

CONSTITUTION OF



YOUNG NURSES INDABA
—— **TRADE UNION** ——
UNITE.RESTORE.EMPOWER

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PREAMBLE

YOUNG NURSES INDABA TRADE UNION (YNITU) is an independent, progressive, democratic and politically non-aligned nursing union organizing nurses employed in the public sector, private sector, contracted workers, nursing education institutions and other categories supporting nursing care.

We recognize the importance of uniting nurses in an environment which is not subjected to political manipulation and/or interference.

We as nursing practitioners of all races, gender and different nursing categories in South Africa are in pursuit of economic liberation, improved working conditions, restoration of the image of our noble profession.

We recognize the need to accelerate transformation, economic liberation of the marginalized nursing profession, redress of imbalances created by preferential treatment, discrimination, victimization, oppression and favouritism in the workplace that will curb exodus of nursing practitioners.

We recognize the need to afford citizens the access to descent and quality health care as entrenched in the supreme law of the Republic the Constitution act 108 of 1996.

We therefore believe that the employer/s must enable the environment for the provision of sufficient and effective health care in an equitable manner to the citizens of the country and beyond.

The need to improve the working conditions, job security, support for nursing practitioners to be priority whilst balancing both professionalism and trade unionism remains key without sacrificing our robust challenge to the current unjust health models which seeks to degrade and downgrade nursing as a profession.

Therefore, the formation of **YOUNG NURSES INDABA TRADE UNION** which represents the struggle of thousands of nurses duly constituted to fulfill the vision and mission of Uniting, Empowering Nurses and Restoring the image of our profession, hereby adopts this Constitution willingly for the radical advancement of our profession without fear, favor or prejudice.

ABBREVIATIONS

YNITU – YOUNG NURSES INDABA TRADE UNION

NC – NATIONAL CONGRESS

NEC – NATIONAL EXECUTIVE COMMITTEE

NOB – NATIONAL OFFICE BEARERS

NWC – NATIONAL WORKING COMMITTEE

CEC – CENTRAL EXECUTIVE COMMITTEE

PC – PROVINCIAL CONGRESS

PGM – PROVINCIAL GENERAL MEETING

PEC – PROVINCIAL EXECUTIVE COMMITTEE

POB – PROVINCIAL OFFICE BEARERS

PWC – PROVINCIAL WORKING COMMITTEE

RSSC – REGIONAL SHOP STEWARD COUNCIL

RGM – REGIONAL GENERAL MEETING

REC – REGIONAL EXECUTIVE COMMITTEE

ROB – REGIONAL OFFICE BEARERS

RWC – REGIONAL WORKING COMMITTEE

DEFINITION OF TERMS

Unless the context indicates otherwise, the following words and phrases shall mean:

- “Member” shall mean a fully paid-up member of the Union;
- “Paid-up member” shall mean a full member whose subscriptions and levies are not in arrears;
- “Site” shall mean any office of Young Nurses Indaba Trade Union, institution, further education and that of higher education, agencies of the state where union members are employed.;
- “Union” means Young Nurses Indaba Trade Union;
- “Office Bearer” means any member elected to office in any structure of the union in terms of this constitution;
- “Official” means any employee of the Union who is appointed to service, recruit and organize members and to represent the Union in dealings with authorities and the community;
- “Masculine gender” shall also mean feminine gender and vice versa;
- “Public sector” shall mean any government health establishment that is offering health care services to the public;
- “Private sector” shall mean any independent health establishment not under government but is offering health care services to the public;
- “Movement” shall mean Young Nurses Indaba;
- “Nurse” shall mean any member who provides nursing services to anyone who is in need of those services.

1. NAME AND LEGAL STATUS OF THE UNION

- 1.1 The union is a voluntary movement which shall be known as the **YOUNG NURSES INDABA TRADE UNION**, abbreviated as **YNITU** and which shall be constituted as laid hereafter;
- 1.2 The union is a non-profit making organization;
- 1.3 It shall be a body corporate with perpetual succession capable of entering into contractual and other relations;
- 1.4 It shall be able to sue or be sued in its own name;
- 1.5 It shall be able to acquire and own property.

2. AIMS AND OBJECTIVE OF THE UNION

2.1 Aims

- 2.1.1 To organise and unify nurses in all their respective fields of practice in the restoration of the image of the nursing profession;
- 2.1.2 To ensure that all nursing categories are reimbursed a decent living wage in their different sectors of employment;
- 2.1.3 To actively participate in policy formulation which seeks to update and advance nursing profession;
- 2.1.4 To train and empower all nursing practitioners to ensure effective and efficient provision of health care nursing services in the country;

2.2 Objectives

Objectives of the movement shall be, but not limited to:

- 2.2.1 Pioneer liberation of the nursing profession from all the injustices in the workplace;
- 2.2.2 Encourage and ensure compliance of active participation by all nursing professionals in decision making and policy development on matters that may affect them direct or indirect while carrying out their duties;
- 2.2.3 Be member driven and carry out any legitimate and lawful mandate resolved under democratic processes in terms of this constitution;
- 2.2.4 Continue nursing education for nursing practitioners through capacity building programs;

- 2.2.5 Promote nursing career to be desirable once again among young aspiring nurses;
- 2.2.6 Restore trust and confidence to the communities we serve;
- 2.2.7 Recruit all nurses employed in the public sector, private sector, contracted workers, nursing education institutions and categories supporting nursing care;
- 2.2.8 Defend the members' rights and ensure that they are upheld and respected by all relevant stakeholders;
- 2.2.9 Promote and ensure fair labour practice in the work place;
- 2.2.10 Engage in collective bargaining with the employer on behalf of the workers and ensure that decisions adopted are of mutual and in the best interest of members;
- 2.2.11 Ensure and encourage members comply with any other legal document or instruction that is reasonable and lawful;
- 2.2.12 Represent and defend members on labour related matters affecting them in their areas employment and;
- 2.2.13 Consider to undertake all other matters which may affect and/or are in the interest of the members.

3. DISCIPLINE

All members, including office bearers, shall be subjected to the unions' code of conduct and procedure manuals which shall be from time to time determined by the National Executive Committee (NEC) in between the National Congresses (NC) and also to any disciplinary processes and/or sanctions defined in such a code.

4. DECISION MAKING

- 4.1 decisions shall always be undertaken democratically at an appropriate level of the union structure or office with the necessary jurisdiction to do so;
- 4.2 decisions by a higher structure of the union or office have a binding effect on the lower structures providing that:
 - 4.2.1 they are not contrary to this constitution;
 - 4.2.2 lawful and reasonable and;
 - 4.2.3 are consistent with any other legitimate policy of the union;

4.3 decision making process in the union is informed by a mandating practice in clause seventeen (17) of this constitution, the outcome of which shall be representative of the union's collective voice and a will of the majority.

5. REPRESENTATION

- 5.1 the union shall be governed by both direct and indirect representative forms of democracy;
- 5.2 members of the organization shall participate directly in the affairs of the organization in the election of those who shall be responsible for administration of the organization at region, provincial and national level;
- 5.3 proportional representation shall be guiding principle in determining the number of elected representative to all governance structures.

6. UNION MEMBERSHIP

6.1 Full membership

The union shall be open to the following categories, but not limited to:

- 6.1.2 Pupil enrolled nurse;
- 6.1.3 Student nurse;
- 6.1.4 Enrolled nursing assistant;
- 6.1.5 Enrolled nurse;
- 6.1.6 Community service nurses;
- 6.1.7 Professional nurse;
- 6.1.8 Nurse specialist;
- 6.1.9 Midwife | Accoucheur;
- 6.1.10 Nursing Researcher;
- 6.1.11 Nursing Educator;
- 6.1.12 Nursing Manager;
- 6.1.13 Nursing Director;
- 6.1.14 Healthcare Workers, and
- 6.1.15 Healthcare Support Staff.

6.2 Membership Shall be deemed fully active at the:

- 6.2.1 receipt of a correctly completed and signed application form of the member by the designated office; and
- 6.2.2 a member has paid a successive three months' premiums.

6.3 Associate Membership

All person who demonstrates, shares and expresses solidarity with the unions' ideology, but are no longer in practice and those who meets the requirements to provide nursing services but are not yet employed are legible for associate membership.

6.4 Honorary Membership

- 6.4.1 honorary membership may be conferred by the NEC or NC on any person in recognition of a special, exceptional contribution or service to the organization or in the field of health;
- 6.4.2 benefits of the person to whom the organization has conferred honorary membership to, will be determined by the NEC or NC of the organization.

6.5 Student Membership

Any learner studying towards a nursing qualification is eligible to the organization's membership, to which the subscription fee payable and associated rights thereof, shall be determined by the organization from time to time.

6.6 Dual Membership

- 6.6.1 any member who joins YNITU shall be given an option to either immediately revoke his or her membership subscription with the current opposition union which the member belongs to at that time or a period of three to six months to consider such cancellation;
- 6.6.2 notwithstanding the above clause 6.6.1 a member with dual membership will not be eligible to be elected for any leadership position of the union.

6.7 Application and Termination of Membership

- 6.7.1 application shall be made by a member meeting the criteria as set out in clause 6 and wishing to voluntarily associate him/herself with the union by filling the unions' standard application form correctly and in full;
- 6.7.2 membership shall cease to exist and no longer be entitled to benefits of membership whenever the executive has established that member's conduct has become detrimental to the aims, objectives and functions of the union;
- 6.7.3 a member who wishes to terminate the acquired membership shall do so by writing to the designated office, such process shall be concluded in 90 days of receiving the letter of termination;
- 6.7.4 a members owing assets or monies to YNITU shall settle such assets or monies in full before the termination can be concluded;
- 6.7.5 a member who dishonors the three months' membership subscription without prior notice:
 - a) shall automatically terminate such membership; and
 - b) electronic correspondence shall be sent to such member to inform him/her of the termination.
- 6.7.6 if a member referred to in clause 6.7.5 wishes to reinstate his/her membership with the union he/she shall:
 - a) settle the outstanding premiums in full;
 - b) provide proof of payment to the designated office; and
 - c) be immediately reinstated as a member of the union in good standing with full benefits.

6.8 Member Duties

- 6.8.1 a member shall promote and uphold vision of YNITU at all times;
- 6.8.2 a member shall attend all meetings or events organized by YNITU;
- 6.8.3 a member shall continue to subscription fee in full, monthly as determined in terms of this constitution.

7. REGISTRATION

- 7.1 a membership register shall be updated quarterly and kept at all unions offices by the national general secretary, provincial secretary and regional secretary;
- 7.2 the membership audit shall be done annually and before each Regional General Council, Provincial General Council, National General Council and all conferences and congress;

8. APPEALS PROCEDURE

The following appeal procedure shall apply:

- 8.1 a member must submit an appeal within 30 days after receipt of the decision;
- 8.2 a member shall appeal to the next higher constitutionally established structure of the union on any decision taken against them;
- 8.3 in the event they are not satisfied with the decision of that particular structure, they shall have the right to appeal to the next level structure on specified time frames as determined;
- 8.4 members shall further have the right to appeal to the highest body National Congress whose decision shall be final;
- 8.5 once all the internal processes are exhausted a member retains the right to utilize any external settlement mechanism that is recognized by the South African Constitution and Labour Relations Act;
- 8.6 the membership and benefits of the appellant shall remain in force until the matter is finalized.

9. TRANSITION

- 9.1 for purposes of establishing the union and making it fully functional the members establishing the union have the right to nominate by way of consensus members amongst themselves to positions existing in the constitution;
- 9.2 nominated members will have all powers to execute duties in the constitution and enforce observance of the constitution and perform all other functions of structures in the constitution and the union to ensure the furtherance of its objectives;
- 9.3 member nominated to these positions will serve on a fulltime basis in office in line with the provisions of this constitution;
- 9.4 this provision will be operational for one term or less than one term and shall cease to exist once a congress is held and/or elections are held.

10. SUBSCRIPTIONS, LEVIES AND BENEFIT FUNDS

10.1 Subscriptions

- 10.1.1 the Central Executive Committee (CEC) shall have the power to determine the rate of subscription payable by members of the union provided that such subscription shall not exceed 3% of members' basic monthly wage or salary which is R70 on a monthly basis at present and any future effected changes will be communicated with members three months in advance;
- 10.1.2 any proposal to amend the rate of subscription shall be tabled at the CEC and shall not be approved before the next normal CEC meeting;
- 10.1.3 subscriptions shall become payable from when a member has given the union permission to open a stop order with his/her bank or;
- 10.1.4 direct from the employer through the persal system shall be transferred monthly by the employer to the head office or National Operating Account;
- 10.1.5 members are exempted from paying subscription if they are on unpaid leave provided they have informed the union in advance and in writing;

10.2 Levies

- 10.2.1 the CEC may from time to time approve that all members, or members in a specified region or province should pay an additional levy for a specified purpose;
- 10.2.2 a proposal for a levy shall first be tabled at a normal CEC meeting and may only be decided upon by the NEC provided that a period of at least one month has elapsed for consultation by regions and provinces on the proposal;

10.3 Benefit Funds

- 10.3.1 the CEC shall have the power to establish benefits schemes on behalf of all its members, provided that no new fund shall be established unless a proposal has been tabled at the CEC and a period of six months has elapsed, during which members are consulted on the establishment of such fund;
- 10.3.2 members shall pay separate contributions to such funds in terms of the rules adopted for such fund;
- 10.3.3 benefit Funds are separate financial units governed by their own rules and do not form part of the unions funds.

11. UNION FINANCIAL ADMINISTRATION

11.1 Funds and Assets

- 11.1.1 the funds of the union shall be generated by means of subscriptions, levies, donations, interest or any other legitimate source;
- 11.1.2 all funds payable to the organization must be remitted to the treasury and shall be deposited to its bank account within three days of receipt thereof;
- 11.1.3 all assets of the organization shall be recorded on the organizational national asset register and remain in the custody of the organization under the incumbent of the general secretary;
- 11.1.4 General use of trade union funds may only be used for administration; the acquisition of property; implementation of policies and any other lawful purpose agreed to CEC, NEC and National Congress.
- 11.1.5 The Trade Union Financial year is 1 April to 31 March. The CEC may amend the trade union's financial year if it is in the interest of the union.

11.2 National Finances

- 11.2.1 the NEC shall open and operate all national banking accounts in the name of the organization;
- 11.2.2 the NEC shall from time to time direct that monies not required for immediate use to be invested with any approved financial institutions.

11.3 Head Office Account

- 11.3.1 there shall be a separate head office operating account.
- 11.3.2 head office like all other cost centers shall be responsible for preparing its budget based on the projected consolidated expenditure for all the departments and its activities;
- 11.3.3 head office shall receive a monthly allocation as per the approved national budget by the NEC and financial year shall commence first day of April and end last day of March the following year for every calendar circle.

11.4 National Finance Committee (FINCOM)

The National Finance Committee (FINCOM) shall be responsible for overseeing the overall management of the organization's financial affairs and to report thereon to all NC sittings and NEC as the NEC may so determine in between the National Congresses.

11.5 Composition

FINCOM shall comprise the National Treasurer, General Secretary, Provincial treasurers and head of finance.

11.6 Powers and Functions

The FINCOM shall:

- 11.6.1 perform all Powers and functions as delegated to it by the NEC including making recommendations on financial policy and management matters to be decided by the NEC and to initiate and stimulate policy debate within the organization in preparation for policy decision;
- 11.6.2 have powers to suspend or close any account of the organization and to take into its possession and investigate all books of account, and to take whatever action necessary to protect and secure the financial interests of the organization;
- 11.6.3 to receive, analyze, review and resolve on the consolidated Provincial and National finances report by the National Treasurer;
- 11.6.4 monitor the organization's overall budgets, Income and Expenditure and prepare financial reports to the NEC, and
- 11.6.5 assist with long term Financial Planning and developing ways to make the organization self-sufficient.

11.7 Frequency of Meetings

FINCOM shall meet quarterly or every three months.

11.8 Quorum

- 11.8.1 for purposes of determining a quorum, there must be at least (50 + 1) percent of the FINCOM members and (50+1) percent of provincial treasurers;
- 11.8.2 in the event of being no quorum within one hour of the scheduled time of such a meeting;
- 11.8.3 the meeting must stand adjourned the chairperson must officially open the meeting, and after consultation with the FINCOM members present shall announce the date, time and venue of the

adjourned meeting, which date shall not be later than 14 calendar days;

11.8.4 notwithstanding the provisions of clause 11.8.3 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members' present will constitute a quorum.

11.9 Provincial Finances

11.9.1 provinces shall operate a provincial cost centers from the YNITU account;

11.9.2 provinces shall be responsible for putting together a proposed budget for provincial operational costs, and consolidation of activities at a national level for presentation at the NEC;

11.9.3 provinces are entitled to receive monthly allocations from head office upon accounting on an impressed accounting system basis;

11.9.4 the national office bearers may withhold any allocation to a province that failed to account within twenty-one days after the end of the month on which the allocation was given; or

11.9.5 when the province fails to ensure that organization subscriptions are received by head office on a monthly basis;

11.9.6 provinces are responsible for the proper keeping of their financial books and accounting to national head office, and

11.9.7 the treasurer must present an income and expenditure reconciliation accounts for the province to the pec for ratification.

11.10 Regional Finances

11.10.1 the provincial treasurer shall submit to the Provincial Executive Committee (PEC) at each ordinary meeting a detailed report on all monies allocated to the region;

11.10.2 the regional treasurer must submit all financial reports to the PEC.

12. UNION STRUCTURES

12.1 The union shall be made up of the following structures:

12.1.1 Regional Structures;

12.1.2 Provincial Structures; and

12.1.3 National Structure.

13. Regional Structures of the Union

13.1 Regional Level Demarcation

The PEC shall demarcate the regions.

13.2 Regional Office Bearers (ROB) Composition

13.2.1 The ROB shall consist of Chairperson; Deputy Chairperson; Treasurer; Secretary and Deputy Secretary who shall be elected to serve a four-year term in office, provided they each serve not more than two terms in one portfolio;

13.2.2 If the member has served two terms in one portfolio, that member can still be eligible to be elected to another portfolio within that particular structure but not on the one that the member has served two terms on previously.

13.3 Powers and Functions

The Regional Office Bearers shall be responsible for managing the affairs (work) of the region, including but not limited to:

13.3.1 convening ROB, REC, Regional Shop Stewards Council (RSSC) meetings, and Regional General meeting (RGM);

13.3.2 coordinate, monitor and implement the decisions and programmes of the REC, RSSC and the organization;

13.3.3 attend all ROB, REC and RSSC meetings in fulfilment of their constitutional obligations;

13.3.4 undertake any such work or assignment that may be necessary to promote and advance the interests of members and the union, and

13.3.5 assist and oversee shop stewards' committees in caring out their obligations.

13.4 Frequency of Meetings

The ROB's shall meet quarterly in a year and at least a month prior to meetings of the REC structures.

13.5 Quorum

13.5.1 for purposes of determining a quorum, there must be at least (50 + 1) percent of the Regional office bearers;

- 13.5.2 in the event of being no quorum within one hour of the scheduled time of such a meeting;
- 13.5.3 the meeting must stand adjourned the chairperson must officially open the meeting, and after consultation with the Regional office bearers present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days;
- 13.5.4 notwithstanding the provisions of clause 13.5.3 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members' present will constitute a quorum.

13.6 The Regional Executive Committee (REC)

The REC shall be responsible for the entire management and coordination of the affairs of the Region.

13.7 Composition

The REC shall comprise the ROBs, chairpersons, deputy chairpersons, secretaries, deputy secretaries and treasures from branches.

13.8 Powers and functions

The REC shall have the powers to manage and oversee the affairs of the Region, which shall include but not limited to the following:

- 13.8.1 to develop, implement and organize recruitment programmes;
- 13.8.2 to promote the interests of the Region;
- 13.8.3 to compile a budget and activities for the region;
- 13.8.4 to account for all finances allocated to the region for purposes of executing organizational work, and
- 13.8.5 to oversee the performance of branches within its jurisdiction including doing all other things that advances the interests of the organization and are consistent with this constitution.

13.9 Chairperson

- 13.9.1 the chairperson shall preside over meetings of the RSSC, ROBs, REC and RGM at which she or he is present;
- 13.9.2 enforce observance of the Constitution;
- 13.9.3 counter sign minutes of all meetings after confirmation thereof with the secretary;
- 13.9.4 represent the Region to the Provincial Congress, and
- 13.9.5 perform such other duties as may be obligatory in terms of the decisions of the Organization.

13.10 Deputy Chairperson

The Deputy Chairperson shall perform those functions which the Chairperson would have ordinarily executed but is unable to do so either temporarily or permanently including performing any other such duties imposed by decisions of the Organization.

13.11 Secretary

13.11.1 the secretary shall, in consultation with the chairperson, issue notices convening meetings of the REC, RSSC;

13.11.2 conduct all organization's correspondences, keep originals and/or copies of all communication received and dispatched respectively;

13.11.3 he or she shall record the minutes and perform such duties imposed by the decision of the organization;

13.11.4 he or she shall circulate the minutes of the meeting within seven (7) days after the meeting;

13.11.5 he or she shall further attend all meetings of the provincial structure;

13.11.6 the secretary shall take all necessary steps to ensure that a register of members is audited, updated and maintained;

13.11.7 the secretary shall circulate notices of the meeting and the agenda thereof to all members of the REC fourteen (14) days prior to the normal sitting, and

13.11.8 seven (7) days prior the sitting of a special meeting.

13.12 Deputy Secretary

The Deputy Secretary shall perform those functions which the secretary would have ordinarily executed but is unable to do so either temporarily or permanently including performing any other such duties imposed by decisions of the organization.

13.13 Treasurer

The Treasurer shall be responsible for all finances allocated to the region and perform such other duties imposed by decisions of the Organization.

13.14 Frequency of Meetings

The REC meetings shall take place at least three months or quarterly in a year.

13.15 Quorum

- 13.15.1 for purposes of determining a quorum, there must be at least (50 + 1) percent of the Regional office bearers and members of the REC present and the majority of the locals in the Region;
- 13.15.2 in the event of being no quorum within one hour of the scheduled time of such a meeting;
- 13.15.3 the meeting must stand adjourned the chairperson must officially open the meeting, and after consultation with the REC members present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days;
- 13.15.4 notwithstanding the provisions of clause 13.15.3 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members' present will constitute a quorum.

13.16 Regional Shop Stewards Council (RSSC) Composition

All shop stewards within the jurisdiction of the region.

13.17 Powers and Functions

- 13.17.1 the RSSC shall receive, evaluate and solve complaints from members within the region;
- 13.17.2 to discuss and advice on matters affecting the functioning of the region;
- 13.17.3 implement policies and decisions of the organization;
- 13.17.4 to elect members of ROB and REC as well as supervising their work;
- 13.17.5 to give mandate to delegates and/or representatives representing the Region/Organization in the higher structures of the organization, federation or institutions;
- 13.17.6 recall members of ROB and/or REC based only on the following grounds;
 - a) serious violation of the constitution or any policy of the union,
 - b) gross misconduct,
 - c) inability to perform the functions of the office.

13.18 Frequency of Meetings

The RSSC meetings shall take place at least twice a year.

13.19 Quorum

- 13.19.1 for purposes of determining a quorum, there must be at least (50 + 1) % percent of all shop stewards in the region present and the majority of the locals in the region;
- 13.19.2 in the event of being no quorum within one hour of the scheduled time of such a meeting, the meeting must stand adjourned;

13.19.3 the Chairperson must officially open the meeting, and after consultation with the RSSC members present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days;

13.19.4 notwithstanding the provisions of clause 13.19.3 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members' present will constitute a quorum.

14. PROVINCIAL STRUCTURES OF THE UNION

The Provincial Executive Committee (PEC)

14.1 Meeting

The PEC shall meet quarterly in a year;

14.1.1 the PEC meeting shall be called by the provincial chairperson in consultation with the provincial secretary;

14.1.2 a written notice convening the PEC shall be issued at least 14 days before the meeting sits;

14.1.3 the notice shall be issued to all PEC members;

14.1.4 the notice shall state the place, date, time and agenda of the meeting.

14.2 The PEC shall be comprised as follows

14.2.1 the Provincial office bearers (POBs')

14.2.2 the Regional office bearers (ROBs')

14.3 Functions and Powers of the PEC

The powers of the PEC shall be but not limited to:

14.3.1 manage all the affairs of the province;

14.3.2 co-ordinate, supervise, and ensure that all Regions are functional;

14.3.3 receive, interrogate and adopt reports from the Provincial Working Committees;

14.3.4 ensure implementation of all discussions of the various structures of the union in the province;

14.3.5 intervene on all matters raised and referred to it by members and structures of the union;

14.3.6 shall ensure observance of protocols, policies and the constitution of the union;

14.3.7 convene the Provincial General Council;

- 14.3.8 review, amend or reverse all decisions of the PWC, Region in line with the constitution or any other legitimate processes;
- 14.3.9 appoint and dissolve all subcommittees of the PEC;
- 14.3.10 review, amend and reverse all recommendations of the subcommittees in line with the constitution or any other legitimate processes;
- 14.3.11 submit reports to lower and upper structures of the union;
- 14.3.12 ensure that there are no unnecessary conflicts between a member and a member, structures and members;
- 14.3.13 intervene promptly on union issues in the furtherance and attainment of the objectives of the union;
- 14.3.14 assist and oversee provincial committees in caring out their duties and obligations.

14.4 Quorum

- 14.4.1 for purposes of determining a quorum, there must be at least (50 + 1) % percent of all POBs present and the majority of the ROBs;
- 14.4.2 in the event of being no quorum within one hour of the scheduled time of such a meeting, the meeting must stand adjourned;
- 14.4.3 the chairperson must officially open the meeting, and after consultation with the PEC members present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days;
- 14.4.4 notwithstanding the provisions of clause 14.4.3 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members' present will constitute a quorum.

14.5 Duties of Provincial Executive Committee

The chairperson shall:

- 14.5.1 preside and enforce order over all meetings at which the chairperson is present, which may include rulings on the procedures to be followed in accordance with normal meeting procedure;
- 14.5.2 sign all minutes after adoption by the PEC;
- 14.5.3 convene meetings after consultation with the secretary;
- 14.5.4 represent the union as and when required to do so by the union;
- 14.5.5 be a counter official signatory to endorse payments and financial statements after the approval by the PEC.

14.6 The Deputy Chairperson shall:

- 14.6.1 perform the chairperson's duties if he/she is temporarily or permanently unable to do so;
- 14.6.2 perform any other constitutional duty as imposed by the chairperson, the PEC and/or union for the furtherance of the union.
- 14.6.3 whenever the chairperson or the deputy chairperson are absent or unable to act at the meeting, the representatives present shall elect from their number someone to act as chairperson in that meeting.

14.7 The Secretary shall:

- 14.7.1 convene meetings after consultation with the chairperson;
- 14.7.2 issue out and sign notices of all meetings of the union;
- 14.7.3 be in charge of all incoming and outgoing correspondences of the union;
- 14.7.4 keep originals and copies of all correspondences received or dispatched;
- 14.7.5 table all correspondences and copies of such at all meetings of the PEC;
- 14.7.6 keep all records and minutes of the union;
- 14.7.7 maintain and keep a membership of the union that shall be updated every three months and forward them to the lower structures;
- 14.7.8 be in charge of deployments of office bearers of the union to meetings of structures and representing the union in employer meetings and other forums;
- 14.7.9 after consultation with the PEC, allocate responsibilities and duties to office bearers members in line with the constitution;
- 14.7.10 ensure observance of the constitution and protocols of the union as chief protocol officer;
- 14.7.11 table all reports of the union to the lower structures from time to time;
- 14.7.12 after consultation with chairperson issue out notices to convene all subcommittee meetings;
- 14.7.13 be a counter official signatory to endorse payments and financial statements after the approval by the PEC;
- 14.7.14 be in charge and ensure the functionality of programmes, campaigns and capacity programmes adopted by the higher structures or the PEC;
- 14.7.15 after consultation with the treasurer ensure that financial books and records are availed and submitted for auditing purposes;
- 14.7.16 perform all other functions imposed by the union in furtherance of the union;
- 14.7.17 be in charge of all media issues including issuing of provincial statements and;
- 14.7.18 supervise all staff members and officials in the provincial office.

14.8 The Deputy Secretary shall:

- 14.8.1 perform the secretary's duties if he/she is temporarily or permanently unable to do so;
- 14.8.2 perform any other constitutional duty as imposed by the secretary, the PEC and/or union for the furtherance of the union.
- 14.8.3 whenever the secretary or the deputy secretary are absent or unable to act at the meeting, the representatives present shall elect from their number someone to act as secretary in that meeting.

14.9 The Treasurer shall:

- 14.9.1 be in charge of all the finances and assets of the province;
- 14.9.2 a counter official signatory to endorse payments and financial statements after the approval by the PEC;
- 14.9.3 present all financial reports to PWC meetings on a monthly basis;
- 14.9.4 present all financial reports to PEC on a quarterly basis;
- 14.9.5 prepare financial reports and present to all meetings as dictated by the constitution;
- 14.9.6 submit statements of financial position of the province whenever required to do so by the PEC in terms of the constitution;
- 14.9.7 in consultation with the secretary ensure that financial books are ready for annual audits;
- 14.9.8 present an annual budget to PWC and PEC's for the upcoming financial year, and
- 14.9.9 ensure that regions and the province comply with the financial policies of the union.

15. NATIONAL STRUCTURES OF THE UNION

National structures are the coordination centre of the organizational activities, policy formulation and decision making.

15.1 National Office Bearers (NOB'S) composition

The National Office Bearers shall consist of the President, two Deputy Presidents, General Secretary, Deputy Secretaries and Treasurer.

15.2 The President Shall:

- a. preside to all of the meetings held at National level;
- b. not have a voting right on any matter but, should there be a deadlock on deciding on any issue after voting, the president shall cast the deciding vote;

- c. counter sign together with the general secretary on all adopted minutes of all meetings held at national level;
- d. ensure that the observance of the constitution is complied with at all meetings and any other official activity of the union;
- e. perform any other duties imposed upon him or her by the union in line with the provisions of this constitution;
- f. be the cosignatory together with the general secretary and treasurer to the national bank accounts of the union;
- g. convene a special meeting at all national structures and/or national committees if and when necessary to do so.

15.3 The two Deputy Presidents shall:

- a. be a male and a female;
- b. perform the duties of the president wherein the president is temporarily or permanently unavailable to do so;
- c. perform any other lawful duties which may be delegated by the president and/or the union.

15.4 The Secretary General shall:

- a. issue out notices to convene meetings after consultation with the President;
- b. cosignatory of all minutes of meetings of the union at the national level;
- c. be responsible to keep all received and dispatched correspondences of the union nationally;
- d. account for all the correspondences at all sittings of the national structure;
- e. keep records and minutes of all the activities of the union nationally;
- f. maintain and keep a membership of the union that shall be audited and updated every three months;
- g. be an overseer for all deployments of office bearers of the union to the meetings of structures and representing the union in employer meetings and other forums;
- h. be a cosignatory together with the president and the national treasurer to endorse all financial transactions at national level after consultation and approval by the FINCOM;
- i. after consultation with any constitutional recognised national structure allocate responsibilities and duties to all the office bearers in line with the constitution;
- j. ensure observance and implementation of all relevant protocols in the execution duties of the union as administrative officer of the union;
- k. table reports of the union's activities to all structures of the union;
- l. after consultation with relevant committee issue out notices to convene all subcommittee meetings;

- m. be in charge and ensure the functionality of programmes, campaigns and capacity programmes of the union;
- n. consult and ensure that financial books and records are available and submitted for auditing purposes;
- o. perform all other lawful duties as imposed by the union;
- p. monitor membership capturing, update and forward to provincial, regional, branch or workplace structures of the union;
- q. be responsible for all media related issues including issuing of media statements;
- r. be in charge of all staff members and officials in the national office;
- s. be an ex-officio member of all the provincial, regional, branch and workplace structures of the union.

15.5 Deputy Secretary General

- a. The Deputy Secretary General shall perform the duties of the general secretary wherein the general secretary is temporarily or permanently unavailable to do so;
- b. perform any other lawful duties which may be delegated by the president and/or the union.

15.6 National Treasurer shall:

- a. be the overall financial accounting officer of the union;
- b. after consultation with the general secretary convene and preside on all FINCOM meetings.
- c. issue official receipts for all monies received and to bank such monies within three days of receipt;
- d. be the cosignatory together with the president and the national general secretary to endorse all financial transactions at national level after consultation and approval by the FINCOM;
- e. present all financial reports expenditure to the FINCOM meetings on a monthly basis;
- f. present all financial reports expenditure to the CEC and NEC on a quarterly basis;
- g. prepare reports to all other meetings as dictated by the constitution;
- h. ensure that financial books are ready for annual auditing;
- i. after consultation with all union structures present an annual budget to NEC and CEC's, and
- j. supervise to ensure that branches, regions and the province comply with the financial policies of the union.

15.7 National Executive Committee

NEC is responsible for the management and operations of the organization in between the meetings of Central Executive Committee.

15.8 Composition of the NEC shall consist of the:

- a. National Office Bearers;
- b. Provincial Chairpersons;
- c. Deputy Provincial Chairpersons;
- d. Provincial Secretaries; and
- e. two members from National Student Forum Executive.

15.9 Functions and Powers of the NEC are to:

- a. manage the affairs of the union between meetings of the Central Executive Committee.
- b. co-ordinate, supervise, and ensure that all Provinces, Regions, Branches/ workplaces are functional and complying to the constitution;
- c. ensure implementation of all decisions of the Central Committee and National Congress of the union;
- d. undertake to lawfully intervene on all matters raised and referred to it by structures or any member of the union;
- e. review, amend or reverse all decisions and recommendations of the Provincial, Region, Branch/ workplace structures which may have been taken and found to be inconsistent with this constitution, policies and objectives of the union;
- f. appoint and/or dissolve all subcommittees of the NEC if and when the committee deems it fit and necessary do so in order to promote the interests of the union in line with this constitution, policies and objectives of the union;
- g. receive regular financial statements from the FINCOM, and
- h. may suspend any office bearer or official of the union for a substantiated rationale until the matter is decided upon at the next sitting of the Central Committee.

15.10 Quorum

- a. for purposes of determining a quorum, there must be at least (50 + 1) % percent of all NEC members present;
- b. in the event of being no quorum within one hour of the scheduled time of such a meeting, the meeting must stand adjourned;
- c. the Chairperson must officially open the meeting, and after consultation with the NEC members present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days;
- d. notwithstanding the provisions of clause 15.10.3 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members' present will constitute a quorum.

15.11 Meetings of the NEC:

- a. shall meet at least once in every three months (quarterly);
- b. the national office bearers may convene a special NEC meeting if and when there is a reason to do so;
- c. the president must convene a special meeting upon receipt of two-thirds majority of NEC members' request for a meeting;
- d. meetings convened in terms of clause 15.11.2 and/or clause 15.11.3 shall only discuss an agenda for which it was convened for;
- e. shall be called by the national general secretary as dictated by this constitution in clause 15.4 (a) and after consultation with all the NEC members at least 30 days before the meeting is convened;
- f. the general secretary shall issue a notice to convene meeting to all NEC members;
- g. the notice shall state the date, place, time and agenda of the meeting;
- h. such notice shall be issued to all NEC members at least fourteen (14) days before the meeting sits.

15.12 Central Executive Committee

CEC shall be the highest decision making and policy formulation body of the union between the meetings of National Congresses.

15.13 Composition of Central Executive Committee shall consist of:

- a. National Executive Committee Members;

- b. Provincial Office Bearers;
- c. Regional Chairpersons and Secretaries;

15.14 Powers and Functions

Subject to the National Congress resolution(s), the CEC shall have powers to:

- a. develop, amend and/or adopt general policy measures on matters that the NC has not pronounced but are in the interest of furtherance of the aims and objectives of the union;
- b. receive reports and consider decisions referred to it by the NEC;
- c. receive reports and consider decisions referred to it by the NOB's;
- d. provide ruling which can only be reviewed by NC on the interpretation of the constitution and/or policies of the union.
- e. suspend and/or dismiss any office bearer of the union in all structures provided that there is evidence beyond any reasonable doubt that the official has acted in a manner that is grossly not consistent with the constitution or any other legitimate policy of the union;
- f. suspend and/or dissolve any structure of the union provided there is concrete evidence that such structure has acted in a manner that brings the name of the union into disrepute;
- g. form and dissolve sub-committees as it may deem fit to do so for the interests of the union;
- h. review the effectiveness and the level of implementation of the resolutions of the National Congress and of its own previous meetings;
- i. the nomination and election of acting NOB's within two months of the position becoming vacant.

15.15 Frequency of Meetings

- a. the CEC shall convene yearly or after every twelve months;
- b. the SG shall circulate notice of CEC meeting at least 60 days before such meeting to all Provinces;
- c. provinces shall submit resolutions, additional items at least 30 days before the CEC meeting sits;
- d. the president must convene a special CEC meeting if he or she deems it appropriate and/or the majority of the CEC members so request and decide by majority vote;
- e. the notice to convene a special CEC meeting shall be no less than 14 days;
- f. the scope of the special CEC shall be limited to the business of which it is called for.

15.16 Quorum

- a. for purposes of determining a quorum, there must be at least (50 + 1) % percent of the NOB's and two-thirds of provinces are presented;
- b. in the event of being no quorum within one hour of the scheduled time of such a meeting, the meeting must stand adjourned;
- c. the chairperson must officially open the meeting, and after consultation with the CEC members present, shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days;
- d. notwithstanding the provisions of clause 15.4 c) above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members' present will constitute a quorum.

15.17 **NATIONAL CONGRESS**

National Congress (NC) shall be the highest governing and policy formation body of the Union.

15.18 **Composition**

NC shall consist of:

- a. Central Executive Committee members;
- b. Regional Office Bearers;
- c. National Executive Student Forum Office Bearers;
- d. Provincial Executive Student Forum Chairpersons and Secretaries;
- e. Distinguished guests as determined by the NEC and such guests shall possess NO voting power.

15.19 **Powers and Functions**

The National Congress shall have powers to:

- a. review, amend and/or adopt the constitution and policies of the union which may be submitted by the PEC, NEC and CEC;
- b. consider all matters emerging from reports and address of the President, Secretary General and National Treasurer with the aim to resolve and promulgate the vision of the union;
- c. elect NOBs' and consider removal or reinstatement thereof of NOBs';
- d. those duly elected shall hold office for a period of four years, unless recalled in terms of this constitution;
- e. consider appeals referred as informed by internal appeals procedure of the union;
- f. review, amend and/or adopt any decision/s undertaken taken by the Central Executive Committee;
- g. shall determine procedure and policy to be adopted for changing the constitution and the resolving the wind up period;

- h. ensure financial accountability by receiving and reviewing a financial report from the National Treasurer and making financial decisions as it sees fit and in the interest of the union;
- i. form or dissolve National Congress subcommittees as it deems fit and appropriate.

15.20 **Frequency of Meetings**

- a. National Congress shall convene every 4 (four) calendar years;
- b. Secretary General shall issue Notices of such a sitting to all provinces at least four months prior or (120) days before congress convene;
- c. notice shall contain date, time, venue and proposed agenda of the congress;
- d. Provincial Secretariat shall at the directive of the PEC submit resolutions, additional items 90 days before the National Congress to the National General Secretary;
- e. National General Secretary shall circulate the updated notice to all Provinces 60 days before National Congress;
- f. Special Congress shall convene if a two-thirds majority of the NEC request such a sitting and votes in favour of such a sitting and/or when majority of the Provincial executive committees so direct;
- g. Special Congress shall be convened on a date within three months of such request being received and a notice and a notice of such shall be sent to all provinces within 21 days of receipt of request;
- h. Central Executive Committee shall give at least one months' written notice to every province;
- i. the scope of the Special Congress shall be limited to the business of which it is called for.
- j. the minutes of the congress shall be sent to each province within one month of the last day of the congress.

15.21 **Quorum**

- a. the two-thirds of National and Provincial delegates required to attend the congress shall constitute a quorum;
- b. in an event where a quorum is not formed within 2 hours of scheduled congress time, the president shall after consulting with the delegates adjourn the Congress to the following day on the agreed time and venue;

- c. notwithstanding clause 16.4.2 on the following day the Congress shall reconvene and those who are present shall constitute a quorum.

16 DECISION-MAKING PROCESS

All constitutional decisions or any other resolutions of the union shall only be adopted by any legitimate structure of the union with the jurisdiction to do so, in any of the following terms and conditions:

- 16.13 by consensus;
- 16.14 by vote which shall be by show of hands; and/or
- 16.15 secret ballot on matters which are sensitive or contentious.

17 CODE OF CONDUCT AND DISCIPLINE

this constitution and subsequent amendments on the constitution shall rule supreme; policies, rules, standing orders and regulations in-consistent with the constitution shall be invalid and void; the following conduct(s) shall be a misconduct if committed by a member or office bearer of the union regardless of any capacity and office, will be subjected to a disciplinary action by the above level structure of his or her in the line of hierarchy of the union:

- a. sowing racism, sexism, tribalism, chauvinism, religious and political intolerance and any form of discrimination or segregation;
- b. engaging in any activity that undermines unity and cohesion of the union;
- c. behavior which brings the union into disrepute or conduct that manifest a serious violation of the moral integrity of any member;
- d. any member of the union working with any person in and or outside the union to cause disunity or undermining the effectiveness of the union;
- e. any act which causes gross disorder and unruly behaviour to the union or and to any member or official;
- f. disruption(s) of meeting(s) and/or interfering with the serious functioning of the union;
- g. any act used to stifle debate and or denying union members to participate in the election or any other duty and or democratic right and or obligation;
any act to provoke serious divisions and or break down of unity in the union;
- h. any act of abuse to member/s of any nature including that of sexual, physical to any man, woman and child;
- i. every member of the union is a subject of the constitution without exception;

- j. site, branch, region, province and national will appoint a reputable firm of attorneys and/or alternative dispute resolution and or a member of the society in good standing or reputation to be the chair of any disciplinary hearing(s);
- k. branch, region, province and national will choose any member of the union in good standing from another branch, region, province and national to prepare a charge sheet and be prosecutor of that charge sheet;
- l. all the disciplinary hearing should be based on corrective nature than penal nature in the first instance;
- m. all expulsion(s) from the union should be ratified by the congress and or CEC in between conferences;
- n. all appeals shall be handled by the upper body of the structure instituting disciplinary hearing and ratified by the CEC and or National Congress.

18 STRIKE OR LOCKOUT

- 18.1 the union before calling a strike or lockout will seek a consensus among members,
- 18.2 where there is no consensus, a decision shall be reached by show of hands; if there is no conclusive decision regarding the strike the union shall conduct the elections in the form of secret ballot of its members in respect of whom it intends to call the strike or lockout for;
- 18.3 the union members may not be disciplined or have their membership terminated for failure or refusal to take part in a strike or lockout if no ballot was held about the strike or the majority of those who voted did not vote in favour of strike or lockout.

19 CONDUCT OF SECRET BALLOTS

19.1 General

A ballot must be taken if and when it is required in terms of this constitution under the following conditions:

- 19.1.1 a ballot must be taken of those members in respect of whom the union intends to call a strike in terms of clause 18 above;
- 19.1.2 in the elections of office bearers in all the structures of the union as determined by the terms of this constitution.

19.2 Ballot Procedure

The following is the ballot procedure:

- 19.2.1 the relevant committee or meeting must appoint at least two or more scrutineers who may be members of the union from another branch, region or province;
- 19.2.2 the scrutineers must supervise the ballots being counted;
- 19.2.3 each voter shall, in the presence of the scrutineer, be issued with a ballot paper which clearly describes the issue and makes it impossible to identify the voter;
- 19.2.4 the voter shall make her or his mark in secret and shall deposit the ballot paper in a ballot box;
- 19.2.5 when all the officials or members who are eligible for voting have cast their votes, ballot papers shall be counted immediately after voting has ended;
- 19.2.6 scrutineers must record and hand over the outcomes of the results of the elections to the current chairperson of that structure;
- 19.2.7 the chairperson shall immediately inform the meeting or committee of the outcome of the elections;
- 19.2.8 the body of the Union conducting the ballot must act on the results of the decision of the majority voting in the ballot subject to the provisions of this constitution and the decisions of National Congress;
- 19.2.9 the Provincial Secretary must keep branch and regional ballot papers;
- 19.2.10 Secretary General must keep national ballot papers;
- 19.2.11 these ballot papers must be kept for a period of three years.

19.3 **Procedures for Elections**

19.3.1 **Candidate Nomination**

- a) opening and closure of candidate nominations in accordance with the YNITU constitution, the nomination of candidates shall be coordinated by the relevant structures (members in the case of site elections) present at the respective election;
- b) the nominations shall be opened on dates and times determined by the relevant structural Executive Committee;
- c) the electing structure shall be entitled to close the nominations;

19.15.1 **Nomination, Screening and Validation**

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

19.15.2 Electoral Officers

Electoral Officers will be the following:

- a) at Branch will be the RWC or independent agency;
- b) at Region will be the PWC or independent agency;
- c) at Province will be NWC or an independent agency;
- d) at National will be an independent agency;

19.15.3 Voting Method

Shall be done in the following manner:

- a) by consensus;
- b) the nominated shall be duly elected automatically if and when the position is not contested by any other candidate;
- c) by show of hands in the absence of the nominees inside the voting venue or voting station; and
- d) by voting for office bearers at all level structures of the union shall be via a secret ballot paper by members eligible to vote.

19.15.4 Voting by Secret Ballot

- a) the election shall be conducted on the basis of the first-past-the-post system (FPTP) in which, a voter shall be issued with a ballot paper;
- b) in terms of the above methodology, a candidate who receives the highest number of votes shall be declared the winner of the election or elected to that position;
- c) in an event there is a tie, there shall be a re-run of the elections until the tie is broken;
- d) a ballot shall be declared invalid and not included in the determination of the election results if:
 - e) it has the voter identity;
 - f) it has more than the required number of marks;
 - g) or if it has been marked in such a way that it is impossible to determine the voter's preference;
 - h) or if the ballot is not the official ballot paper issued by the Electoral Officer.

19.15.5 Voting Procedure

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

19.15.6 Voting will be Conducted According to the Following Procedures:

- a) in the regional conference, provincial congress, national congress, the voter shall be required to produce his/her voting identity card/ name tag to the electoral officer;

- b) in the Site, Branch and REC members shall use their Identity Documents or other acceptable identification documentation for elections;
- c) his/her name shall be checked against the voter's register and when found; crossed off to ensure that the voter does not vote again;
- d) subject voting for all positions shall be conducted concurrently;
- e) this means that, a voter shall be issued with ballot papers for all contested positions;
- f) if a voter claims that he/she has spoiled his/ her ballot paper prior to it being lodged into the ballot box, the electoral officer shall issue him/her with a replacement ballot paper.

19.15.7 Credential List

- a) to ensure that only the authentic voters participate in the elections, a list of all delegates accredited to vote shall be compiled into a credentials list;
- b) the relevant structure's executive committee shall be responsible for the compilation of such a list;
- c) the structural executive committee shall hand the credentials list over to the electoral officer once the conference or relevant structure has adopted it.

19.15.8 Counting Procedure

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

19.15.9 Recounts

- a) the electoral officer may decide to conduct a recount at any time before the declaration of the result;
- b) the electoral officer shall conduct a recount on receiving a written request from an observer before the declaration of the result, and requests for a recount must be supported with reasons.

19.15.10 Declaration of the Results

The electoral officer shall declare the results to the electing meeting as soon as possible after counting has been completed.

19.15.11 Election Observers

- a) the election meeting shall appoint observers who shall in turn be entitled to witness the voting and the counting process;
- b) all observers however are subjected to the authority of the electoral officer;
- c) during the elections no one, unless authorized by the electoral officer, is allowed to touch ballot papers, or any other election materials;
- d) no information that may compromise the secrecy of the ballot may be disclosed.

19.15.12 Electoral Complaints

- a) the approval by the election observers of the election process is crucial to its integrity;
- b) to this end, approval will not be sought at the tail end but on completion of different phases of the election;
- c) observers shall therefore be encouraged to bring complaints forward as they occur in order that the complaint may be acted upon timeously;
- d) all complaints shall be dealt with by means of consensus;
- e) should this fail however; the aggrieved parties shall be entitled to lodge a formal objection to a higher structure within 30 days as at the date of the election;
- f) written objections shall be registered with the electoral officer as soon as possible, before the final declaration of the results, by a candidate, observer or any voters, the grounds for such an application must be clearly explained;
- g) upon receipt of such an objection, the electoral officer shall convene a meeting of the outgoing office bearers who are not candidates to the election together with the election observers;
- h) the decision of this meeting shall be final subject to approval by the conference or relevant structure;

- i) during this process of objection and complaints the ballot box must be sealed and be kept in the safe place by the Provincial Secretary or relevant Secretary of the Structure.

19.15.13 Elections Under Special Circumstances: Bi – Elections

- a) bi–elections may be conducted in (NC, PC, RGC, branch mass meetings and site mass meeting) of the union to elect an office bearer outside the usual term of office where an office bearer:
 - i. dies or resigns;
 - ii. is dismissed from the union;
 - iii. has failed to attend 3 consecutive meetings of the executive or any other constitutional structure that he/she is obliged to attend without a written apology or valid reason;
 - iv. when he/she is no longer an employee in the site, branch, region or province.

19.15.14 Bi-Elections

Bi-elections should be conducted in the following way in the different/relevant structures:

- a) site meetings shall conduct bi-elections in the presence of member/s of the BEC or a member deployed by the branch secretary;
- b) the Branch General Meeting shall conduct bi-elections in the presence of RWC members;
- c) Regional General council shall conduct bi-elections in the presence of PWC members and may be managed by independent electoral officers appointed by the REC;
- d) Provincial General Council shall conduct bi-elections in the presence of NWC members and may be managed by independent electoral officers appointed by the NEC;
- e) the National General Council shall conduct bi-elections and must be managed by independent agency /electoral officers appointed by the CEC.

19.15.15 Procedures for Bi-Elections:

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

- a) the secretary or any person mandated by the executive at the relevant structure where the position or office exists, shall notify structures in writing of the existence of that position/office being available and reasons that such position/office has become available;

- b) the above official shall issue a notice to all structures for the nomination of candidates and the closing date for receipt of nominations;
- c) the official of the structure higher than the structure where the position/office exists or an independent observer appointed in the case of the provincial or national structure, shall be responsible to handle all the nomination forms until the elections have been completed;
- d) vacancies emanating from such bi-elections to be filled at the same meeting.

20 INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE

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

21 TECHNICAL CLAUSES

21.15 Amalgamation

21.15.1 If any association or union with the same or similar scope of this union intends to dissolve with a view to its members joining and its unexpended funds being transferred to the union, then notwithstanding anything to the contrary contained in this constitution, the members of the dissolving association or union shall be automatically admitted to full membership of the union on the date of dissolution provided that the provisions of this clause shall cease to apply in respect of any member of the dissolving association or union who within three months of the aforementioned date notifies the union in writing that she or he does not wish to be a member.

21.15.2 This clause in no way restricts a member of the dissolved association or union terminating her or his membership of the Union at any time.

21.15.3 the National Congress shall the union structure with the powers to conclude an agreement to amalgamate with any association or union whose scope of membership is the same or similar to the union.

21.16 Dissolution

21.16.1 the union may be dissolved by resolution of the National Congress in which a majority of at least two-thirds have voted in favor;

21.16.2 in the event of the resolution being adopted as provided by the National Congress or the remaining members of the Central Executive Committee shall appoint a liquidator to wind up the affairs of the union;

- 21.16.3 the liquidator shall not be a member of the union;
- 21.16.4 the liquidator shall take the necessary steps to liquidate the debts of the union from its unexpended funds and any other monies realized from any assets of the union;
- 21.16.5 the liquidator's fees and expenses shall rank in order of preference as though the expenses were the cost of a sequestration of an insolvent estate;
- 21.16.6 after payment of all debts the remaining fund, if any, shall be transferred to another non-profit, tax-exempt organization(s) with objects similar to the union as the National Congress may decide;
- 21.16.7 the available members of the union's last appointed National Executive Committee shall ensure that the provisions of section 103 of the Labour Relations Act No. 66 of 1995, as amended, are complied with in the winding up of the Union.

21.17 Amendments

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

21.18 Interpretation

- 21.18.1 any matter not provided for in this Constitution shall be dealt with by the Central Executive Committee and in the event of any doubt or dispute as to the meaning or interpretation of any phrase, clause, term or expression used in this Constitution, the resolution of the National Congress or National General Council, the interpretation thereof shall be made by the Central Executive Committee and its decision shall be final;
- 21.18.2 in the event that there is a conflict between decisions taken by the different representative structures of the union, decisions of the higher structure shall take precedence;
- 21.18.3 the order of precedence nationally, in each Province, Region and in each Branch shall be:
- a. National Congress
 - b. Central Executive committee

- c. National Executive Committee
- d. National Working Committee
- e. Provincial General Congress
- f. Provincial Executive Committee
- g. Provincial Working Committee
- h. Regional Shop Steward Council
- i. Regional Executive committee

22 REGISTRATION OF LOGO

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