



THE CONSTITUTION OF THE AMALGAMATED TRADE UNION OF SWAZILAND (ATUSWA)

RULE 1

1.1 Preamble

The Amalgamated Trade Unions of Swaziland (ATUSWA) recognizes that segmentation of workers is detrimental to the well-being and the fulfillment of workers' power and therefore commits itself to the following:

- (i) Build and work for maximum unity within the union and sectors the union organizes in
- (ii) Fight and oppose discrimination in all its forms
- (iii) Build national and international solidarity among workers
- (iv) Adhere and work on principles of transparency, organizational discipline, tolerance, participation, democracy and workers' control
- (v) Encourage democratic worker leadership and organization in the workplace and in all spheres of society

- (vi) Ensure that all levels of the union are democratically structured and controlled by worker members themselves through elected worker committees.
- (vii) Ensure that every member has a right to propose a resolutions or question as an officer on any matter related to Union activities and inspect register and books of the Union.
- (viii) Ensure that members are briefed about progress and result of all negotiations under taken by the Union.
- (ix) Ensure that natural justice processes are undertaken before suspension of a member or leader is implemented.

1.2 Name

- (i) The name of the union shall be Amalgamated Trade Unions of Swaziland (ATUSWA).

- (ii) The motto of the Union shall be **“Unity in Action, united we Bargain Divided we beg”**.

1.3 Logo

The National General Council (NGC) shall determine the logo and official colors of the union.

1.4 Legal Status

The union shall be a corporate body having perpetual succession and is an association not for gain. THE Union can sue and be sued in its own name.

1.5 Location of the Head and Local Offices

The head office of the union shall be in Manzini or any other place as may be decided by the National General Council (NGC).

1.6 Scope

The union shall organize within the following scope:

- (i) Building and construction
- (ii) Manufacturing and Processing
- (iii) Mining and Quarrying
- (iv) Motor Engineering
- (v) Hotel and Catering
- (vi) Retail, Hairdressing, Wholesale and Distributive Trades
- (vii) Watches and Protective Services / Security
- (viii) Textile and Apparel Industry

The National General Council (NGC) may amend the scope of the union as it deems fit from time to time.

1.7 Aims and Objectives

The aims and objectives of the Union shall be:

- (i) To promote and safeguard workers’ rights and interests as contained in the Industrial Relations Act No.1 of 2000 as amended, the national constitution and other labour laws of Swaziland and international agreements, treaties and protocols.
- (ii) To organize all workers engaged in the scope of the union into one national union and to use every legitimate means to induce all workers who are eligible for membership to become members.
- (iii) To promote a spirit of trade union unity and solidarity amongst members of the Union and amongst all workers irrespective of race or sex and to oppose any policy, practice or measure which will cause division or disunity amongst members or workers.

- (iv) Regulate relations between members and their employers and to protect and further the interest of members in relation to their employers.
- (v) To build workers leadership and build vibrant democratic structures at all levels within the Union.
- (vi) To consider and advise on legislation or policies affecting the interest of members, to provide support for or oppose any such legislation or policies and to make representations to public and other bodies.
- (vii) To co-operate with and assist other progressive trade unions or worker organizations within Swaziland and internationally in the general interest of the working class movement.
- (viii) To educate workers about their rights.
- (ix) To provide legal assistance to members and / or Officials where it deems it in the interest of the Union to do so.
- (x) To struggle to achieve decent standards of living and social justice.
- (xi) To advance and defend the interests of workers in respect of all matters of mutual interest between workers and their employers in order to improve the standard of living of the union’s members, workers and the working class in general.
- (xii) To advance and defend the union’s members’ and workers’ employment and their socio-economic interests and rights.
- (xiii) Struggle to improve workers’ wages/salaries and benefits to a fair, decent and living-wage/salary level.
- (xiv) Struggle for reasonable working hours and leave provisions
- (xv) Struggle to better other terms and conditions of employment for workers.
- (xvi) Struggle to ensure that workers work in healthy and safety conditions at the workplace.
- (xvii) Struggle to ensure that workers get sufficient social security benefits, including unemployment insurance.

- (xviii) To promote and defend the socio-economic interests of the union's members, workers and the working class in general.
- (xix) To fight for and defend the union's members and workers against unfair labour practices, including dismissal.
- (xx) To promote the job security of workers and the union's members by struggling for job creation programmes and for employment security.
- (xxi) To provide information about the union and its work to members and other workers in a manner and language that is easily understood.
- (xxii) To foster the democratic participation of members in the union, especially the participation of women; and building strong and active shop steward structures.
- (xxiii) To join forces with workers and the working class everywhere in the world in the struggle against all forms of exploitation and oppression.
- (xxiv) Regulate the relations between the union and its members.
- (xxv) Raise and invest funds in any lawful way that the National General Council (NGC) or National Congress (NC) *agrees* to.
- (xxvi) To establish and administer funds for the benefit of union members and their dependents.
- (xxvii) To develop and, where desirable, participate in schemes to provide employment related and non-employment related benefits to members in accordance with the guidelines and policies determined by the National General Council (NGC) and the National Congress (NC).
- (xxviii) Buy, take on, lease, hire or otherwise acquire or sell, pledge or mortgage any movable or immovable property.
- (xxix) To ensure the participation and development of women in all union structures and activities.
- (xxx) To do any other lawful thing that is consistent with the spirit and provisions of this Constitution and the policies of the union and that may advance or defend the interests of the union, its members, workers and the working class.
- (xxxii) To advance and defend the cause of democracy and an economy free of exploitation and oppression.
- (xxxiii) To eradicate all forms of unfair discrimination both direct and indirect in the workplace and society that are based upon arbitrary grounds including, but not limited to race, gender, sex, ethnic or social origin, colour, birth, socio-economic status, sexual orientation, age, disability, health status, religion, conscience, belief, political opinion, culture, language, marital status, pregnancy or family responsibility.
- (xxxiiii) To do all such other things as appears to be in the interest of the union and its members and which are not inconsistent with the aims and objectives or any matter specifically provided for in this Constitution.

1.8 Membership

- (i) All workers who are working within the scope of the union are eligible for membership of the union.
- (ii) Application for membership shall be made in writing on the Union's application form and shall be accompanied by a signed stop order authorization form in favor of the Union for the payment of the Union subscription fee.
- (iii) An applicant shall be deemed to be a member of the Union on completion of the application form accompanied by a signed stop order form.
- (iv) The union may not unfairly discriminate against any member or applicant for membership.
- (v) Every member must observe the provisions of this constitution and the lawful decisions of any structure of the union and any federation to which the union is affiliated and must not act in a way which is detrimental or prejudicial to the interests of the union and its members.
- (vi) Every member shall have a right to be part of annual General meeting which shall be held in locals.

- (vii) The General meeting shall be the forum for deciding on implementation of policies of the Union & reviewing officers and staff of the organization and the General meeting may form a committee of its members to act on specific issues.

1.9 Honorary membership

Honorary membership or status may be conferred on any person by the National General Council (NGC) in recognition of a special or valued contribution made by that person to the union, its members, and the working class or to the country.

1.10 Members in good standing

- (i) Only paid up members shall be entitled to the benefit of the membership, including the right to vote and to be voted. A paid-up member shall be regarded as a member who pays his/her subscription fees and other fees/charges/levies due to the Union timeously and who has signed a stop order authorization form in favor of the Union for all monies due by him/her to the Union.
- (ii) A member, whose contract of employment has been terminated under circumstances which the NEC or the union believes was as a result of victimization for his/her union status or was unfair, he/she shall remain a member in good standing for the period from the date of termination of the employment contract to the date on which the legal proceedings are finalized or the union withdraws as the member's representative.
- (iii) The benefits of membership include, but are not limited to;
 1. Attending and participating in union meetings
 2. Participating in union activities and in decision-making processes of the union including the right to, elect and be eligible for elections; and
 3. Enjoying the rights and benefits conferred on members by this constitution, union rules and regulations or the National Congress.
- (iv) A member shall not be in good standing for the following reasons:
 1. The member cancels the stop order authorization form.
 2. S/he is expelled from the Union or during any period, which s/he is under suspension in terms of the Constitution.
 3. She /he cease to be employed within our scope.
 4. She/he intentionally causes or permits subscription fees not to be paid to the Union.

5. In the event of the subscriptions due to the Union by a member being more than three (3) months in arrears s/he shall continue to be a member subject to the disabilities imposed by clause vi) in this section until all arrears have been paid.
6. After a member is expelled that member may neither participate in the union nor receive any benefits or funds from the union. Subscriptions or moneys paid by the expelled member are not refundable.

1.11 Termination of membership

A member may resign by giving one (1) month notice in writing to the Secretary General who shall inform the employer of the workers in writing, provided that no resignation shall take effect;

- (i) Until all monies due to the Union by the member concerned have been paid.
- (ii) If the resignation is received on a standard form compiled for the purpose of enabling more than one (1) member employed by the same employer to resign from the Union.
- (iii) If the resignation is received through the agency of the member's employer.

1.12 Subscriptions

- (i) Active members shall pay monthly subscription fees to the Union through a stop-order unless the National Executive Committee (NEC) allows for cash collection.
- (ii) All members shall pay a minimum of 1% of the member's monthly remuneration; provided that such amount shall not be less than E27.00. The transition from old subscriptions shall be managed by the National General Council (NGC).
- (iii) A seasonal and / or contract worker shall be liable for the payment of subscription fees during his/her periods of employment only.
- (iv) In addition to subscriptions all members shall be liable to pay Contributions towards any benefit fund established by the Union.
- (v) Any fines and levies imposed by the Union in terms of this constitution.

1.13 Exemptions from Subscriptions

A member is exempt from paying subscriptions in any month during which:

- (i) The member, who is a non-permanent worker, is unemployed for 14 days or more in any one month.
- (ii) The member is unable to work for 14 days or more on account of illness and the member receives no remuneration during that period; or
- (iii) Any other reason the NEC having jurisdiction or the NGC agrees to.
- (iv) Members who have had their services terminated are not required to pay subscriptions if the union is challenging their *dismissal*. Their exemption lasts until the union completes or terminates the applicable dispute resolution procedures or withdraws as representative of the members.

1.14 Levies and other charges

The National General Council (NGC) *may* at any time impose a levy to raise funds for union activities, provided that this may not exceed 5% of the monthly or weekly basic wage or salary of a member.

1.15 Unauthorized Expenditure

- (i) If any members at a union structure or meeting of the union incur expenses that have not been authorized, those members may be held jointly and severally liable for refunding such monies to the union.
- (ii) Any member, whose protest against an unauthorized expenditure is recorded in the minutes of that meeting, may not be held liable in terms of clause 1.15 (i).

RULE 2:

Workplace Structures

2.1 Workplace General Meetings

- (i) The supreme decision making at the workplace is vested in the Workplace General Meeting (WGM).
- (ii) The quorum for Workplace General Meeting (WGM) shall be more 50 +1 the number of the members and Shop stewards required to attend and subsequent meetings shall be deemed to be forming a quorum.

- (iii) The Workplace General Meeting (WGM) shall meet as regularly as possible but at least once a month.
- (iv) The Workplace General Meeting (WGM) shall be preceded by at least a three (3) days' notice.
- (v) The Chairperson of the Shop Stewards Committee or his/her designate shall chair the meetings of the Workplace General Meeting.
- (vi) The powers of the Workplace General Meeting (WGM) is to deal with all matters which may affect the general membership of the factory, subject to the direction and control of this Constitution, and shall include not entirely but not be limited to the following;
 1. Taking decisions on matters impacting workers inside the workplace.
 2. Implementation of structural decisions.
 3. Getting reports from shop stewards and giving them mandates
 4. To determine all resolutions submitted to it for consideration.
 5. To elect or remove shop stewards from office in terms of this constitution.
 6. Any other matter of importance that needs to be discussed.

2.2 Shop Stewards Committee (SSC)

- (i) In every Workplace or company members must elect from amongst themselves shop stewards to represent them in a Shop Stewards' Committee (SSC).
- (ii) The number and distribution of shop stewards will depend on the nature of the employment, the nature of the workplace or departments and the number of members in that workplace. The members must decide on the number of shop stewards and their distribution in each workplace in accordance with the policies of the union.
- (iii) The union will negotiate the number of shop stewards to be recognized by the employer in that workplace.
- (iv) Every member who is not in management is eligible for election as a shop steward.

- (v) A shop steward must be elected following a vote by way of a ballot at a general meeting of members at a workplace.
- (vi) The candidate for shop steward must have been nominated and seconded.
- (vii) Shop stewards hold office for a period of not more than four (4) years from the date of their election. They may be re-elected twice if their term has expired.

2.2.1 Shop stewards must vacate their positions in any on the following circumstances

- (i) If the shop steward ceases to be employed in the workplace in which he or she was elected.
- (ii) If the shop steward fails to attend 3 consecutive meetings of the Shop Stewards' Committee's (SSC) at the workplace without providing an apology acceptable to the Shop Stewards' Committee (SSC).
- (iii) If the shop steward ceases to be a member in good standing.
- (iv) If the shop steward resigns from the union or from being a shop steward, is suspended from the union or is unable to perform the duties of a shop steward.
- (v) If the Secretary of the Local or Local Secretary receives a petition demanding that the shop steward vacate his or her position and the petition is signed by a majority of the members of the workplace at which the shop steward was elected or if the members in the workplace at which the shop steward was elected hold a ballot and as a consequence more than 30% of the members in the workplace vote to remove the shop steward.
- (vi) If a shop steward has vacated his or her position for any of the reasons stated in Clause 2.2.1 (v) above, then that shop steward can stand for re-election if he is nominated and seconded.
- (vii) Shop Stewards will hold office for a period of 4 years' subject to any decision of the National Congress to extend their period of office. Elections shall be held as soon as possible after the expiry of term of office of shop stewards. The local secretary is responsible for calling the election if there is a delay.

2.3 Shop Stewards Committee Office-bearers (SSCO-b's)

- (i) The Shop Stewards' Committee shall elect from amongst themselves
 1. Chairperson
 2. Vice-Chairperson
 3. Secretary
- (ii) The election must be held at a meeting of the Shop Stewards' Committee and by way of a secret ballot.
- (iii) The Chairperson, Vice-Chairperson and Secretary of the SSC' must vacate their position if:
 1. They cease to be shop stewards.
 2. They vacate their positions on the LSSC.
 3. They resign from the position.
- (iv) If the SSC's resolves to remove the person, which resolution must be by majority vote conducted by way of a ballot.
- (v) A shop steward who vacates one of the office-bearer positions on an SSC may not stand for the position during the ensuing by-election.

2.4 Meetings of the SSC's

- (i) The Committee must meet as regularly as possible but at least once per month. Any Committee that has not met once in three (3) months shall be deemed to be non-existent unless it is otherwise decided by the LSSC.
- (ii) Shop stewards must be given at least 2 days' notice of a meeting unless the issues to be discussed are urgent in which case meetings may be convened at any time provided that all reasonable efforts have been made to notify all shop stewards.
- (iii) The quorum of the SSC meetings is 1/2 of the total number of shop stewards in that workplace except where the workplace has 2 shop stewards in the workplace.
- (iv) The Secretary of the SSC or, in his or her absence, a shop steward appointed by the SSC, must take the minutes.

2.5 The powers and duties of the shop stewards and the Shop Stewards' Committee.

The SSC's must manage the affairs of the union at the workplace and its powers and duties are:

- (i) To implement the policies and decisions of the union
- (ii) To convene monthly Workplace General Meeting (WGM) at the workplace, including a bi-annual Workplace General Meeting for all members in a workplace.
- (iii) To report to members in the general meetings and the LSSC on the progress and business of the union at the workplace.
- (iv) To seek mandates from members at the workplace.
- (v) To discuss decisions, campaigns and policies of the union with members in the workplace.
- (vi) To try to settle disputes in the workplace.
- (vii) To take up legitimate complaints or grievances of members.
- (viii) To build and maintain unity, harmony and discipline amongst members in the workplace.
- (ix) To recruit members to the union.
- (x) To monitor the employer about the payment of subscriptions, if necessary, correct any errors and to report to the Local Secretary.
- (xi) To monitor the attendance of shop stewards to the LSSC.
- (xii) To negotiate agreements, including collective agreements, with the employer in the workplace. These agreements may only be concluded and signed if the members have provided a mandate for this and the General Secretary or Deputy General Secretary has approved the signing.
- (xiii) To do all other things it deems are in the interest of the union and which are neither in conflict with the policies with the union nor inconsistent with the provisions of this constitution.

RULE 3:

Local Structures

3.1 Local Shop Stewards' Council (LSSC's)

- (i) The LSSC is composed of all shop stewards in a particular Local of the Union as demarcated by the National General Council (NGC)
- (ii) All local officials must attend the LSSC in their ex officio capacities i.e. they have speaking but not voting rights.
- (iii) The LSSC must meet regularly but at least once a month on a date and time fixed by the Local Office Bearers.
- (iv) An extra-ordinary meeting of the LSSC must be called if requested by not less than 1/2 of the LSSC members within the local.
- (v) Notice of a LSSC meeting, along with the agenda for the meeting, must be circulated to each Workplace within the Local by the organizer at least 7 days before an ordinary meeting and at least 1 day before an extra -ordinary meeting.
- (vi) The quorum for the LSSC is determined by the presence of shop-stewards from at least 50+1% of the workplaces in the Local.

3.1.1 Powers and duties of the LSSC

The powers and duties of the LSSC are:

- (i) To implement the policies and decisions of the union
- (ii) To recruit new members in the local and carry-out union and federation campaigns.
- (iii) To supervise the affairs of the union in workplaces within the local.
- (iv) To review and coordinate local shop stewards' committee activities
- (v) To review decisions of the Shop Stewards' Committees and to confirm, alter or reverse such decisions.
- (vi) To elect the Local Chairperson, Local Deputy-Chairperson, and Local Secretary
- (vii) To submit reports to National Executive Committee and the National General Councils on regular basis and to shop stewards in their own local.

- (viii) To elect delegates to the National Congress every 4 years.
- (ix) To appoint ad-hoc committees to assist the LSSC to carry out its functions.
- (x) To call Local General Meetings at least every 3 months.
- (xi) To hold or cause elections to be held in all workplaces after every 4 years.
- (xii) To recommend the disciplinary action against officials and staff in cases which may result in their dismissals. To take appropriate action in cases that may not result in dismissals.
- (xiii) To assist members in relation to their employment and objectives and policies of the union.
- (xiv) To deal with disputes between members and employers
- (xv) To do all further things as it deems are in the interest of the union and which are neither in conflict with this constitution policies and decisions of the National Congress or the National General Councils.

LOCAL OFFICE BEARERS

- (i) The local office bearers are composed of the local chairperson, vice- chairperson and secretary.
- (ii) A member of the LOB's must vacate office if he or she is absent from the local office bearer's meeting or LSSC's council for 3 consecutive meetings without sending an acceptable apology.
- (iii) The LOB's will meet regularly but at least once a month.
- (iv) Vacancies on the LOB's must be filled by the LSSC's.
- (v) The LOB's must manage the affairs of the local including monitoring performance of officials at local level and to consult with National Office Bearers' (NOB's) on hiring of new staff.

RULE 4:

National Structures

National Office Bearers (NOB's)

- (i) The NOB's are the President who shall be the chairperson, 1st Deputy-President, 2nd Deputy President, Treasurer -General, Secretary- General, and Deputy Secretary General.
- (ii) The NOB's are elected at the NC and shall hold office until the next Congress unless they resign or are removed from office in accordance with this Constitution.
- (iii) They have speaking and voting rights at the NC and any other structure of the Union.
- (iv) The President, 1st Deputy President, 2nd Deputy-President and Treasurer General should where possible be Union members and Shop stewards at the factory where they are employed, except in the case of the General Secretary and Deputy General Secretary who shall be full-time employees. The union must negotiate with their employers for adequate time off to execute their functions, where applicable.
- (v) The NOBs shall meet at least once a month at a place and at such a time that the President, in consultation with NOB's may decide.
- (vi) Notice of every NOB meeting shall be communicated to all members of the NOB not less than five (5) days before a date of such a meeting, provided that in a case of special meeting, shorter notices not less than twenty-four hours (24) hours may be given.
- (vii) The quorum of NOB's meetings shall be two thirds (2/3) of the expected number of NOB's in both the special and normal meetings.
- (viii) If within sixty (60) minutes of the time fixed for a meeting a quorum is not formed, the meeting shall stand adjourned until further notice. Any subsequent meeting shall continue as if a quorum is formed.
- (ix) Copies of minutes of NOB's meetings shall be distributed to members of the NOB committee 7 days after the meeting by the

Secretary – General or Deputy General Secretary as the case may be.

(vi) Perform such other duties as by usage and custom pertain to the office.

Powers and duties of the NOB's

- (i) To manage the affairs of the Union.
- (ii) To make policy recommendations to the National Executive Committee (NEC) or National General Council. (NGC)
- (iii) To implement decisions of the unions in line with decisions and mandates of the National Executive Committee (NEC) or National General Council (NGC)
- (iv) To process recruitment, selection and appointment of candidates to fill full-time positions in the union and take occupation of positions outside with endorsement of the National Executive Committee or National General Council
- (v) To generally represent the union in labour relations statutory bodies and other for a both locally and internationally.
- (vi) The NOB's do not have powers to alter, amend or repeal policies of the union.

4.2.1 President

The President shall:

- (i) Be the political head of the union.
- (ii) Attend all NC's, NEC's, NOB's NGC's meetings and shall preside at such meetings.
- (iii) Enforce observance of the Constitution of the Union.
- (iv) Sign minutes of meetings after confirmation and adoption.
- (v) Exercise supervision over the work of the Secretary General and Deputy Secretaries Generals in conjunction with the other National Office Bearers and generally over the affairs of the Union.

4.2.2 Deputy Presidents

- (i) The 1st Deputy President and 2nd Deputy President must assist the President in the performance of his or her duties. They must also perform the duties that the President delegates to them and that are contained elsewhere in this Constitution.
- (ii) The 1st Deputy President, and failing him or her, the 2nd Deputy President must perform the duties of the President when the President is temporarily or permanently unable to perform his or her duties.
- (iii) The 1st Deputy President and 2nd Deputy President must be workers, shop stewards and members in good standing with the union.

4.2.3 Acting - President

- (i) In the event of the President being unable, either temporarily or permanently, to perform his/her duties, the Deputy-Presidents shall assume his/her duties until the next NGC, which shall elect an Acting President between the 1st and 2nd Deputy President.
- (ii) The Acting President shall hold office until the President is able to resume his/her duties or until the next National Congress, as the case may be.

4.2.4 Secretary-General

The Secretary General shall be:

- (i) A full-time employee of the union
- (ii) Supervise the work of staff of the union of the union.
- (iii) Ensure the proper administration of the Union, coordinating all organizing activities of the Union, co-coordinating all negotiations of any collective agreements on behalf of the Union, the training of Officials, Shop stewards and employees of the Union and such other matters as are generally in the interest of the Union.

- (iv) Plan and coordinate the activities of the union including planning and coordinating meeting of constitutional structures together with Deputy Secretaries - Generals.
- (v) Issue notices of meetings.
- (vi) Attend all NC, NGC, NSSC and NEC meetings, record and keep the minutes of the proceedings and at each succeeding meeting present the minutes of the previous meeting for adoption.
- (vii) Issue official receipts for all monies received; keep such books of accounts as are prescribed by the National Executive Committee (NEC) and in collaboration with the Treasurer-General submit statements of income and expenditure of the Union to each meeting of the National Executive Committee (NEC) and National General Council (NGC).
- (viii) Perform such other duties as are imposed by this Constitution or as the NEC may direct.
- (ix) Report to each NC, NGC and NEC on his/her activities.
- (x) Perform any other duties as by usage and custom pertains to the office.
- (xi) The Secretary-General may resign on giving one (1) month notice in writing to the NEC and his/her services may be terminated on a similar period of notice being given to him/her by the NEC after following or adhering to the process of natural justice.

4.2.5 1st Deputy Secretary – General and 2nd Deputy Secretary - Generals

- (i) The 1st or 2nd Deputy Secretary Generals shall perform such duties in terms of this constitution and as may be directed by the National Office Bearers (NOB's).
- (ii) He/she shall assume the duties of the Secretary General in his/her absence.
- (iii) In the event of the Secretary General being unable, either temporarily or permanently, to perform his/her duties, the 1st Deputy Secretary General or 2nd Deputy Secretary- General shall

assume his/her duties until the next NEC, which shall appoint an Acting Secretary General.

- (iv) The Acting Secretary General shall hold office until the Secretary General is able to resume his/her duties or until the next National Congress, as the case maybe.

4.2.6 Treasurer-General

The Treasurer-General shall:

- (i) Supervise all finances of the Union and ensure that the provisions of the Constitution with regard to the finances of the Union are complied with.
- (ii) Endorse all accounts for payment, sign cheques on the banking account of the Union and perform such other duties as by usage and custom pertain to the office.
- (iii) Supervise the financial affairs of the union in conjunction with the other NOBs.
- (iv) Ensure that proper books of account are kept and that these books are audited annually.
- (v) Submit the monthly statement of the union's national bank accounts to the NOB's and in respect of each annual period to the NEC and NGC.
- (vi) Perform all other duties that that are reasonably required of or delegated to the Treasurer General by the NC, NEC, NGC or NOBs.
- (vii) The Treasurer-General must chair meetings of Finance Committee.
- (viii) The Treasurer - General must hold office until the next congress unless he or she resigns or is removed from office in accordance with the Constitution.

National Executive Committee (NEC)

The National Executive Committee (NEC) shall be composed of the following people:

1. All National Office Bearers (NOB's)

- 2. 3 local office bearers per each local
- 3. Members of the National Finance Committee

4.3.1 Powers and functions of the NEC

The National Executive Committee (NEC) shall have powers and duties to:

- (i) Execute all decisions of the National General Council (NGC) and National Congress (NC).
- (ii) Coordinate all plans, campaigns and projects approved by the National General Council and National Congress.
- (iii) Receive regular financial statements from the finance committee.
- (iv) Consider budgets and payment of accounts as reported by the Finance Committee.
- (v) Suspend any office bearer or official of the Union for sufficient cause until the matter is decided in the next National General Council.
- (vi) Generally, represent the Union and ensure the sound management thereof between meetings of the National General Council subject to the provisions of this constitution and the objects and policies of the Union.
- (vii) Do all lawful things which promote the interest of the Union and which are consistent with:
 - 1. The objects and policies of the Union and
 - 2. This constitution or rules and regulations of the union.

Meetings of the NEC

The National Executive Committee shall meet at least once every three months.

National General Council (NGC)

The NGC is composed of:

- (i) The National Office Bearers (NOB's).
- (ii) 3 Local Office Bearers (LOB's) per each local.
- (iii) 2 additional shop stewards per local elected by that local to sit in the NGC.

Powers and functions of the NGC

Subject to the policies and decisions of the NC the powers and functions of the NGC are:

- (i) To manage the affairs of the union between meetings of the NC.
- (ii) To implement the policies of the union.
- (iii) To interpret the constitution.
- (iv) To give direction on and develop organizational, political, educational, and other policy issues.
- (v) To consider and make decisions on matters arising from reports received from the structures and National Office Bearers (NOB's) of the union.
- (vi) To ratify decisions of the NOBs or NEC as may from time to time be referred to it.
- (vii) To set up committees and determine their nature, membership, and scope.
- (viii) To deal with discipline and appeals of members, shop stewards and office-bearers.
- (ix) To determine the procedures and rules regulating the elections, balloting, enquiry and meeting procedures and union discipline.
- (x) To approve the annual audited financial statements and reports of the union and to approve and submit these documents to the NC.
- (xi) To adopt and set new subscriptions levels to be paid by members.
- (xii) To adopt the annual budget.
- (xiii) To open, operate and close bank accounts of the union and to generally control the funds and finances of the union.
- (xiv) To borrow or raise money and invest the funds of the union.
- (xv) To determine policies and guidelines for raising funds, investments and sponsorships at national, and local levels.
- (xvi) To establish and dissolve projects, structures, organizations or vehicles for investment of the union.
- (xvii) To determine policies about the accountability and remuneration of union appointed representatives, directors or trustees on union or union-related investment bodies and other statutory, non-statutory, public or private bodies.
- (xviii) To establish policies and guidelines in respect of the union's involvement in the provision of non-employment related benefits to members such as educational bursaries, financial loans, legal aid schemes, etc. and to approve the union's involvement in such scheme.
- (xix) To allocate funds to the various structures of the union, acquire by purchase, lease or otherwise, any moveable or immovable property on behalf of the union and to sell, let, mortgage, dispose of or otherwise deal with any movable or immovable property belonging to the union.
- (xx) To bind the union in terms of surety ship.

- (xxi) To institute and defend legal proceedings in the name of the union on behalf of the union and its members and against any person, including members of the union.
- (xxii) To appoint attorneys to act for the union and appoint any person to sign documents on behalf of the union and its members.
- (xxiii) To establish, demarcate and dissolve locals' structures.
- (xxiv) To fill vacancies occurring in the positions of the NOB and the chairpersons of the Gender and Education Committees.
- (xxv) To determine the creation, maintenance and termination/abolishment of employment posts for the effective running of the union.
- (xxvi) To determine the remuneration and define the job descriptions of all officials and staff.
- (xxvii) To establish national employment policies and codes, performance standards and criteria for officials and staff.
- (xxviii) To delegate powers, tasks and duties to any other union structure, official or office-bearer; and
- (xxix) To set aside and replace on good cause shown any decision taken by any structure of the union except the NC.
- (xxx) To take disciplinary actions which may lead to dismissal or suspension of any NGC member whom the NGC finds guilty of misconduct or who brings the union into disrepute.
- (xxxi) To perform any other function that the NGC is empowered or required to perform in terms of this Constitution or rules and regulation of the union.
- (xxxii) To do all lawful things that in the opinion of the NGC promotes the interests of the union, its aims and objectives and policies.

Meetings of the NGC

- (i) The NGC must meet at least twice in a year.
- (ii) The NOBs must convene the NGC consistent with the provisions of the constitution.
- (iii) The NOB must give not less than 30 days' written notice of the NGC meeting subject to the provisions of this constitution.
- (iv) The notice must include the proposed agenda.
- (v) Notice of NGC meetings must be sent to the local offices. The Local Secretary must distribute the notice to all NGC delegates in that local.
- (vi) The NOB's may convene an extra-ordinary NGC meeting upon 48 hours written notice.

- (vii) One third of the members of the NGC may request an extra-ordinary NGC meeting be convened, in which event the meeting must be called within 30 days of the date of the request.
- (viii) The quorum for meetings of the NGC is 50 + 1% of accredited delegates.
- (ix) If within one hour of the time fixed for the meeting a quorum is not present, the meeting will stand adjourned until a further meeting can be arranged. At an adjourned meeting the members present will form a quorum.
- (x) The Secretary General must submit copies of the minutes of NGC meetings to each Local as soon as possible after the meeting and in any event within 30 days of the NGC meeting.
- (xi) The NGC must confirm the minutes at its subsequent meetings.
- (xii) Subject to this Constitution, the NGC must set up and determine the nature, scope, composition, powers and functions of committees they set up.

National Congress (NC)

- (i) A National Congress shall be composed of the President, 1st Deputy President, 2nd Deputy President, Treasurer General, Secretary General, 1st Deputy Secretary General, 2nd Deputy Secretary-General and Finance Committee members.
- (ii) Each Local shall elect one (1) delegate for every hundred (100) paid up members of part thereof which will include local office bearers.
- (iii) Each delegate shall be a shop steward at the workplace where he/she is employed.
- (iv) The accreditation of delegates will be determined by a Credentials Committee appointed by the National General Council (NGC).
- (v) Only delegates accredited by the Credentials Committee shall be entitled to vote at a National Congress. The General Secretary and Deputy Generals and other staff shall be entitled to attend the congress. They shall have the right to speak but not to vote.

- (vi) The National Congress (NC) shall be held once in four (4) years during at any date and such a place decided by the NGC.
- (vii) A special NC may be held if and when this is deemed necessary by the NGC or within two (2) months of receipt of a request by 50 + 1% of the locals.
- (viii) Written notice shall be given to each Local Secretary at least two (2) months before the date of the NC and at least one (1) months' notice for an extra-ordinary NC is required.
- (ix) The proceedings of any meeting shall not be invalidated merely by reason of the non-receipt by any member of the notice of the meeting.
- (x) The quorum for NC shall be at least 50 +1% the number of delegates and locals required to attend and the same for the extra-ordinary congress.
- (xi) If within two hours of the time fixed for a meeting a quorum is not present, the meeting shall stand adjourned until a further meeting can be arranged. Such an adjourned meeting shall take place at a date not sooner than thirty (30) days and not later than sixty (60) days from the date of the meeting which was adjourned.
- (xii) Notice of all adjourned meetings shall be given. At such a meeting the members present shall form a quorum.
- (xiii) Minutes of the NC shall be submitted to each Local and Workplace by the Secretary-General or a nominee for that purpose within two (2) months of the National Congress (NC) and shall be approved at the following National Congress (NC).
- (xiv) All election of members to union structures shall be by secret ballot.

4.5.1 Powers and duties of the National Congress (NC)

The powers and duties of the National Congress shall be:

- (i) To make policy for the union

- (ii) To decide on resolutions submitted to the congress by locals and National General Council
- (iii) To consider and decide on reports presented to the congress
- (iv) To review and decide on the financial positions and progress of the union
- (v) To nominate and elect by a secret ballot the:
 1. President
 2. 1st Deputy President
 3. 2nd Deputy President
 4. Treasurer-General
 5. Deputy Treasure-General
 6. Secretary-General; and
 7. 1st Deputy Secretary-General
 8. 2nd Deputy Secretary-General
 9. 3rd Deputy Secretary General
- (vi) To amend the constitution; and
- (vii) To deal with any other matter which merits the attention of the congress

RULE 5:

5.1 General Provisions

Rules for the conduct of meetings

Unless stated otherwise in this Constitution, all union meetings must be conducted in the manner set out below.

Chairperson

The President shall be the Chairperson in all meetings of the NC, NGC and NEC or the most senior office bearer present shall preside. If there is no office bearer present, the meeting shall elect a Chairperson on the basis of simple majority

Quorum

- (a) Unless stated otherwise in this Constitution, the quorum for any meeting must be at least half the delegates that are entitled to attend the meeting.
- (b) The relevant Secretary must determine whether there is a sufficient quorum for the meeting.

Agenda

- (a) Only issues on the agenda may be debated, unless the majority present at the meeting agrees otherwise.

- (b) Any proposals to change the agenda must be debated at the start of the meeting. If there is no agreement on the agenda after 20 minutes of debate, the matter must be determined by a vote.

Decision Making

- (a) All matters requiring a decision must be proposed and seconded.
- (b) Except where otherwise provided paid officials or employees of the union may not vote on any matter except where the official or employee has been appointed or elected to represent the union on any board, council, committee or federation of trade union internally or externally.
- (c) Decisions must be taken by the vote of the majority of members or delegates present at any meeting and entitled to vote.
- (d) Voting must be by show of hands, unless a ballot is prescribed by this Constitution or agreed to by the meeting.
- (e) Any delegate or member present at a meeting who wishes to speak must address the chairperson and may do so only with the permission of the chairperson.
- (f) Any delegate or member present at a meeting who proposes a motion may motivate that motion for at least 10 minutes and may reply to any debate for up to 5 minutes.
- (g) Decisions made may not be re-opened at the same meeting unless by 2/3 of members of the meeting agrees.
- (h) The chairperson may make rulings on matters of meeting procedure, to the extent that such matters are regulated in this in this constitution.
- (i) The meeting must appoint at least 2 ballot auditors for every ballot except otherwise agreed by the National General Council.

Minutes of meetings

- (a) The relevant Secretary for that structure must take minutes for every meeting or the meeting must decide on a person to take minutes.
- (b) Minutes must be confirmed at every subsequent meeting, with amendments or deletions agreed to by the majority of those present at the meeting.

- (c) Minutes must be signed by the chairperson and kept in a file by the secretary.
- (d) The relevant secretary must keep a register of all resolutions and decisions taken at meetings.

Protest Action

A decision to engage or not to engage on protest actions to promote or defend socio-economical interest of the Union members shall be passed by;

- (a) A simple Majority (50% +1) on Union action and;
- (b) Nominated person on federations action

Full time Staff

- (a) The Union may employ full time officials to service the workers who shall be entitled to rights of every worker in Swaziland.
- (b) The full time officials shall report to the Secretary General.

Enhancing the participation of women in the affairs of the union

- (a) When appointing any Office-bearer or Official of any structure of the union or any member to a committee or other organ of the union, or when determining the representatives or alternatives to any meeting, due regard must be given to enhancing the participation and development of women in the affairs of the union.
- (b) The structures of the union must, by resolution, determine the manner in which the participation of women in the affairs of the union may be enhanced.

Discipline of members, office-bearers, elected officials and shop stewards

Any member, shop steward or office bearer may be disciplined by the union, in terms of this clause for:

- (a) Acting in a manner contrary to this Constitution.
- (b) Acting contrary to the interests of the union and its members, or any federation of unions to which the union belongs
- (c) Failing to attend 3 consecutive meetings without acceptable reasons of any other constitutional bodies which the person is required to attend;

- (d) Or allegedly committing misconduct

Disciplinary Procedure of National and Local Office Bearers

- (a) The National Executive Committee or National General Council or the Local Shop Stewards' Council as the case may be, shall establish a Disciplinary Committee.
- (b) If the Disciplinary Committee believes that the charge has been satisfactorily proven it may recommend to the NEC or NGC or Local Shop Stewards' Council to:
- (c) Remove the person concerned from his or her office in the union
- (d) Expel the person concerned from the union.
- (e) Suspend him or her for a definite period from his or her position.
- (f) Suspend him or her from membership.
- (g) impose a fine or suspend him or her from membership, position in the union pending payment of the fine; or
- (h) Impose any other fair and appropriate penalty.

5.5 Releasing of democratically elected office-bearers, and shop stewards from office

Despite any other provision in this Constitution, shop stewards, office-bearers and elected officials may be removed from office in accordance with this paragraph.

- a) A ballot, as set out in this paragraph, must be held at the written request of at least 30% of the members, in good standing, in the constituency in which the affected person was elected or appointed or that constitutional structure immediately below it.
- b) The committee to whom the request is addressed must arrange for a ballot of all members in good standing in the relevant constituency.
- c) The person concerned may be removed from office if more than 50% of the members of the constituency vote to remove the person concerned.
- d) For the purpose of this clause the relevant constituencies are as follows:

- (i) For shop stewards the members in good standing within that workplace.
- (ii) For Local Office Bearers the local shop stewards' council having jurisdiction
- (iii) For national elected officials and office-bearers, the National Congress.

Ballots

Ballots must be taken:

- a) when it is compulsory in terms of this Constitution and the Act
- b) Nationally, Locally or workplace if called for by the NC or NGC or
- c) Nationally, locally or workplace if called for by the NGC, upon a petition of at least 30% of the unions' members in good standing.

Ballot procedure

- a) The relevant body that called for the ballot must appoint at least two ballot auditors who may be members of the union. The ballot auditor must supervise the ballot and counting of the votes.
- b) The relevant body calling for the ballot must determine an appropriate place for the holding of the ballot and take adequate steps to ensure that the members, who are entitled to vote, are aware of the ballot.
- c) Each voter must, in the presence of a ballot auditor, be issued with a ballot paper that describes the issue.
- d) The ballot and the ballot paper must make it impossible to identify the vote of any particular individual.
- e) No voter may be compelled to disclose the nature of his or her vote or intended vote in a ballot.
- f) Each voter must make a mark on the ballot paper in secret and deposit the ballot paper into a ballot box.
- g) On completion of the ballot the ballot auditors must count the votes.

- h) If there is an election the candidate for election may observe the counting. The candidate receiving the highest number of votes shall be declared elected.
- i) The ballot auditors must inform the most senior office-bearer present of the results of the ballot. They must then inform the meeting or committee.
- j) The body of the union that called for the ballot must act upon the results of the decision of the majority voting in the ballot subject to: the provisions of this Constitution; or the decisions of the union structures that are binding on that body.
- k) Ballot papers must be kept for the duration of the term of office, by the Local Secretary in respect of a local or workplace ballot and in the case of a national ballot by the Secretary General.

Finances

- a) The union shall not operate any other accounts, other than those provided for in this Constitution, unless specifically authorized by the NEC or NGC.
- b) All funds received on the basis of agency shop agreements must be deposited into separate bank accounts at a bank determined by the NEC or NGC.
- c) A person whose membership has terminated has no claim whatsoever on the funds of the union.
- d) The NEC or NGC or its' nominees may, at any time, authorize an inspection, audit or suspension of any the union's accounts.
- e) The union may not make a payment of more than E40 000. 00 without the prior approval of NEC. NEC *may* amend this amount from time to time, subject to ratification by the NGC.
- f) The financial year of the union shall be from the beginning of October to the end of September.

Union funds may only be used for:

- a) The administration of union affairs;
- b) The acquisition of property;
- c) Investments on behalf of the union that are in the interests of members;

- d) The implementation of union policies and decisions;
- e) Any lawful purposes agreed to by union or the achievement of the objects of the union, as set out in this Constitution.

FINCOM

Finance Committee is composed of the Treasurer-General and three members who are elected by National General Council (NGC).

5.10.1 FINCOM must ensure that:

- a) Ensure proper books of account are maintained at the union's head office.
- b) Audit the assets of the union
- c) Approve and scrutinize all payments made by the union
- d) Meet at least quarterly on a date fixed by the Treasurer General in consultation with the Deputy -Secretary General
- e) Keep minutes of every meeting it holds.
- f) Report to the NEC or NGC on a regular basis.
- g) Proposes ways of making the union self-sufficient
- h) Do preparatory work regarding the union's budget.
- i) Takes decisions on matters that are in compliance with the union's budget
- j) Consider extra-ordinary requests for funds from the locals or head office; and make recommendations to the NEC or NGC on all financial matters; including auditing, budget allocations, operational expenses, investments and financial policies.

5.11 Banking authority

No person is authorized to open a national account in any bank in the name of "Amalgamated Trade Union of Swaziland (ATUSWA) except:

- a) Without the explicit written authority of a resolution of the NGC on official union letterhead signed by at least three members of the NOB's.
- b) The General Secretary must take reasonable steps to draw this provision to the attention of financial institutions.

5.12 National bank account

- a) All monies payable to the union, including subscriptions, levies, fines and other payments must be made into the union account.

- b) The Secretary General, Treasurer-General or any other authorized person, must deposit all monies within 7 days of receipt into an account in the name of the union at a bank decided on by the NGC.
- c) The bank account must be called “Amalgamated Trade Unions of Swaziland (ATUSWA).
- d) There shall be only 3 signatories to the union accounts. Only the Secretary-General or Deputy Secretary-Generals, Treasurer-General or 1st Deputy President and 2nd Deputy President or members of the Finance Committee as authorized by the NEC may act as signatories to the union’s national account. Any two signatures shall sign except that no union full-time persons are allowed to sign any cheque alone.

5.13 Budget allocations

- a) The NGC must determine by majority vote the size of annual budget allocations for the union’s head office and each Department.
- b) All cheques drawn on the union’s national account must be signed by at least two (2) of the authorized signatories.

5.14 Annual Audit

- a) The financial year will be determined by the National General Council (NGC).
- b) All accounts of the union must be audited annually by a person registered as an accountant and auditor. This person/Firm must be appointed by the National General Council (NGC) or National Executive Committee (NEC).
- c) Copies of the consolidated audited account of the union and the auditors’ report must be kept and made available to union members at all union offices upon request.
- d) The NC or NGC must confirm the consolidated audited financial statements, the balance sheet and auditor’s report.
- e) The consolidated audited financial statements must be presented at the NC and NGC meetings by the Treasurer-General.
- f) The auditors’ report must state whether the auditor: has examined all the books of account and records of the union;

- (i) is satisfied with the existence of the securities;
- (ii) is satisfied that the union has kept proper books of account; has obtained all the information and explanations required;
- (iii) is satisfied that the statement of income and expenditure and balance sheet accurately reflect the union’s financial affairs; and
- (iv) Is satisfied that the financial provisions of the constitution have been fully complied with.

5.15 Dissolution.

If for any reason the Union is unable to continue functioning, the Union may be dissolved provided that more than 60% vote by way of a ballot at National Congress in favor of the dissolution of the union. If a resolution for the dissolution of the Union has been passed, the following shall apply:

- a) The Union will approach the Industrial Court to appoint a suitable liquidator, in terms of the law. The same National Congress that has resolved to dissolve the Union will choose one of the following options to guide the liquidator on how to dispose of any assets remaining once all liabilities have been discharged:
 - (i) Keep the money in trust until another trade union within the area and scope of ATUSWA is open to all workers within that area and scope is established;
 - (ii) Transfer the money or assets to any insurance, provident benefit fund established in the interest of ATUSWA members; or
 - (iii) Distribute the money or assets among members in good standing in proportion to their number of years of membership.
- b) transfer all or part of the assets or money to another trade union;
 - (i) Keep the money in trust until another trade union within the area and scope of ATUSWA is open to all workers within that area and scope is established;
 - (ii) Transfer the money or assets to any insurance, provident benefit fund established in the interest of ATUSWA members; or
 - (iii) Distribute the money or assets among members in good standing in proportion to their number of years of membership.

Acronyms

ATUSWA	–	Amalgamated Trade Unions of Swaziland
LOB’s	–	Local Office Bearers
NEC	–	National Executive Committee
NGC	–	National General Council
NC	-	National Congress