do so and to exercise the powers and perform the functions of the president in the event of the latter not being available for any reason.

9.16 The duties of each vice-president are:

9.16.1 To preside over all meetings of the institutional national council for the institution in which the vice-president is employed and to sign all minutes confirmed at such meetings.

9.16.2 To assist the president and/or the deputy president when called upon to do so and to exercise the powers and perform the functions of the president or the deputy president in the event of them not being available for any reason.

The vice-president to assume these duties shall be appointed by the general secretary on a rotational basis.

10. PAID OFFICIALS OF THE UNION

10.1 The management committee shall appoint a general secretary, and such further headquarters' staff as may be deemed necessary, upon such terms and conditions as it may deem fit, provided that the terms of employment of the general secretary shall provide for three (3) calendar months' notice of termination on either side.

Should the management committee appoint a deputy and/or assistant general secretaries, the duties and/or powers assigned to the general secretary in this constitution shall apply *mutatis mutandis* firstly to the deputy general secretary, then to the assistant general secretaries in the absence of the general secretary.

10.2 General Secretary

The duties of the general secretary shall be:

10.2.1 to exercise supervision over the affairs of the union;

10.2.2 to enforce observance of this constitution;

10.2.3 to attend to the office of the union;

10.2.4 to make periodical visits to union branches, or other centres, for such periods and for such purposes as he may deem fit;

10.2.5 to keep such books and accounts as may be prescribed by the national executive congress or the management committee;

10.2.6 to conduct union correspondence and to keep originals of all letters received and copies of all letters despatched;

10.2.7 to receive requisitions for meetings of the national executive congress, institutional national councils and management committee and to issue notice of all these meetings; to attend all these meetings and to keep a proper record of proceedings thereof;

- 10.2.8 to submit regular financial reports of the union to the management committee, and to prepare the annual balance sheet and income and expenditure accounts as at the end of the union's financial year;
- 10.2.9 to keep a record of members of the union, recording therein every member's address, date of enrolment, subscriptions and any levies paid by such members and, in the event of the resignation or expulsion of a member, the date thereof;
- 10.2.10 to collect receipts for all monies paid, issue receipts for all monies received, and to bank all monies within seven (7) days of receipt;
- 10.2.11 to ensure that the provisions of the Labour Relations Act, No. 66 of 1995, are complied with;
- 10.2.12 to engage and dismiss (in terms of disciplinary procedures) for any good and sufficient reason employees of the union below the rank of assistant general secretary;
- 10.2.13 the general secretary shall not be entitled to vote on any matters, except where he has been elected to represent the union on any specific council, board or committee.

11. REMOVAL AND RE-INSTatement OF OFFICE BEARERS AND OFFICIALS

- 11.1 Notwithstanding anything contained in this constitution, if at any time not less than thirty percent (30%) of the members of a branch, in the case of branch executive committee members, or thirty percent (30%) of the members of an institution, in the case of members of an institutional national executive council, or thirty percent (30%) of the members of the union in the case of members of the national executive congress or full-time officials of the union, submit a written request to the branch executive committee or the institutional national council or the national executive congress, as the case may be, for the taking of a ballot to determine whether a branch, institutional or national office bearer or official named in such request shall be removed from office, such a ballot of the members of the branch or the institution or the union, as the case may be, shall be conducted within thirty (30) days of the receipt of the request.

If at the resultant ballot, not less than eighty percent (80%) of the members of the branch or the institution or of the union, as the case may be, vote in favour of his removal the office bearer or official concerned shall vacate office as from the date on which the result of the ballot is known. Any vacancy resulting from such removal shall be filled in the manner laid down in this constitution.

- 11.2 Whenever an office bearer or official has been removed from office in terms of this constitution but, otherwise than sub-clause 11.1 above, not less than thirty percent (30%) of the members of the branch, in the case of a branch office bearer, or not less than thirty percent (30%) of the members of an institution, in the case of an institutional office bearer, or not less than thirty percent (30%) of the members of the union, in the case of a member of the national executive congress or a full-time official, may not later than thirty (30) days after the date of such removal submit a written request to the branch executive, institutional national council or the national executive congress, as the case may be, for the taking of a ballot of the members of the branch or the members of the union, as the case may be, in order to determine whether the office bearer or official so removed from office shall be reinstated and such ballot shall be conducted within thirty (30) days after the receipt of the request.

The office bearer or official shall be reinstated if at the ballot not less than sixty percent (60%) of the members of the branch or the members of the union, as the case may be, vote in favour thereof.

- 11.3 The management committee shall be entitled, subject to any law, summarily to dismiss the general secretary on any of the following grounds:
- 11.3.1 Serious neglect of duty or misconduct;
 - 11.3.2 Commission of any act which, in the opinion of the management committee, is seriously detrimental to the interests of the union;
 - 11.3.3 Refusal or failure to carry out any duties imposed on him by this constitution, or in terms of his contract of employment;
 - 11.3.4 On any grounds which, at common law, would entitle an employer summarily to dismiss an employee.

CHAPTER III – NATIONAL STRUCTURES

12. NATIONAL EXECUTIVE CONGRESS

The union shall be governed by a national executive congress, which shall be composed of the president, the deputy president, the vice-presidents, the management committee and one (1) delegate for every one thousand five hundred (1 500), or part thereof, members attached to union branches with a minimum of two (2) delegates per branch and a maximum of six (6) delegates per branch.

An additional six (6) delegates may be nominated by the general secretary and confirmed by the national executive congress to attend the national executive congress. Notwithstanding the above, there shall be no fewer than eighteen (18) national executive congress delegates.

12.1 Powers of the national executive congress

The national executive congress shall, subject to the provisions of this constitution, have power

- 12.1.1 to elect a president and deputy president for the union;
- 12.1.2 to appoint a management committee, to hold office concurrently with the president and deputy president for a period of four (4) years and then be eligible for re-appointment, for the purpose of exercising the powers and functions as set out in clause 13 of this constitution;
- 12.1.3 to appoint any committee it may deem fit for the purpose of investigating and reporting on any matter, such committee to have full power to act in terms of reference;
- 12.1.4 to review decisions of branch executive committees or branch general meetings, and to confirm, alter or reverse such decisions;

- 12.1.5 to institute or defend legal proceedings by or against the union or against individual members or office bearers or officials of the union in matters pertaining to their employment and to provide legal assistance wherever deemed necessary;
- 12.1.6 to establish or close down union branches in any area and to define the areas of jurisdiction of branches;
- 12.1.7 to suspend any member or branch executive committee for action contrary to the terms of this constitution or to instructions issued by the national executive congress, and to take over the management of the affairs of the branch until another branch executive committee is elected;
- 12.1.8 to determine union policy and to do such other things as, in the opinion of the national executive congress, may appear to be in the interests of the union.

12.2 Eligibility

No person shall be eligible for election or co-option to the national executive congress unless he has served at least two (2) years on a branch executive committee or has been a member of the union for not less than five (5) years or has appropriate labour relations experience.

No person whose subscription to the union is three (3) months or more in arrears shall be eligible for election or co-option to the national executive congress.

No delegate shall be eligible to attend the national executive congress under any one of the following circumstances:

- 12.2.1 on suspension or expulsion from membership of the union, or upon ceasing to be employed by a financial institution as defined in clause 2.3;
- 12.2.2 on tendering his resignation in writing to the general secretary;
- 12.2.3 on suspension, expulsion or resignation from the branch executive committee by which he was elected.

The branch executive committee from which the former national executive congress delegate had been elected shall fill any such vacancy.

12.3 Nominations

Nominations for the elected and alternate members of national executive congress shall be received by the chairmen of union branches at the first meeting of the branch executive committee after the annual general meeting in the triennial cycle. Branch executive committee members, whose subscriptions are not more than three (3) months in arrears, shall be entitled to nominate as many members as they deem fit.

12.4 Elections

National executive congress delegates plus two (2) alternate delegates shall be elected by branch executive committees and shall hold office for a period of four (4) years, (to run concurrent with the presidential term) and shall be eligible for re-election.

Should any elected delegate/s, for whatever reason, not be able to attend a national executive congress meeting, such delegate/s shall be substituted from amongst the elected alternate delegates.

Notwithstanding the above, branch executive committees that are entitled to more than one (1) delegate shall, for each national executive congress meeting, be entitled to substitute one (1) of the elected delegates with another member elected from amongst all eligible branch executive committee members.

The election of members to the national executive congress shall be by ballot of the branch executive committee members who may vote for one (1) nominee, or any number of nominees up to the number of delegates to be elected by the branch.

In the event of the number of nominations received not exceeding the number of delegates to be elected, the members nominated shall be declared elected, and no vote of members will be necessary.

Branch executive committees shall endeavour to ensure that the national executive congress delegations are as representative as possible of the membership falling within the jurisdiction of the branch. The delegations must, as far as possible, reflect a representative cross section of the institutions represented within the branch executive committee's jurisdiction and must reflect a representative cross section of the membership within those institutions in terms of job grade and position.

The result of the elections conducted at each union branch shall be advised to the general secretary in writing within seven (7) days and published in the first issue of the official publication of the union following the election.

12.5 Attendance at Meetings in Advisory Capacity

The general secretary shall have the power, whenever it is deemed desirable or necessary, to invite any person/s to attend any meeting. Such person/s may attend only in an advisory capacity and shall not have the power to vote at any meeting.

12.6 Meetings

The national executive congress shall meet every year, on dates to be fixed by the general secretary. At least one (1) calendar month's notice of such meetings shall be given to each elected delegate, and to every such notice an agenda shall be attached.

Special meetings may be called by the general secretary when and at such notice as is deemed necessary provided that such notice shall not be less than two (2) weeks.

12.7 Chairman

The chairman at meetings of the national executive congress shall be the president of the union or, failing the president, the deputy president or failing the president and deputy president, one of the vice-presidents chosen by the general secretary on a rotational basis.

The chairman shall have a casting vote only.

12.8 Quorum

Fifty percent plus one (50% +1) of the delegates shall form a quorum at a national executive congress meeting. In the event of a quorum not being present thirty (30) minutes after the time at which the meeting was due to commence, the meeting shall stand adjourned for not more than fourteen (14) days, to a date to be decided upon by the delegates present, when the delegates then in attendance shall form a quorum and shall have the power to act as if the whole congress were present.

At least seven (7) days' notice of such adjourned meeting shall be given in writing by the general secretary to all delegates of the national executive congress.

12.9 Voting at Meetings of the national executive congress

All motions must be proposed and seconded and, unless otherwise provided herein, shall be decided by a show of hands, but any national executive congress delegate shall have the right to propose that a secret ballot be taken on any issue. If such a proposition is carried, voting on the issue in question shall then be by secret ballot. The chairman shall be entitled, in the event of equality of voting, to a casting vote only.

12.10 Vote of Members

The national executive congress shall not take any action of vital importance without first ascertaining the will of the members by means of a ballot vote (See clauses 22 and 23).

12.11 Out-of-Pocket Expenses

Each delegate to the national executive congress will be allowed a sum, to be determined by the management committee from time to time, for each day on which he attends meetings of the national executive congress or any sub-committee thereof.

12.12 Sub-Committees

The national executive congress shall have the power to delegate any matters to sub-committees, who shall have the power to act in terms of reference.

12.13 Information to branches

Information dealing with matters arising out of national executive congress meetings may be disseminated to all active union branches by means of circulars or articles appearing in the union's official publication.

13. MANAGEMENT COMMITTEE

All assets of the union shall be vested in a management committee comprising the president, the deputy president and five (5) other elected members.

13.1 Elections

The other elected members shall be elected by the national executive congress from amongst the delegates having appropriate expertise in the area of the duties of the management committee.

13.2 **Vacancies**

Should any member of the management committee vacate office, the vacancy shall be filled by the national executive congress appointing another member from its ranks who shall hold office until the next management committee is appointed.

13.3 **Vacation of Seat**

A member of the management committee shall vacate his seat in any one of the following circumstances:

- 13.3.1 on suspension or expulsion from membership of the union, or upon ceasing to be employed by a financial institution as defined in clause 2.3;
- 13.3.2 on suspension, expulsion or resignation from the branch executive committee network;
- 13.3.3 on suspension, expulsion or resignation from the office of president or deputy president;
- 13.3.4 on absenting himself without permission of the management committee from two (2) consecutive meetings;
- 13.3.5 on tendering his resignation in writing to the general secretary and the vacation of seat will be effective as from the date of such resignation;
- 13.3.6 on allowing his subscription to the union to fall three (3) months in arrears without explanation satisfactory to the management committee.

13.4 **Attendance at Meetings in Advisory Capacity**

The general secretary shall invite any person/s, sanctioned by the management committee, to attend the management committee meetings only in an advisory capacity and shall not have the powers to vote at any meeting.

13.5 **Meetings**

The management committee shall meet every second month, or as and when required, on dates set by the general secretary.

13.6 **Chairman**

The president shall chair meetings of the management committee.

13.7 **Quorum**

Four (4) members of the management committee shall form a quorum.

13.8 **Powers of the management committee**

It shall be the duty of the management committee to safeguard the financial interests of the union and to attend to all headquarters' staff matters from the post of assistant general secretary upwards.

It shall also be the duty of the management committee to decide upon the levels of the remuneration package of all the union's staff.

All property of the union, movable or immovable and all deeds, securities, mortgage bonds and leases pertaining to the union shall be in the name of the union.

- 13.8.1 The management committee shall be, and hereby are, empowered to accept or release such deeds, securities, mortgage bonds and leases for and on behalf of the union and to make and to sign on behalf of the union all necessary documents.
- 13.8.2 The management committee shall have the power to acquire, either by purchase, lease or otherwise, any movable or immovable property on behalf of the union, and to sell, let, mortgage or otherwise deal with or dispose of any movable or immovable property belonging to the union.
- 13.8.3 Between meetings of the national executive congress the general secretary may refer matters to the management committee for a majority decision; such decision to be submitted to the national executive congress for ratification at their first meeting after the decision has been taken.
- 13.8.4 To operate on the union's banking accounts in conjunction with the general secretary.
- 13.8.5 To invest and deal with any monies of the union not immediately required for carrying out its activities upon such securities and in such a manner as may from time to time be determined and to realise, vary, reinvest, or otherwise deal with such securities in such a manner as may from time to time be determined.
- 13.8.6 To effect payment of all normal expenses in connection with the union's affairs.
- 13.8.7 To lend money to any person or company, on interest at a rate to be determined by the management committee, and on such terms as may seem expedient.
- 13.8.8 To, under appropriate circumstances, determine a fee structure for services rendered to union members or non-members.

13.9 **Banking Accounts**

A banking account or accounts shall be kept in any branch of any South African bank approved by the management committee. All payments shall be made in a manner approved by the management committee.

13.10 **Accounts**

Proper books of account shall be kept, which shall be audited annually by a professional auditor appointed by the management committee.

Notice of the availability of the annual balance sheet and the statement of income and expenditure, together with the auditor's report, shall be published each year in the union's official publication. These financial statements shall be made available for inspection by members on application to the general secretary, during office hours.

13.11 Travelling Expenses

Any member or official travelling on the union's business with the sanction of the national executive congress will be allowed a distance allowance per kilometre as laid down by the management committee, or economic railway or airfare, beds and meals on conveyance, hotel expenses and an allowance at a rate to be determined by the management committee from time to time, whilst engaged in or travelling in the union's interests.

13.12 Extraordinary Expenditure

Except as allowed for in sub-clauses 12.11, and 13.11, no expenditure may be incurred without the prior sanction of the management committee.

CHAPTER IV – BRANCH REPRESENTATIVE STRUCTURES

14. BRANCHES

- 14.1 A branch of the union may be established in an area where there are not less than one hundred (100) members of the union, and may also be established in respect of any group of members as the national executive congress may determine. The national executive congress may, in its discretion, permit the establishment of a branch in an area where there are less than one hundred (100) members provided special circumstances exist.
- 14.2 Application for the establishment of a branch shall be made in writing, to the national executive congress by not less than fifteen (15) members of the union in the area concerned.
- 14.3 If the national executive congress approves of the establishment of the branch, the general secretary shall notify the members from whom the application has been received and such members shall hold an inaugural meeting. At this meeting a branch executive committee and a branch secretary shall be elected on nomination, duly seconded and voted upon by show of hands by the members present, and shall hold office until the annual general meeting of the branch.
- 14.4 The national executive congress shall have the right to depute one or more of its members and/or the general secretary to investigate the affairs of any branch at any time without assigning a reason therefore, and such deputy or deputies shall have access to all the records of the branch and have power to take them into custody.
- 14.5 Each branch of the union shall be authorised to incur certain expenses for the necessary conduct of the branch. Such expenditure must be to cover the hire of halls, advertising, stationery, postage and such other items, which must be sanctioned by the management committee prior to the incurrence thereof.
- 14.6 Branches shall send to headquarters a copy of the minutes of all their meetings, and shall keep headquarters fully advised of the members of their local branch committee.
- 14.7 Branches may receive applications for membership and shall forward such applications to the general secretary with their recommendations for or against election. If against; reasons must be stated.
- 14.8 Branches shall be entitled to raise funds by means of social activities, competitions, etcetera, and the branch executive committee shall wholly administer such funds.

- 14.9 Each member of the branch executive committee shall be allowed a sum, to be determined by the management committee from time to time, for every meeting of the committee he attends and the total of such allowance shall be paid at the end of his term of office.

15. BRANCH MEETINGS

- 15.1 General meetings of members of each branch may be held. Special general meetings shall be called whenever desired by a two thirds majority of the branch executive committee, or upon requisition signed by at least ten percent (10%) of the registered members attached to the branch.
- 15.2 Notice of every general meeting showing the business to be transacted thereat, shall be given to members by a notice exhibited in each point of representation, not later than seven (7) days before the dates of such meetings, provided that, in the case of special general meetings, such shorter notice as may be decided by the chairman may be given provided that such shorter notice will not be less than twenty four (24) hours.
- 15.3 The annual general meeting of each branch will be held during each calendar year at intervals not exceeding fifteen (15) months.
- 15.4 All motions at a general meeting shall, if the chairman so decides, be reduced to writing and shall be delivered to the presiding officer to be read to the meeting. No motion shall be considered unless seconded.
- 15.5 The quorum for branch general meetings shall be five percent (5%) of the members, or twenty (20) members of the branch, whichever is the lesser.

If within thirty (30) minutes of the time fixed for any general meeting a quorum is not present, the meeting shall stand adjourned to such date, no longer than twenty one (21) days thereafter, as the members present may decide and, at such adjourned meeting, of which notice shall have been given to all members, the members present shall form a quorum.

- 15.6 At every general meeting, the minutes of the preceding general meeting shall be read by the branch secretary and signed by the presiding officer after confirmation.
- 15.7 All matters forming the subject of motions shall be decided by the votes of a majority of those present and, unless otherwise provided herein, shall be voted upon a show of hands, but any member shall have the right to propose that a secret ballot be taken on any issue. If such a proposition is carried, voting on the issue in question shall then be by secret ballot.

The chairman shall have a casting vote only.

- 15.8 Unless exemption is obtained from national executive congress each branch executive committee shall meet at least once every second month.

Fifty percent plus one (50% +1) of the members of any branch committee or sub-committee shall form a quorum at meetings of that committee or sub-committee.

Special meetings of the branch executive committee shall be called by the chairman whenever he deems it advisable or upon a requisition signed by not less than two-thirds of the members of the committee.

- 15.9 Members of a branch executive committee or sub-committee shall be notified, in writing, of the time and place of meetings of the committee by the branch secretary, at least seven (7) days before the dates of such meetings, provided that shorter notice being not less than twenty four (24) hours may, in the discretion of the chairman, be given in respect of special meetings. To every notice of meeting an agenda shall be attached.
- 15.10 At every committee or sub-committee meeting the minutes of the previous meeting shall be read by the branch secretary and signed by the chairman after confirmation.
- 15.11 Copies of minutes of branch and of branch executive committee meetings and/or institutional sub-committee meetings shall be submitted to the general secretary immediately after confirmation.
- 15.12 The proceedings of any meeting shall not be invalidated by reason of the non-receipt by any member of the notice of the meeting.
- 15.13 Payment to any branch or branch official is subject to the authority of the management committee being first sought and obtained.
- 15.14 Decisions arrived at by branch general meetings must be referred to the national executive congress for endorsement before being acted upon.

16. BRANCH OFFICERS AND EXECUTIVE COMMITTEE

16.1 Management of a branch

- 16.1.1 The management of the affairs of a branch between annual general meetings shall be vested in a branch executive committee consisting of a chairman, vice-chairman or vice-chairmen and as many members as the national executive congress shall decide with a minimum of eight (8) members and a maximum of eighteen (18).

They shall be elected at the annual general meeting or by postal ballot and be eligible for re-election on termination of their period of office. A chairman, vice-chairman or vice-chairmen and secretary for the branch shall be elected by the executive committee at their first meeting after the annual general meeting.

The chairman shall have a casting vote only.

Any changes to the branch executive committee shall be advised to the general secretary in writing within seven (7) days.

- 16.1.2 Vacancies occurring on a branch executive committee between annual general meetings shall be filled by the remaining members of the committee. A member appointed to fill a vacancy shall hold office for the unexpired portion of the period of office of his predecessor.
- 16.1.3 The branch executive committee members may resign office on giving one (1) months' notice in writing to the branch executive committee or may be summarily discharged by the committee for serious neglect of duty or misconduct.

16.1.4 In addition to any other duties imposed by this constitution, branch secretaries shall keep such books and accounts as may be prescribed by the management committee; receive requisitions for meetings; issue notices of meetings and conduct all correspondence of the branch, keeping original letters received and copies of those despatched and, at each meeting of the branch executive committee, produce the correspondence which has taken place since the previous meeting; attend all meetings and record minutes of proceedings; keep a register of members and, in the event of resignation, expulsion or transfer of a member to another branch, immediately advise the general secretary of the union of same; collect subscriptions and levies which are not dealt with direct from headquarters and issue official receipts for all monies received; bank all monies received within three (3) days of receipt, and perform such other duties as the branch executive committee, or general meeting may direct.

16.2 Nominations for membership of a branch executive committee shall, subject to the provisions of sub-clause 16.1.2, be lodged in writing with the branch secretary at least seven (7) days before the date of the annual general meeting of the branch or, with the permission of the meeting, be accepted from the floor.

In the case of postal ballots, nominations shall be called for in the official publication of the union.

16.3 The provisions of sub-clause 13.3 of the constitution shall, *mutatis mutandis* apply to members of the branch executive committee.

16.4 A branch executive committee shall, subject to sub-clause 15.14 have power:

16.4.1 to appoint, from time to time, such sub-committees as it may deem fit;

16.4.2 to open a banking account in the name of the branch;

16.4.3 to establish bye-laws for the conduct of branch affairs which shall not conflict with the constitution of the union, the Labour Relations Act and any other law;

16.4.4 to do such things as, in their opinion, appear to be in the interest of the branch.

17. DISPUTES

Any disputes which may arise between members and their branches in connection with union matters, and which cannot be settled between them, shall be referred to the national executive congress for decision.

18. TRADE UNION REPRESENTATIVES

18.1 Trade union representatives may be elected in any financial institution in which the union is recognised and shall be known as Sasbo representatives.

18.2 The function, nomination, election and removal of trade union representatives shall be governed by collective agreement between the union and the financial institution concerned.

18.3 No collective agreement shall limit the right of any union member to serve on the structures of the union or to be elected as an office bearer.

- 18.4 Trade union representatives elected to serve on the structures of the union shall, in the first instance, be elected to office in the branch of the union within which they fall and must fully participate in that structure.
- 18.5 The trade union representatives shall implement and give effect to decisions of the national executive congress, management committee, institutional national councils, recruit members and generally promote their interests and represent members where applicable.

CHAPTER V – INSTITUTIONAL STRUCTURES

19. INSTITUTIONAL STRUCTURES

19.1 INSTITUTIONAL NATIONAL COUNCILS

Union policy and procedure concerning the negotiations and all dealings with specific institutions shall be governed by an institutional national council for every institution in which there are at least ten thousand (10 000) members.

19.1.1 Powers

The institutional national councils shall, subject to the provision of this constitution, have power:

- 19.1.1.1 to elect a vice-president for the union;
- 19.1.1.2 to elect, from their ranks, members of an institutional bargaining forum comprising the chairman of the institutional national council together with two (2) core delegates and a maximum of five (5) other members elected for their expertise and appropriate experience in negotiations and collective bargaining;
- 19.1.1.3 to appoint any sub-committee it may deem fit for the purpose of investigating and reporting on any matter pertinent to the institution concerned;
- 19.1.1.4 to co-opt any person or persons to serve on the institutional national council in a temporary capacity to assist by advice, such person or persons having no right to vote at any meeting of the institutional national council;
- 19.1.1.5 to review decisions of branch executive committees or branch general meetings pertaining to that specific institution, and to confirm, alter or reverse such decisions;
- 19.1.1.6 to institute or defend legal proceedings by or against the union or against individual members in matters pertaining to their employment with that specific institution and to provide legal assistance wherever deemed necessary;

19.1.1.7 to do such other things as, in the opinion of the institutional national council, are in the interests of the members employed by that specific institution.

19.1.2 **Eligibility**

No person shall be eligible for election to an institutional national council unless he has served at least two (2) years on a branch executive committee or has been a member of the union for not less than five (5) years or has appropriate labour relations experience.

No person shall be eligible for election to an institutional national council whose subscription to the union is three (3) months or more in arrears.

No delegate shall be eligible to attend an institutional national council meeting under any one of the following circumstances:

19.1.2.1 On suspension or expulsion from membership of the union, or upon ceasing to be employed by a financial institution as defined in clause 2.3 or ceasing to be employed in the specific institution;

19.1.2.2 On tendering his resignation in writing to the general secretary;

19.1.2.3 On suspension, expulsion or resignation from the branch executive committee from which he was elected;

19.1.2.4 On allowing his subscription to the union to fall three (3) months in arrears.

The branch executive committee from which the former institutional national councillor had been elected shall fill any such vacancy.

19.1.3 **Nominations**

Nominations for the elected members of the institutional national councils shall be received by the chairmen of union branches at the first meeting of the branch executive committee after the annual general meeting in the triennial cycle. Branch executive committee members, whose subscriptions are not more than three (3) months in arrears, shall be entitled to nominate as many members as they deem fit.

19.1.4 **Elections**

At the first meeting after the annual general meetings of the branch executive committees, in the triennial cycle, the branch executive committee shall elect from amongst their ranks, one (1) institutional national councillor for the first one thousand five hundred members (1500) attached to the branch and one additional institutional national councillor for any members in excess of one thousand five hundred (1500) members attached to the branch for each institution falling within that committee's jurisdiction which has an established institutional national council.

The election of a member to each institutional national council shall be by ballot of the branch executive committee members of the institution concerned.

The result of the election conducted at each union branch shall be advised to the general secretary and published in the first issue of the official publication of the union following the election.

Should the elected institutional council/national council delegate/s be unable to, for whatever reason, attend any specific institutional council/national council meeting; such delegate/s may be substituted by the branch executive committee nominating another delegate to attend the relevant institutional meeting in the place of the elected delegate.

19.1.5 **Attendance at Meetings in Advisory Capacity**

The general secretary shall have the power, whenever it is deemed desirable or necessary, to invite any person/s to attend any meeting. Such person/s may attend only in an advisory capacity and shall not have the power to vote at any meeting.

19.1.6 **Meetings**

Institutional national councils shall meet twice annually, on dates to be fixed by the general secretary. At least thirty (30) days' notice of such meetings shall be given to each elected councillor, and to every such notice, an agenda shall be attached.

Special meetings may be called by the general secretary when, and at such notice as is deemed necessary provided that such notice shall generally not be less than fourteen (14) days.

19.1.7 **Chairman**

The chairman at meetings of the institutional national councils shall be the president and/or deputy president of the union if employed by the institution concerned or the vice-president elected by institutional national councils where the president and/or the deputy president is not eligible to chair the meeting.

The chairman shall have a casting vote only.

19.1.8 **Quorum**

Fifty percent plus one (50% + 1) of the councillors shall form a quorum at an institutional national council meeting. In the event of a quorum not being present thirty (30) minutes after the time at which the meeting was due to commence, the meeting shall stand adjourned for not more than fourteen (14) days, to a date to be decided upon by the members present, when the members then in attendance shall form a quorum and shall have the power to act as if the whole council were present.

At least seven (7) days' notice of such adjourned meeting shall be given in writing by the general secretary to all members of the institutional national council.

19.1.9 **Voting at Meetings of the institutional national councils**

All motions must be proposed and seconded and, unless otherwise provided herein, shall be decided by a show of hands, but any institutional national council member shall have the right to propose that a secret ballot be taken on any issue. If such a proposition is carried, voting on the issue in question shall then be by secret ballot. The chairman shall be entitled, in the event of equality of voting, to a casting vote only.

19.1.10 **Vote of Members**

Institutional national councils shall not take any action of vital importance without first ascertaining the will of the members by means of a ballot vote (See clauses 22 and 23).

19.1.11 **Out-of-Pocket Expenses**

Each member of an institutional national council will be allowed a sum, to be determined by the management committee from time to time, for each day on which he attends meetings of the council or any sub-committee to which he should be elected.

19.1.12 **Sub-Committees**

Institutional national councils shall have the power to delegate any matters to sub-committees, who shall have the power to act in terms of reference.

19.1.13 **Information to branches**

Information dealing with matters arising out of institutional national council meetings may be disseminated to all active union branches by means of circulars or articles appearing in the union's official publication.

19.2 **INSTITUTIONAL COUNCILS FOR INSTITUTIONS WITH BETWEEN 500 (FIVE HUNDRED) AND 10 000 (TEN THOUSAND) MEMBERS**

Union policy and procedure concerning the negotiations and all dealings with specific institutions may be governed by an institutional council for every institution in which there are between five hundred (500) and ten thousand (10 000) members.

19.2.1 **Powers**

The institutional councils shall, subject to the provisions of this constitution, have power:

19.2.1.1 to elect a chairman for the institutional council;

19.2.1.2 to elect, from their ranks, members of an institutional bargaining forum comprising the chairman of the institutional council together with two (2) core delegates and a maximum of five (5) other members elected for their expertise and appropriate experience in negotiations and collective bargaining;

- 19.2.1.3 to appoint any sub-committee it may deem fit for the purpose of investigating and reporting on any matter pertinent to the institution concerned;
- 19.2.1.4 to co-opt any person or persons to serve on the institutional council in a temporary capacity to assist by advice, such person or persons having no right to vote at any meeting of the institutional council;
- 19.2.1.5 to review decisions of branch executive committees or branch general meetings pertaining to that specific institution, and to confirm, alter or reverse such decisions;
- 19.2.1.6 to institute or defend legal proceedings by or against the union or against individual members in matters pertaining to their employment with that specific institution and to provide legal assistance wherever deemed necessary;
- 19.2.1.7 to do such other things as, in the opinion of the institutional council, are in the interests of the members employed by that specific institution.

19.2.2 **Eligibility**

No person shall be eligible for election to an institutional council unless he has served at least two (2) years on a branch executive committee or has been a member of the union for not less than five (5) years or has appropriate labour relations experience.

No person shall be eligible for election to an institutional council whose subscription to the union is three (3) months or more in arrears.

No delegate shall be eligible to attend an institutional council meeting under any one of the following circumstances:

- 19.2.2.1 On suspension or expulsion from membership of the union, or upon ceasing to be employed by a financial institution as defined in clause 2.3 or ceasing to be employed in the specific institution;
- 19.2.2.2 On tendering his resignation in writing to the general secretary;
- 19.2.2.3 On allowing his subscription to the union to fall three (3) months in arrears.

19.2.3 **Elections**

At the first meeting after the annual general meetings of the branch executive committees, in the triennial cycle, the branch executive committee may elect from amongst their ranks, one (1) institutional councillor for the first one thousand five hundred members (1500) attached to the branch and one (1) additional institutional councillor for any members in excess of one thousand five hundred (1 500) members attached to the branch for each institution falling within that committee's jurisdiction which has an established institutional council.

The election of a member to each institutional council by a branch executive committee shall be by ballot of branch executive committee members of the institution concerned.

The result of the election conducted at each union branch shall be advised to the general secretary and published in the first issue of the official publication of the union following the election.

Notwithstanding the above, there shall be no fewer than nine (9) institutional councillors. Should there, for whatever reason, not be the required minimum number of institutional councillors, the general secretary may, after referral to the relevant portfolio holder, appoint, from amongst the branch representatives or union members employed within such institution, the required number of institutional councillors.

Should the elected institutional council/national council delegate/s be unable to, for whatever reason, attend any specific institutional council/national council meeting; such delegate/s may be substituted by the branch executive committee nominating another delegate to attend the relevant institutional meeting in the place of the elected delegate.

19.2.4 **Attendance at Meetings in Advisory Capacity**

The general secretary shall have the power, whenever it is deemed desirable or necessary, to invite any person/s to attend any meeting. Such person/s may attend only in an advisory capacity and shall not have the power to vote at any meeting.

19.2.5 **Meetings**

Institutional councils shall meet at least once per annum, on a date to be fixed by the general secretary. At least thirty (30) days' notice of such meetings shall be given to each councillor and to every such notice and agenda shall be attached.

Special meetings may be called by the general secretary after referral to the relevant portfolio holder, when, and at such notice as is deemed necessary provided that such notice shall generally not be less than fourteen (14) days.

19.2.6 **Chairman**

The chairman at meetings of any institutional council shall be the councillor elected by the relevant institutional council and shall have a casting vote only.

19.2.7 **Quorum**

Fifty percent plus one (50% + 1) of the councillors shall form a quorum at an institutional council meeting. In the event of a quorum not being present thirty minutes (30) after the time at which the meeting was due to commence, the meeting shall stand adjourned for not more than fourteen (14) days, to a date to be decided upon by the members present, when the members then in attendance shall form a quorum and shall have the power to act as if the whole council were present.

At least seven (7) days' notice of such adjourned meeting shall be given in writing by the general secretary to all members of the institutional council.

19.2.8 Voting at Meetings of the institutional councils

All motions must be proposed and seconded and, unless otherwise provided herein, shall be decided by a show of hands, but any institutional council member shall have the right to propose that a secret ballot be taken on any issue. If such a proposition is carried, voting on the issue in question shall then be by secret ballot. The chairman shall be entitled, in the event of equality of voting, to a casting vote only.

19.2.9 Vote of Members

Institutional councils shall not take any action of vital importance without first ascertaining the will of the members by means of a ballot vote (See clauses 22 and 23).

19.2.10 Out-of-Pocket Expenses

Each member of an institutional council will be allowed a sum, to be determined by the management committee from time to time, for each day on which he attends meetings of the council or any sub-committee to which he should be elected.

19.2.11 Sub-Committees

Institutional councils shall have the power to delegate any matters to sub-committees, who shall have the power to act in terms of reference.

19.2.12 Information to branches

Information dealing with matters arising out of institutional council meetings may be disseminated to all active union branches by means of circulars or articles appearing in the union's official publication.

19.3 INSTITUTIONAL COUNCILS FOR INSTITUTIONS WITH UP TO 500 (FIVE HUNDRED) MEMBERS

Union policy and procedure concerning the negotiations and all dealings with specific institutions may be governed by an institutional council for every institution in which there are up to five hundred (500) members

19.3.1 Powers

The institutional councils shall, subject to the provisions of this constitution, have power:

19.3.1.1 to elect a chairman for the institutional council

- 19.3.1.2 to appoint any sub-committee it may deem fit for the purpose of investigating and reporting on any matter pertinent to the institution concerned;
- 19.3.1.3 to co-opt any person or persons to serve on the institutional council in a temporary capacity to assist by advice, such person or persons having no right to vote at any meeting of the institutional council;
- 19.3.1.4 to review decisions of branch executive committees or branch general meetings pertaining to that specific institution, and to confirm, alter or reverse such decisions;
- 19.3.1.5 to institute or defend legal proceedings by or against the union or against individual members in matters pertaining to their employment with that specific institution and to provide legal assistance wherever deemed necessary;
- 19.3.1.6 to do such other things as, in the opinion of the institutional council, are in the interests of the members employed by that specific institution.

19.3.2 **Eligibility**

No person shall be eligible for election to an institutional council unless he has served at least two (2) years on a branch executive committee or has been a member of the union for not less than five (5) years or has appropriate labour relations experience.

No person shall be eligible for election to an institutional council whose subscription to the union is three (3) months or more in arrears.

No delegate shall be eligible to attend an institutional council meeting under any one of the following circumstances:

- 19.3.2.1 On suspension or expulsion from membership of the union, or upon ceasing to be employed by a financial institution as defined in clause 2.3 or ceasing to be employed in the specific institution;
- 19.3.2.2 On tendering his resignation in writing to the general secretary;
- 19.3.2.3 On allowing his subscription to the union to fall three (3) months in arrears.

19.3.3 **Nominations**

Nominations for the elected members of the institutional councils shall be received by the general secretary at least sixty (60) days prior to the ballot. Members, whose subscriptions are not more than three (3) months in arrears, shall be entitled to nominate as many members as they deem fit.

19.3.4 **Elections**

Within the first three (3) months of the start of a triennial cycle, the members of a specific institution may elect from amongst their ranks, one (1) institutional council member for every seventy-five (75), or part thereof, members employed by such institution.

The election of a member to an institutional council shall be by ballot of all the members of the institution concerned.

The result of the election conducted shall be published in the first issue of the official publication of the union following the election.

Notwithstanding the above, there shall be no fewer than five (5) institutional councillors. Should there, for whatever reason, not be the required minimum number of institutional councillors, the general secretary may, after referral to the portfolio holder, appoint, from amongst the branch representatives or union members employed within such institution, the required number of institutional councillors.

19.3.5 **Attendance at Meetings in Advisory Capacity**

The general secretary shall have the power, whenever it is deemed desirable or necessary, to invite any person/s to attend any meeting. Such person/s may attend only in an advisory capacity and shall not have the power to vote at any meeting.

19.3.6 **Meetings**

Institutional councils shall meet at least once per annum, on a date to be fixed by the general secretary. At least thirty (30) days' notice of such meetings shall be given to each institutional council member and to every such notice an agenda shall be attached.

Special meetings may be called by the general secretary, after referral to the relevant portfolio holder, when, and at such notice as is deemed necessary provided that such notice shall generally not be less than fourteen (14) days.

19.3.7 **Chairman**

The chairman at meetings of any institutional council shall be the councillor elected by the relevant institutional council and shall have a casting vote only.

19.3.8 **Quorum**

Fifty percent plus one (50% + 1) of the institutional council members shall form a quorum at an institutional council meeting. In the event of a quorum not being present thirty (30) minutes after the time at which the meeting was due to commence, the meeting shall stand adjourned for not more than fourteen (14) days, to a date to be decided upon by the members present, when the members then in attendance shall form a quorum and shall have the power to act as if the whole institutional council were present.

19.3.9 Voting at Meetings of the Institutional Councils

All motions must be proposed and seconded and, unless otherwise provided herein, shall be decided by a show of hands, but any institutional council member shall have the right to propose that a secret ballot be taken on any issue. If such a proposition is carried, voting on the issue in question shall then be by secret ballot.

19.3.10 Vote of Members

Institutional councils shall not take any action of vital importance without first ascertaining the will of the members by means of a ballot vote (See clauses 22 and 23).

19.3.11 Out-of-Pocket Expenses

Each member of an institutional council will be allowed a sum, to be determined by the management committee from time to time, for each day on which he attends meetings of the institutional council or any sub-committee to which he should be elected.

19.3.12 Information to branches

Information dealing with matters arising out of institutional council meetings may be disseminated to all active union branches by means of circulars or articles appearing in the union's official publication.

CHAPTER VI – PROCEDURAL MATTERS**20. APPEALS**

- 20.1 Any member shall have the right to appeal to the national executive congress against the decision of a branch committee or sub-committee. Such appeal shall be dealt with by the national executive congress and its decision shall be final and binding.
- 20.2 Should ten percent (10%) of the members in good standing petition national executive congress or an institutional national council for the submission to ballot on any proposition or amendment, such shall be submitted to ballot in the manner prescribed by the constitution, provided that where a matter has been balloted on and defeated, then the same matter may not be raised again in the same manner for a period of two (2) years.
- 20.3 Right of appeal
 - 20.3.1 Members shall have the right to appeal against any loss of benefits or membership.
 - 20.3.2 Office bearers, officials and trade union representatives shall have the right to appeal against their removal from office.
 - 20.3.3 These appeals shall be dealt with in the same manner as appeals under clause 24.2 of this Constitution.

21. VOTING

Any member whose subscriptions are three (3) months or more in arrears shall not be entitled to vote on any matter

22. VOTING ON MATTERS OF VITAL IMPORTANCE

- 22.1 Decisions on whether a matter is of vital importance shall be decided as follows:
- 22.1.1 In the case of a matter affecting the entire union, by the national executive congress.
 - 22.1.2 In the case of a matter affecting a specific institutional member group, by the members of the institutional national council representing that group.
 - 22.1.3 In the case of a matter affecting any other specific member group not represented by an institutional national council, by the branch committee members or, with the approval of the branch committee, the trade union representatives representing that group.
 - 22.1.4 Due notice of any such matter must be given on the agenda of the meeting at which the decision shall be taken.
- 22.2 In matters of vital importance a valid decision shall be regarded as having been obtained provided a majority of the total membership in good standing of the union or a specific employee group, as the case may be, shall have voted in favour of or against the proposal or subject matter of the ballot.

23. BALLOTS

In addition to those cases in respect of which the taking of a ballot of members of the whole trade union or of a specific member group or a branch is compulsory in terms of this constitution, a ballot on any question shall be taken if the national executive congress or institutional national council so decide, and shall be taken in the following manner:

- 23.1 Notice of the ballot, together with full particulars of same, shall be sent to each member at his last registered address, together with a ballot paper, at least seven (7) days before the ballot is to be taken;
- 23.2 Scrutineers shall be appointed by the appropriate structure under advice by the general secretary to ascertain the result of each ballot;
- 23.3 Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in recording his vote;
- 23.4 Ballot papers shall be returned to the headquarters of the union for the purpose of being counted;
- 23.5 The result of the ballot shall be made known to the appropriate structure as soon as possible after it has been ascertained. The general secretary shall inform all members of the result of the ballot as early as possible;

- 23.6 Before calling a strike the union must conduct a ballot. A valid decision shall be regarded as being obtained provided a majority of the total membership in good standing of the employee groups involved has cast a vote and the majority of votes cast is in favour of or against taking strike action.
- 23.7 Members of the trade union may not be disciplined or have their membership terminated for failure or refusal to participate in a strike if:
- 23.7.1 no ballot was held about the strike; or
- 23.7.2 a ballot was held but a majority of the members who voted did not vote in favour of the strike.
- 23.8 All ballot papers shall be retained for a period of three (3) years after the date of the ballot.

24. INFRINGEMENTS

- 24.1 A member shall cease to be entitled to any of the benefits of membership, including the right to vote, and shall be deemed to be out of good financial standing:
- 24.1.1 if the subscriptions or other amounts due by him to the Union are more than three (3) months in arrears and no arrangements satisfactory to the national executive congress have been made for liquidation of the arrears or amounts due;
- 24.1.2 during any period while he is under suspension in terms of this constitution.
- 24.2 A committee appointed by the national executive congress shall deal with breaches of the constitution or any other infringement by members. Such committee shall consist of three (3) members and shall have complete disciplinary power.

Members shall have the right to appeal against any finding of the committee. The appeal shall be heard by a committee composed of equal numbers of members of the national executive congress and other members of the union (not being members of the national executive congress) nominated by two (2) of the general secretary, the president and deputy president for that purpose.

25. INTERPRETATION OF RULES

In case a dispute should arise as to the correct interpretation of the rules or as to union matters not covered by these rules, the national executive congress shall determine the dispute.

26. SASBO COLOURS

The Sasbo colours shall be peacock blue and old gold.

27. OFFICIAL PUBLICATION

The official publication of the union shall be published and supplied to all members in good standing.

The publication of the official publication shall be the responsibility of the editor appointed by the management committee.

28. AMENDMENT OF CONSTITUTION

Save for the purpose of complying with any legislation, any of the provisions of this constitution may be replaced, amended or added to in any manner by resolution of the national executive congress. Twenty-one (21) days' notice of any proposed alteration shall be given to members, such notice to have been given in prominent space in the official publication.

No such alterations shall be made as long as ten percent (10%) or more of the members in good financial standing object thereto in writing during the prescribed period, in which event the national executive congress shall instruct each branch to call a special general meeting to consider the matter, and the results of such meetings must be conveyed to the national executive congress within seven (7) days.

The national executive congress shall then decide on any further action in terms of clause 12.1.4 of this constitution.

No amendments, deletions or additions shall have any force or effect until certified in terms of the Labour Relations Act, No. 66 of 1995.

29. WINDING UP OF THE UNION

29.1 The union shall be wound up if at a ballot conducted in the manner prescribed in the constitution not less than three-fourths of the total number of members of the union vote in favour of a resolution that the organisation be wound up.

29.2 If a resolution for the winding-up of the union has been passed or if for any reason the union is unable to continue to function the following provisions shall apply:

29.2.1 The last-appointed president of the union, or if he is not available, the available members of the last-appointed national executive congress of the union, shall forthwith transmit to the Labour Court a statement signed by him or them setting forth the resolution adopted or the reasons for the union's inability to continue to function, as the case may be, and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act, No. 66 of 1995.

29.2.2 The liquidator appointed by the Labour Court shall call upon the last-appointed office bearers of the union to deliver to him the union's books of account showing the assets and liabilities together with the register of members showing, the members who were members for at least the past 12 months from the date on which the resolution for winding-up was passed or the date as from which the union was unable to continue to function, as the case may be (hereinafter referred to as the date of dissolution), and his/her latest address.

The liquidator shall also call upon the said office bearers to hand over to him all unexpended funds of the union and to deliver to him the union's assets and the documents necessary to liquidate the assets.

- 29.2.3 The liquidator shall take the necessary steps to liquidate the debts of the trade union from its unexpended funds and any other monies realised from any assets of the trade union, and if the said funds and monies are insufficient to pay all creditors after the liquidator's fees and the expenses of winding-up have been met, the order in which creditors shall be paid shall be the same as that prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate, and the liquidator's fees and the expenses of winding-up shall rank in order as that of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate.
- 29.2.4 After the payment of all debts in accordance with paragraph 29.2.3, the remaining funds, if any, shall be distributed equally among the members of the trade union who were members on the date of dissolution and had been members for 12 (twelve) months or longer at the date of dissolution.
- 29.2.5 The liability of members shall for the purpose of this clause be limited to the amount of membership fees due by them to the trade union in terms of this constitution as at the date of dissolution.

30. AMALGAMATION

Should any other trade union, registered as such in terms of the Labour Relations Act, No 66 of 1995, and which operates in the financial institution undertakings described at clause 2.3 of this constitution, resolve to seek amalgamation with the union with a view to its members joining, and its unexpended funds being transferred to this union, then, notwithstanding anything to the contrary contained in this clause, the members of the other union who are in good standing of that union on the date of the resolution, shall be entitled to automatic admission to full membership of this union on conditions not less favourable than the conditions applying to existing members of this union provided that the provisions of this sub-clause shall cease to apply in respect of any such member of the other union who, within three (3) months of the aforementioned date notifies this union in writing, that he does not wish to join it or who terminates his membership of the union at any time.



GENERAL SECRETARY



PRESIDENT