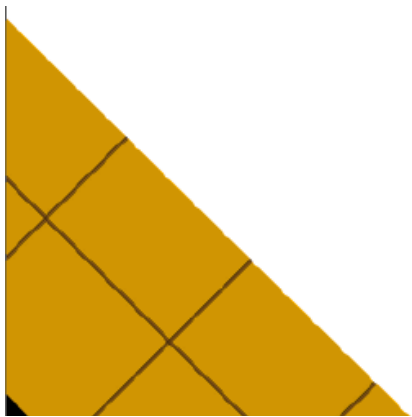




**BOTSWANA FINANCIAL INSTITUTIONS AND
ALLIED WORKERS UNION**

CONSTITUTION





**THE CONSTITUTION OF THE BOTSWANA
FINANCIAL INSTITUTIONS AND ALLIED
WORKERS UNION**

2023

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PREAMBLE

Recognising the desirability of promoting and maintaining a sound and healthy relationship and agreeing that such ideals can be attained through the process of collective bargaining, the parties do herein set forth matters relating to the regulation of relations between the financial services institutions and the Union.

DEFINITIONS

Unless the context requires otherwise, the following words, phrases and abbreviations shall in the interpretation of this constitution be as defined hereunder:

"Elected Official"	means an employee elected to the position of General Secretary or Deputy General Secretary or Regional Secretary.
"TDA"	means the TRADE DISPUTES ACT [Cap 47:01] of the Laws of Botswana as amended from time to time.
"TUEOA"	means the TRADE UNIONS AND EMPLOYERS' ORGANISATIONS ACT, Cap 48:02 of the Laws of Botswana as amended from time to time.
"Local"	shall mean a geographic area, within a Region, the boundaries of which shall be determined by the National Executive Committee from time to time.
"National Executive Committee "	means the governing body with executive powers
"National Office Bearer"	means either the National Chairman or National Vice Chairman or National Treasurer or General Secretary or Deputy General Secretary.
"Other official"	means an employee of the Union appointed to the position of official.
"Region"	shall mean a geographical area, the boundaries of which shall be determined by the National Executive Committee from time to time.
"Regional Office Bearer"	means the Regional Chairperson or Vice-Chairperson or Regional Treasurer or Regional Secretary.

"Shop steward"	means a trade union representative who has been elected by paid up members in accordance with this constitution and who follows the rules, policies and procedures of the Union.
"The industry"	means the industry as described in the scope of the Union.
"The previous constitution"	means the Botswana Bank Employees Union Rules and Constitution that was in force prior to the coming into effect of this Constitution.
"Youth"	means a person who is Thirty-Five (35) years and below.

CHAPTER 1

1. CHARACTER OF THE UNION

(1) NAME

The name of the Union shall be Botswana Financial Institutions and Allied Workers Union hereinafter referred to as “the Union”.

(2) SCOPE

(a) The scope of the Union is the financial services sector in Botswana and this includes, but not limited to: -

- (i) commercial banks
- (ii) insurance institutions
- (iii) asset managers
- (iv) stock exchanges
- (v) pension funds
- (vi) securities dealers
- (vii) savings and cooperative societies (saccos)
- (viii) micro-lenders
- (ix) pawn shops

(b) The Union may amend the scope from time to time.

(3) LEGAL STATUS

(a) The Union shall be a corporate body having perpetual succession and shall have the legal capacity to:

- (i) sue and be sued in its own name;
- (ii) acquire, own or alienate property under its own name.

(b) The Union is an association not for gain.

(4) LOCATION OF HEAD OFFICE

(a) The head office of the Union shall be in Gaborone.

(b) The National Executive Committee may change the location of the head office, when necessary.

(5) AIMS AND OBJECTS

The aims and objects of the Union shall be:

(a) Worker rights

- (i) to promote the interests of members in relation to employers;

- (ii) to improve the wages and working conditions of all workers in the financial services industry in Botswana;
 - (iii) to strike without fear of dismissal;
 - (iv) to fight against arbitrary and unfair dismissal of workers;
 - (v) to resist retrenchment and fight for full employment;
 - (vi) to fight for adequate social security from the employers;
 - (vii) to fight against all forms of harassment, victimization, discrimination and/or intimidation of the workers.
- (b) **Democracy**
- (i) to support the spirit and principle of democracy in all the Union's activities;
 - (ii) to build a strong and democratic organisation of workers at the workplace;
 - (iii) to build strong and active shop steward structures to ensure democratic worker control;
 - (iv) to achieve full and effective participation by workers in all decision-making affecting them in the workplace;
 - (v) to end all forms of discrimination in employment.
- (c) **Solidarity**
- (i) to unite all workers in the financial services industry and such other financial institutions as the Union may agree;
 - (ii) to encourage in workers a spirit of trade Union unity;
 - (iii) to build solidarity between workers and Unions locally, regionally and globally;
 - (iv) to support, financially or otherwise, the work or purpose of any lawful association or national body having its object the promotion of the interest of labour, trade union and trade unionists subject to the provisions of the TUEOA.
- (d) **Human Resource Development**
- (i) to fight for proper and accessible training to develop the skills and abilities of all workers;
 - (ii) to establish and/or participate in publishing journals, pamphlets etc. or any other publication in the interest of the Union and/or the workers.
- (e) **Safe Working Conditions**
- (i) to struggle for safe and healthy working conditions for all workers.
- (f) **Financial Control**
- (i) to raise funds in any lawful way which the NEC deems appropriate;
 - (ii) to establish and administer funds for the benefit of members;
 - (iii) to buy, take on lease, hire, or otherwise acquire or to sell, pledge or mortgage any movable or immovable property; and
 - (iv) to invest the Unions funds in viable ventures.
- (g) **Legal assistance**
- (i) to provide legal assistance to members in matters relating to their employment and to institute legal proceedings on behalf of the Union to defend or further the provisions of this Constitution where the Union deems this to be appropriate;

- (ii) to promote or oppose as the case may be, any laws or administrative measures that affect the interests of Union members in particular and workers in general;
- (iii) to do any other lawful thing which may further the interests of Union members and/or the Union itself.

CHAPTER 2

2. MEMBERSHIP

(1) QUALIFICATION FOR MEMBERSHIP

- (a) Membership is available for workers currently employed in the financial services sector in Botswana and such other financial institutions the Union may determine.
- (b) No person under the age of 18 years shall be admitted as a member of the Union.
- (c) A waiting period of three (3) months from the date of membership is applicable to members who join whilst undergoing or have an impending disciplinary hearing at their workplace. During the waiting period the member shall enjoy all the benefits of membership except financial support for the legal action that would arise subsequent to the disciplinary hearing.

(2) PROCEDURE FOR APPLICATION FOR MEMBERSHIP

- (a) An application for membership of the Union shall be made in writing to the Secretary of the Branch of the Union.
- (b) The Secretary shall present the application to the Branch Committee which shall consider the application and determine whether or not to admit the applicant into the membership of the Union.
- (c) The applicant shall be notified of the decision of the Branch Committee within 30 days of the submission of the application.

(3) APPEAL PROCEDURE WHERE MEMBERSHIP DENIED

- (a) If an application for membership is rejected by the Branch Committee, the applicant may appeal in writing within 30 days to the Regional Committee and thereafter, the National Executive Committee whose decision shall be final.
- (b) At the appeal before the Regional Committee, the worker may if he/she chooses, appear personally and call witnesses in support of the appeal.
- (c) At the appeal before the NEC, unless the NEC decides otherwise, the worker may not appear before the NEC and the NEC shall only consider the record of the matter from the lower structures.

(4) RIGHTS AND OBLIGATIONS OF MEMBERS

- (a) Member's rights are as set out in the provisions of this constitution, and as determined by any lawful organ of the Union from time to time.

- (b) Except as otherwise provided in this Constitution, all members shall have equal rights and shall be bound by the Constitution, its appendices and any amendments thereto, and shall be bound by all decisions made by the authorised committees and organs of the Union.
- (c) Every member shall ensure that their subscription is paid when due.
- (d) Every member shall have the right to take an active part in the activities of the Union in accordance with the Constitution and to freely express their opinion and to participate in the democratic decision making of the Union.
- (e) Every member of the Union shall have the right to inspect any record or document of the Union, subscription records, accounts or files and shall be entitled to inspect the Minutes of any meeting in accordance with the provisions of the TUEOA. A member wishing to inspect any such records must give one week's notice in writing to the General Secretary, or such other custodian of the Union's records. Upon application in writing to the General Secretary of the Union, or the Regional Secretary in respect of Regional records, such member shall be entitled to receive a copy of any records within 14 days of such application.
- (f) It shall be the duty of every member to attend such meetings of the Union as the member is obligated to attend and to conduct themselves at such meetings in a proper manner.
- (g) Every member shall have the right to stand for any position, in the Union, unless they have a criminal record.
- (h) Every member must observe the provisions of this Constitution, and the lawful decisions of any body of the Union, and must not act in a way, which is detrimental or prejudicial to the interests of the Union or its members.

(5) **TERMINATION OF MEMBERSHIP**

Membership of the Union shall terminate by either of the following:

(a) **By resignation**

- (i) A member may resign by giving four (4) weeks' notice in writing to the Branch Secretary. The member must pay all money owing to the Union before it accepts the resignation.
- (ii) The Branch Secretary shall within at most three business days of receipt of a member's notice to resign, notify the Regional Secretary of the same.
- (iii) After a member has resigned that member may not participate in the Union's affairs, nor may the member receive any benefits or funds provided by the Union.

(b) **By unemployment in the industry**

- (i) A member automatically loses membership 12 weeks after becoming unemployed in the industry unless:

- a. that member is re-employed in the financial services sector in Botswana within 12 weeks and resumes the payment of subscriptions as prescribed by this constitution;
- b. the Union is in the process of disputing the dismissal of the member in which case the worker remains a member until the Union has completed the dispute proceedings; or
- c. that member's employer who has refused or delayed compliance with a valid stop-order authorizing the deduction of Union subscriptions pays the Union the full amount.

(c) **By expulsion**

- (i) A member may be expelled in terms of Article 2(6)(b) of this constitution.
- (ii) After a Union has expelled a member, that member may not participate in the Union's affairs, nor may the member receive any benefits or funds provided by the Union.

(d) **By assuming political office**

Any member, office bearer or employee of the Union who is elected and accepts a political office of Councilor or Member of Parliament shall upon such election and acceptance of office thereof have his/her membership automatically terminated from the Union.

(e) **By death of the member**

A person who ceases to be a member of the Union for whatever reason shall forfeit all rights previously enjoyed by virtue of membership to the Union and all rights and/or claim to any property of the Union including any claim whatsoever for refund of subscriptions paid to the Union.

(6) **DISCIPLINE OF MEMBERS**

(a) **Disciplinary offences**

A member of the Union may be suspended or fined an amount commensurate with the offence committed, or expelled from the Union for-

- (i) misappropriating, or attempting to misappropriate money or property of the Union;
- (ii) failing to hand over any books or records of the Union when required to do so in terms of this Constitution;
- (iii) slandering the Union, or distributing any written material which directly, or indirectly, contains any defamatory statement concerning the Union, its activities or elected office bearers;
- (iv) accepting conditions of employment with an employer with whom the Union has entered into an Agreement on terms and conditions which are less favorable than those negotiated by the Union;
- (v) failing to comply with a decision to take industrial action, provided that such decision shall have been taken in accordance with the provisions of this Constitution and the TDA;
- (vi) failing to comply with any provisions of this Constitution or any lawful decision of an organ of the Union constituted in terms of this Constitution; and

- (vii) acting in a manner which in the opinion of the committee having jurisdiction is detrimental or prejudicial to the interests of the Union or its members.

(b) Disciplinary procedure and penalties

- (i) No member of the Union may be disciplined or have their membership terminated for failure or refusal to participate in a strike if:
 - 1. no ballot was held about the strike;
 - 2. a ballot was held, but a majority of the members who voted did not vote in favour of the strike.
- (ii) The Branch Committee having jurisdiction shall give a member at least two weeks' written notice of the time and place of the disciplinary hearing. The notice must contain details of the substance of the charges against the member.
- (iii) The Branch Committee must send the Regional Secretary concerned proof of delivery of the written notice.
- (iv) The member shall be entitled to be present at the hearing, to make representations and to call witnesses in his/her defence.
- (v) Once the committee is satisfied that the person charged has received the prescribed notice the disciplinary hearing may proceed, even though the person charged may be absent.
- (vi) If the committee is satisfied with the proof presented in relation to the charge they may:
 - 1. impose a fine:
 - a. to be decided by the relevant structure;
 - b. may suspend a person from membership until such fine is paid. The Union has the right to recover this money by way of civil proceedings.
 - 2. suspend for a definite period from the Union;
 - 3. expel the member from the Union.
- (vii) While a member is suspended, that member is no longer entitled to:
 - 1. the benefits of membership; and
 - 2. vote in meetings.
- (viii) When a member is expelled all money that member owes the Union becomes due and payable immediately.
- (ix) Notwithstanding anything else in this constitution, where a member has misappropriated any of the Union's money and/or property, the Union may institute legal action to recover / recoup its monies / property.

(c) Appeal procedure

- (i) A member can appeal to the Regional Committee.
- (ii) The appeal must be lodged in writing within fourteen (14) days of notification of the decision which the member is appealing against.
- (iii) At any appeal a member should state his or her case personally and call witnesses.
- (iv) The Regional Committee has the power to confirm, vary or reverse the decision of the Branch Committee. The decision of the Regional Committee is final.
- (v) A member may further appeal to the NEC. At the appeal before the NEC, unless the NEC decides otherwise, the member may not appear before the NEC and the NEC shall only consider the record of the matter from the lower structures.

CHAPTER 3

3. SUBSCRIPTION OF UNION DUES

(1) AMOUNT

(a) Every member shall also pay monthly subscriptions. Payment shall be in arrears and shall be at the rate of one percent (1%) of the member's monthly remuneration.

(2) CHANGES TO THE AMOUNT

Any proposals to increase the joining fee or monthly subscription shall be decided at Biennial General Conference or the Extraordinary General Congress of the Union and must be approved by the majority of delegates voting in accordance with Articles 15 and 16 of this Constitution.

(3) COLLECTION OF SUBSCRIPTIONS

Every member must sign a check-off facility form to pay their subscriptions unless the NEC allows for cash collection.

(4) FAILURE TO PAY SUBSCRIPTIONS

(a) Any member who allows his arrears to exceed three months shall:

- (i) be suspended from membership by the Branch Committee;
- (ii) not be entitled to any benefits provided by the Union; and
- (iii) not be in good standing with the Union.

(b) Re-admission to the Union membership shall only be made after the member has paid up all arrears and a re-admission fee of P100.00.

(5) LEVIES, FINES AND BENEFIT FUND CONTRIBUTIONS

(a) In addition to subscriptions, all members shall also be liable to pay:

- (i) contributions towards any benefit fund as may established by the Union;
- (ii) any fines and levies imposed by the Union in terms of this constitution.

(6) SUBSCRIPTIONS PAID TO THE UNION NOT REFUNDABLE

Whether at termination of membership or otherwise, all subscriptions and all moneys lawfully paid by the member to the Union shall not be refundable.

CHAPTER 4

4. UNION REPRESENTATION OF MEMBERS IN WORKPLACE GRIEVANCES AND DISPUTES

- (1) The authorized representative bodies of the Union shall be the Shop Stewards, the Branch Committees, the Regional Committees, the National Executive Committee or any other representative designated by the Union.
- (2) Any member or group of members of the Union who have a grievance relating to the application of their conditions of employment may request assistance in resolving such grievance from their Branch Shop Steward. If the Shop Steward is unable to resolve the issue, the Shop Steward shall report the matter to the Branch Committee, who shall take such steps as necessary, to resolve the matter at the level of the Branch.
- (3) If the Branch Committee is unable to resolve the issue, the Branch Secretary shall report the matter to the Regional Secretary in writing and the Regional Secretary shall bring the matter before a meeting of the Regional Committee. The Committee shall consider the matter and may take such steps as are necessary to resolve the grievance.
- (4) If the Regional Committee is unable to negotiate a satisfactory settlement, the Regional Secretary shall report the dispute to the General Secretary in writing giving full details of the dispute and the region's recommendations for further action.
- (5) The report from the Regional Committee shall be considered by the National Executive Committee who shall take such steps as are necessary to negotiate a settlement with the employer(s) concerned. If the National Executive is unable to bring about a satisfactory settlement to the dispute, the National Executive may take such further action as it deems necessary, including a recommendation to the Branch affected by the dispute that an industrial action be taken.
- (6) Provided that, no industrial action shall be taken unless two thirds of the members of the affected Branch vote in a secret ballot of members to take such industrial action.
- (7) Where the Regional Committee, or the National Executive Committee is of the opinion that the grievance or dispute is an issue which concerns only one commercial bank or financial institutions covered by the Union, and that in the interests of confidentiality, the issue should only be discussed by members of that Bank or financial institution, it may appoint a negotiating committee made up solely of members of that Bank, at the regional or national level.

CHAPTER 5

5. GOVERNANCE OF THE UNION

- (1) The supreme authority of the Union shall be vested in the Biennial General Conference except concerning matters requiring decisions by secret ballot as required under Article 16(5) of the Constitution.
- (2) Subject to the foregoing provision, the management of the affairs of the Union shall be vested in the NEC.
- (3) The Union shall be composed of the following hierarchical structures:
 - (a) Biennial General Conference
 - (b) National Executive Committee
 - (c) Regional Committee
 - (d) Branch Committee
 - (e) Shop Steward Committee
 - (f) Women's Committee
 - (g) Youth Committee

CHAPTER 6

6. SHOP STEWARDS

(1) ELECTION

- (a) Union members in a workplace can elect shop stewards to represent them on workplace related matters.
- (b) At least twenty-five percent (25%) of the elected shop stewards shall be Youth provided that where the number of shop stewards is two (2) in a workplace, at least one (1) shall be Youth.

(2) ELECTION PROCEDURE

- (a) The Branch Committee shall consult with Union members at the workplace to determine the number and distribution of shop stewards.
- (b) A notice of election of shop stewards shall be given to all members eligible to participate in the election. This notice must be given three days before the election. An election may not however be invalidated by reason only that a member has not received this notice.
- (c) All nominations shall be duly proposed and seconded by such members. Voting shall be by a show of hands, except when more than 10% of members in good standing request a ballot.

(3) PERIOD OF OFFICE

- (a) Shop stewards shall hold office for two years, subject to any decision of the Biennial General Conference to extend this period of office.
- (b) Elections shall be held as soon as possible after the expiry of the term of office of the shop stewards.
- (c) The General Secretary of the Union is responsible for calling the election if there is a delay.

(4) DUTIES OF THE SHOP STEWARDS

- (a) The duties of the Shop Steward shall be:
 - (i) to represent the interests of Members.
 - (ii) to maintain order and harmony amongst the members in their workplace;
 - (iii) to recruit members;
 - (iv) to settle disputes in their workplace;
 - (v) to report regularly to their Regional Committee on any dispute or any grievances of members;
 - (vi) to discuss decisions and policies of the Union to members in their workplace;
 - (vii) to take up all legitimate complaints of members.

(5) MEETINGS OF SHOP STEWARDS

- (a) In situations where there are more than 2 shop stewards in a workplace, the Shop Stewards shall organize themselves into a committee, to be known as a Shop Steward

Committee, and shall meet as regularly as required to discuss matters of concern to members in the workplace.

- (b) All issues at shop steward meetings shall be decided by a majority vote of members present raising their hands, unless the meeting decides to hold a ballot.
- (c) Minutes of the Shop Steward Committee meetings shall be made available to the Regional Secretary.

(6) TERMINATION OF OFFICE

- (a) A Shop Steward shall vacate his/her position in any one or more of the following circumstances:
 - (i) if he/she does not attend three meetings in a row of a Shop Steward Committee without sending a reasonable written excuse;
 - (ii) if he/she is no longer in good standing with the Union;
 - (iii) if he/she is no longer employed in the workplace where they were elected;
 - (iv) if he/she resign by giving a month's written notice to the General Secretary;
 - (v) if his/her Union membership is suspended or terminated;
 - (vi) if they are unable to perform their duties as set out in this constitution; or
 - (vii) if the Regional Committee receives a petition calling for the removal of the shop steward from office. This petition must be signed by not less than 70% of the paid up members employed in the workplace of the workplace that the shop steward represents. Any such petition should furnish reasons as to why the shop steward must be removed;
 - (viii) by death.

(7) VACANCIES IN SHOP STEWARDS POSITIONS

- (a) Within 30 days of a vacancy arising for a shop steward post, a by-election must be held. A shop steward elected in a by-election shall hold office for the remainder of the previous shop steward's term of office.
- (b) A shop steward shall not be eligible for re-election in the by-election if they:
 - (i) are no longer employed at that workplace;
 - (ii) have not attended three meetings in a row of the Shop Steward Committee without sending a reasonable written excuse;
 - (iii) have resigned;
 - (iv) have been suspended;
 - (v) have received a petition to resign signed by more than 70% of the members they represent as contained in Article 6(6)(a)(vii) above; or
 - (vi) have been expelled.
- (c) Any shop steward who has vacated their position by virtue of Article 6(6)(a) shall be eligible for re-election in a by-election if, at the time nominations for the by-election closes, they:
 - (i) are re-employed in the establishment in which they were elected;
 - (ii) are in good standing; or

(iii) have withdrawn their resignation.

CHAPTER 7

7. BRANCHES AND BRANCH COMMITTEES

(1) DEMARCATION OF BRANCHES

- (a) Every member of the Union shall belong to a particular Branch.
- (b) A Branch shall consist of the geographical area(s) and by extension places of business within the demarcations determined by the NEC from time to time.
- (c) The National Executive, upon the recommendation of a Regional committee, shall register a Branch based on a branch where there are not less than 10 members of the Union. Where a branch has less than 10 members of the Union, such members shall join a Branch in the same Region as determined by the Regional Committee.

(2) COMPOSITION

- (a) Each Branch shall annually elect a Branch Committee consisting of a Chairman, Vice Chairman, Secretary, Treasurer and two Committee Members and one or more Shop Stewards provided that at least one (1) person from those elected shall be Youth.
- (b) A general meeting of the Branch shall be convened by the Branch Committee at their respective Branches at least once every two months. Members shall be given seven days' notice of a Branch meeting. Minutes of each Branch Meeting shall be sent to the General Secretary not later than 14 days after the date of such meeting.
- (c) The Chairman of the Committee shall have a casting vote in all Branch meetings.

(3) PERIOD OF OFFICE

A Branch Committee shall hold office for 2 years and its members shall be eligible for reelection provided the member is not in arrears in any of the payments due to the Union.

(4) POWERS AND DUTIES OF THE BRANCH COMMITTEE

- (a) The duties of the Chairman shall be to convene meetings of the Branch Committee and General Branch Meetings. The Chairman shall preside over such meetings and supervise the work of the Branch.
- (b) The duties of the Branch Secretary shall be to organise the activities of the Branch, maintain records of Committee meetings and general meetings, and maintain an up-to-date list of members. The Branch Secretary shall issue Membership Cards.
- (c) The duties of the Treasurer shall be to maintain the books of accounts of the Branch, collect union subscriptions from members when due.

(5) DISSOLUTION OF BRANCHES

- (a) A Branch shall be dissolved by the Regional Committee when the number of members falls below 10 members and remaining members shall join a Branch determined by the Regional Committee.
- (b) All books, records, and any property of the Branch shall be handed over to the Regional Secretary by the outgoing Branch Secretary within 10 days of the dissolution of the Branch.
- (c) The Regional Secretary shall notify the General Secretary of the dissolution of any Branch.
- (d) If a Branch Committee fails to meet and/or convene for a consecutive period of four (4) months, it shall be deemed to be dissolved and a new committee shall be elected.

CHAPTER 8

8. REGIONS AND REGIONAL COMMITTEES

(1) DEMARCATION

- (a) The Union shall be divided into Regions and each Region shall consist of not less than three registered Branches.
- (b) The National Executive Committee shall determine the area each Region shall cover and the number of Regions.

(2) COMPOSITION

- (a) Each Region shall have a Regional Committee consisting of a Regional Chairman, Regional Secretary, Regional Treasurer and two elected members from each Branch in the Region provided that at least one (1) person from those elected shall be Youth.
- (b) Members of the RC shall be elected by an Annual Regional Conference.
- (c) Membership of the Regional Committee shall be composed from amongst the Shop Stewards in the particular region.

(3) PERIOD OF OFFICE

A Regional Committee shall hold office for 2 years and its members shall be eligible for reelection provided the member is not in arrears in any of the payments due to the Union

(4) POWERS AND DUTIES OF THE REGIONAL COMMITTEE

- (a) To co-ordinate the activities of the Union in the Region.
- (b) To actively promote the Union in the Region, organise members and the establishment of new Branches.
- (c) To meet at least once every two months.
- (d) To mediate in any dispute between branches or between members of a Branch.
- (e) To represent, and negotiate on behalf of a Branch(es) in dispute with an employer.
- (f) To organise fund raising activities for the Union.
- (g) To liaise with the National Executive committee and act as a link between the Branches and the National Executive.
- (h) In the event that the position of a Regional Office Bearer becomes vacant, to elect a person to act in that position until the following Regional Congress. The Regional

Committee should endeavour to fill the position within three months of it becoming vacant.

(5) DUTIES OF OFFICE BEARERS OF THE REGIONAL COMMITTEE

- (a) The duties of the Regional Secretary shall be to:
 - (i) maintain all records relating to the activities of the Region;
 - (ii) to maintain an up-to-date register of Branches and members of each Branch;
 - (iii) to take the minutes of Regional Meetings and ensure that signed copies of the minutes are submitted to the General Secretary within two weeks of each meeting;
 - (iv) to conduct the correspondence of the Committee.
- (b) The duties of the Regional Chairman shall be to:
 - (i) convene and chair meetings of the Regional Committee;
 - (ii) supervise the work of the Committee and ensure that proper records are kept of meetings of the Committee.
- (c) The duties of the Regional Treasurer shall be to:
 - (i) be responsible for the financial books of accounts and for all monies belonging to the Region;
 - (ii) prepare the financial statement for each business meeting of the Region
 - (iii) in the event that he/she vacates the position, for whatever reasons he/she shall prepare a true and just account of the income and expenditure of the Region during his/her period of office in accordance with the provisions of Section 43 (3) and (4) of the TUEOA.

(6) MEETINGS

- (a) Regional Committees shall meet at least once every two months.
- (b) Delegates to the Regional Congress shall consist of all members of the Branches forming the Region.
- (c) Members entitled to attend and participate in the Biennial General Conference of the Union shall be members of the National Executive Committee, two representatives from each region and delegates from each registered Branch of the Union. Branch delegates shall be elected by secret ballot of fully paid up members of each Branch on the basis of delegates each from Branches with less than 20 members, 10 delegates each from Branches with up to 50 members, an additional 2 delegates each for every 20 members from branches with over 50 members.
- (d) The provisions relating to the calling of the Regional Congress and the conduct of the Congress shall be those relating to the Biennial General Conference.

CHAPTER 9

9. NATIONAL EXECUTIVE COMMITTEE

(1) PURPOSE

The National Executive Committee shall conduct the business of the Union in the period between the Annual General Conferences.

(2) COMPOSITION

- (a) The National Executive Committee shall be composed of Chairman, Vice Chairman, General Secretary, Deputy General Secretary, National Treasurer and four (4) Committee members provided that at least one (1) person from those elected shall be Youth.
- (b) Members of the NEC shall be elected biennially by secret ballot of delegates at the Biennial General Conference.
- (c) No member shall be eligible for election to the NEC unless he/she:
 - (i) is a fully paid up member of the Union.
 - (ii) is at least 18 years of age and a citizen of Botswana.
 - (iii) has been employed in a commercial bank or financial institution covered by the Union in terms of Article 1(2)(a) for a period of not less than one year.
 - (iv) is not an employee of the Union;
 - (v) is not an officer of another trade union.
- (d) In the event of death, resignation or disqualification of a member of the National Executive Committee, the Committee may co-opt any member of the Union to fill the vacancy. The co-option of any office bearer shall be subject to the confirmation of the next Extraordinary Congress.
- (e) Any member of the Committee who fails to attend three consecutive meetings shall be disqualified from holding office unless a satisfactory explanation is accepted by the NEC.
- (f) Any member of the NEC who wishes to resign from office must give one month's written notice to the Chairman, or in the case of it being the Chairman that wishes to resign, to the General Secretary.
- (g) The National Chairman, National Vice Chairman, National Treasurer, General Secretary and Deputy General Secretary shall:
 - (i) hold office until the next ordinary congress; and
 - (ii) be eligible for re-election upon the expiry of their terms of office.

(3) PERIOD OF OFFICE

The National Executive Committee shall hold office for a period of two years.

(4) **POWERS AND DUTIES OF THE NEC**

- (a) Subject to this constitution and the provisions of the TUEOA, the NEC may exercise all such powers and perform all such acts as it deems necessary for promoting the interests of the Union and attaining its objects.
- (b) Without derogating from the foregoing, the NEC shall have the following powers and duties, namely:
- (i) execute all decisions of the National Executive Committee and National Congress;
 - (ii) co-ordinate all plans, campaigns and projects approved by the National Executive Committee ;
 - (iii) receive regular financial statements from the National Treasurer;
 - (iv) consider budgets and the payment of accounts as reported by the National Finance Treasurer;
 - (v) suspend any office bearer or official of the Union for sufficient cause until the matter is decided at the next meeting of the National Executive Committee ;
 - (vi) to generally represent the Union and ensure the sound management thereof between meetings of the National Executive Committee subject to the provisions of this constitution and the objects and policies of the Union;
 - (vii) to issue press statements in the name of the Union;
 - (viii) to protect the funds of the Union against any misuse including extravagance, unauthorized expenditure and misappropriation. It shall instruct the General Secretary or any other appropriate officer to take legal proceedings against any officer, member or paid employee of the Union for alleged misappropriation of funds, or withholding any money or property of the Union.
 - (ix) give instructions to the General Secretary, other officers or paid employees of the Union for the conduct of the affairs of the Union;
 - (x) it may appoint such staff as it deems necessary;
 - (xi) it may remove from office, suspend or dismiss any officer or employee of the Union for neglect of duty, dishonesty, incompetence, refusal to carry out the instructions of the NEC, or for any other reason which the NEC considers is in the best interest of the Union;
 - (xii) give instructions to the Trustees with regard to the investment of the funds of the Union;
 - (xiii) shall have the powers to suspend from benefit, expel from membership, or prohibit from holding office, any member who, in its judgment, is guilty of any attempt to injure the Union, or of taking action contrary to the Articles of the Union, or who make or in any way associate themselves with any defamatory, scurrilous or abusive attack on the Union.
 - (xiv) between Biennial General Conferences the NEC shall interpret this Constitution and, when necessary, determine any point on which the Articles are silent.
- (c) Except where a ballot vote of the membership is required, and subject to the provisions of the TUEOA, the decision of the NEC shall be binding on all the members of the Union unless and until countermanded by a resolution of a General Conference.

(5) MEETINGS OF THE NEC

- (a) The National Executive Committee shall meet at least once every three months.
- (b) The National Executive committee shall meet at least once every three months and minutes of such meetings shall be circulated to all branches not later than one month after such minutes having been adopted.
- (c) The National Executive committee may hold an emergency meeting upon request by the Chairman to discuss any matter requiring urgent attention.
- (d) All decisions of the National Executive Committee shall be by a majority vote and in the event of a tied vote, the Chairman shall have a casting vote.

(6) DUTIES OF OFFICE BEARERS OF THE NEC

- (a) The powers and duties of the office bearers and officials shall be as follows:
 - (i) The National Chairman:
 - a. preside at Conferences or Congresses and all meetings of the National Executive Committee. He shall have casting vote in the case of a tie.
 - b. sign minutes of meetings;
 - c. supervise the affairs of the Union and work of the General Secretary;
 - d. be a co-signatory to the national banking accounts of the Union;
 - e. attend and report to National Congresses;
 - f. perform any other duties which arise from usage or custom or the provisions of this constitution with regard to the position of the Chairman.
 - g. in conjunction with the Treasurer he shall sign all cheques on behalf of the Union,
 - (ii) The National Vice-Chairman shall:
 - a. assist the National Chairman; and
 - b. exercise the powers, functions and duties of the National Chairman in his/her absence except signing cheques unless authorised by the National Executive Committee.
 - (iii) The National Treasurer shall:
 - a. Be a person with the relevant qualifications.
 - b. be responsible for the financial books of accounts and for all monies belonging to the Union.
 - c. prepare the financial statement for each business meeting of the National Executive Committee, the General Congress and for the Biennial General Conference.
 - d. prepare, in accordance with the provisions of Section 43 of the TUEOA, an annual financial statement of the affairs of the Union. Every branch shall receive a copy of this statement.

- e. in conjunction with the Chairman or Secretary, the Treasurer, shall sign all cheques on behalf of the Union.
 - f. In the event that he/she vacates the position, for whatever reasons he/she shall prepare a true and just account of the income and expenditure of the Union during his/her period of office in accordance with the provisions of Section 43 (3) and (4) of the TUEOA.
- (iv) The General Secretary shall:
- a. be responsible for the proper administration of the Union and for the general co-ordination of its activities;
 - b. supervise the work of the Regional Secretaries and other officials of the Union;
 - c. attend and report fully to each National Congress and meetings of the National Executive Committee on all aspects of the Union's activity;
 - d. be responsible for the minutes of the National Congress and National Executive Committee;
 - e. submit the minutes of all National Executive Committee meetings and monthly financial statements to all NEC members;
 - f. deal with all the correspondence of the head office of the Union;
 - g. ensure that proper books of account are kept and that such books are audited annually;
 - h. be a co-signatory to the national banking accounts of the Union;
 - i. issue official receipts for all monies received and to bank such monies within seven days of receipt;
 - j. visit regions for reasons determined by the National Executive Committee ;
 - k. supervise the work of any staff engaged by the Union
 - l. be responsible for conducting all correspondence and keeping all books, documents and papers belonging to his office in such form and manner as the National Executive Committee may direct;
 - m. in conjunction with the Treasurer, sign all cheques on behalf of the Union.
 - n. in the event that the General Secretary vacates the position, for whatever reasons, the National Executive Committee shall hold a meeting in which all books, documents and papers belonging to his office shall be inspected before hand-over.
- (v) The Deputy General Secretary shall:
- a. assist the General Secretary in the performance of his/her duties; and
 - b. perform the functions of the General Secretary as he/she may be temporarily or permanently unable to perform.

CHAPTER 10 – EXECUTIVE SECRETARY

10. EXECUTIVE SECRETARY

(1) SUMMARY OF THE JOB

This is a full-time principal administrative position in the Union reporting to the General Secretary. The post holder will play an important supporting role in the administration, recruitment and representational work of the Union and be involved in all aspects of the Union, with particular emphasis on supporting delivery of the Union's organizing and recruitment strategy.

The post holder will also need to work in close cooperation with a range of internal structures of the Union and other trade unions in the country. The post holder is required to exercise a high degree of personal responsibility in all areas of trade union work, which can involve representing the Union at a senior level with employers, officials of government and non-governmental organizations.

(2) JOB DESCRIPTION

In consultation with the General Secretary, the successful post holder will be required to perform the following functions in the areas of administration and policy development; bargaining support and recruitment and organizing:

(a) Administration and Trade Union Policy

- (i) Coordinating the overall general administration, policy development and dissemination activities in areas of work agreed with the General Secretary;
- (ii) Identifying policy issues relevant to the Union members and potential recruits and advising on the Union's response;
- (iii) Joint work with employers and other organizations on the key trade Union policy areas;
- (iv) Preparation and delivery of presentations to employers and other key decision makers in the industry and government;
- (v) Establishing and maintaining networks with other trade union staff and officials, Botswana Federation of Trade Unions (BFTU), academics and the media;
- (vi) Preparation of speeches and political briefings;
- (vii) Survey preparation, analysis and report writing.

(b) Bargaining Support

- (i) Provision of specialist advice to the Union's office bearers and representatives involved in negotiations;
- (ii) Representing the Union on internal and external project teams and working parties with employers and other unions;
- (iii) Writing briefings, articles, bulletins and publications;]
- (iv) Handling day to day enquiries.

(c) Organization and Recruitment

- (i) Co-ordinating or activities to support the delivery of organization and recruitment initiatives;
- (ii) Provision of research intelligence and mapping of target sectors/companies;
- (iii) Support activities for issue-based organizing campaigns;
- (iv) Researching and drafting of organizing materials and publications;
- (v) Researching and drafting of organizing guides, toolkits and resource packs.

CHAPTER 11

11. YOUTH COMMITTEE

(1) PURPOSE

- (a) The Youth Committee (“YC”) shall serve, amongst others, the following purposes and/or duties, to:
- (i) Coordinate Youth activities across all structures of the Union.
 - (ii) Serve as a link between the Youth and the Union.
 - (iii) Advise the Union on issues of concern and/or affecting the Youth workers in general.
 - (iv) Train and empower Youth on leadership skills.
 - (v) Advocate for Youth empowerment and representation on structures of the Union.

(2) COMPOSITION

- (a) The YC shall be comprised of five (5) members all of whom shall be Youth.
- (b) The members of the Committee shall elect one of them as the Chairperson.
- (c) Members of the YC shall be elected biennially by secret ballot of delegates at the Biennial General Conference.
- (d) No member shall be eligible for election to the YC unless he/she:
- (i) is a fully paid up member of the Union.
 - (ii) is at least 18 years of age and a citizen of Botswana and not exceeding 35 years of age.
 - (iii) is not an employee of the Union;
 - (iv) is not an officer of another trade union.
- (e) In the event of death, resignation or disqualification of a member of the YC, the Committee may co-opt any member of the Union to fill the vacancy.
- (f) Any member of the Committee who fails to attend three consecutive meetings shall be disqualified from holding office unless a satisfactory explanation is accepted by the YC.
- (g) Any member of the YC who wishes to resign from office must give one month’s written notice to the National Chairman.

(3) PERIOD OF OFFICE

The Youth Committee shall hold office for a period of two years and shall be eligible for re-election upon the expiry of their terms of office.

CHAPTER 12

12. WOMEN'S COMMITTEE

(1) PURPOSE

- (a) The women's committee shall serve amongst others, the following purposes and/or duties:
- (i) To assist in the Union's strategy for dealing with issues of women and the girl child.
 - (ii) To provide guidance on the Union's initiatives for affirmative action;
 - (iii) To provide leadership and educational training for women members so that they may become more active in the Union and seek leadership positions;
 - (iv) To monitor, under the direction of the Executive Committee, the day to day smooth running of any projects embarked on.

(2) COMPOSITION

- (a) The Women's Committee shall comprise of the Chairperson, the Vice Chairperson, Secretary, Assistant Secretary, Treasurer and Five (5) additional committee members.

(3) PERIOD OF OFFICE

- (a) Members of the Women's Committee shall remain in office for a period of two years.
- (b) The Committee shall meet once in three months or at earlier intervals as may be necessary.

CHAPTER 13

13. DISCIPLINE AND REMOVAL OF SHOP STEWARDS AND OFFICE BEARERS FROM OFFICE

(1) DISCIPLINE

(a) Shop stewards

- (i) A shop steward who fails to comply with the terms of this Constitution, or who acts in a manner which is detrimental to the interests of the Union and its members, or who has allegedly committed misconduct, may be disciplined by the Branch Committee ('BC').
- (ii) The BC is required to follow the disciplinary procedure set out in sub-clause (e) below.

(b) Branch Office Bearers

- (i) A Branch Office Bearer who fails to comply with any of the terms of this Constitution, or acts in such a manner that is detrimental to the interests of the Union and/or its members, or has allegedly committed misconduct, may be disciplined by the Branch Committee.
- (ii) The BC is required to follow the disciplinary procedure set out in sub-clause (e) below.

(c) Regional Office Bearers

- (i) A Regional Office Bearer who fails to comply with any of the terms of this Constitution, or acts in such a manner that is detrimental to the interests of the Union and its members, or has allegedly committed misconduct, may be disciplined by the Regional Committee ('RC').
- (ii) The RC is required to follow the disciplinary procedure set out in sub-clause (e) below.

(d) National Office Bearers

- (i) Where a National Office Bearer fails to comply with any of the terms of this Constitution or acts in such a manner that is detrimental to the interests of the Union and its members, or who has allegedly committed misconduct, may be disciplined by the National Executive Committee ('NEC').
- (ii) The NEC is required to follow the disciplinary procedure set out in sub-clause (e) below.

(e) Disciplinary procedure for Shop stewards, Branch, Regional and National Office Bearers

- (i) The BC, the RC or the NEC as the case may be, shall advise the person concerned in writing giving not less than seven days' notice of the charges against him/her and the date, time and place of his/her hearing. This notice may be sent by registered post to the last known address of the person charged or delivered by hand.
- (ii) At the hearing of the charges the person concerned shall have the opportunity to state his/her case personally and to call witnesses in support of his/her case.
- (iii) In each case the person concerned must receive written notice of the decision and be advised in this notice that he/she has a right of appeal which he/she must take up within seven days.
- (iv) If the BC, the RC or the NEC as the case may, be is satisfied that:
 - a. the person charged has although absent received the notice; or

- b. the person charged is present; the BC, the RC or the NEC may proceed to hear and determine the charge.
- (v) If, in its opinion, the charge has been satisfactorily proven, the BC, the RC or the NEC as the case may be may:
 - a. remove the shop steward or office bearer (as the case may be) from office in the Union;
 - b. expel the shop steward or office bearer from the union;
 - c. suspend him/her for a definite period from membership of the Union;
 - d. impose a fine and may suspend a person from membership until such fine is paid;
 - e. impose any other such a penalty, not listed above as it deems fit.
- (vi) If the person concerned is charged with any misconduct related to sexual harassment, the BC, the RC or the NEC shall ensure that the charges are determined by a panel of its members, at least fifty percent of whom must be of the same gender as the complainant.

(2) APPEAL PROCEDURE

- (a) Shop stewards may appeal against the decision of the RC to the NEC in accordance with the procedure set out in sub-clause (d) below.
- (b) Regional Office Bearers may appeal against the decision of the RC to the NEC in accordance with the procedure set out below.
- (c) National Office Bearers may appeal the decision of the NEC to the Biennial General Conference in accordance with the provisions set out below.
- (d) Any office bearer, shop steward or elected official appealing in terms of this Chapter, shall lodge their appeal in writing with the General Secretary of the union within seven days of receiving the notice of the decision. The person appealing may personally state their case at the appeal and may call witnesses in support of their case.
- (e) The organ of the Union hearing the appeal has the power to confirm, vary or reverse the decision of the RC or NEC as the case may be, and this is the final decision of the Union.
- (f) Any shop steward or office bearer who is suspended from duty, shall not have the right to any of the benefits of membership including the right to vote, unless specifically provided for by the body of the union suspending that person. An elected official will cease to act for the Union during their suspension, unless the body suspending them, decides to the contrary.

(3) REMOVAL OF MEMBERS WHO HOLD OFFICE

- (a) Any shop steward, branch, regional or national office bearers, shall no longer hold that position if:
 - (i) they are no longer employed in the workplace which elected them;
 - (ii) they are no longer employed in the industry;

- (iii) they fail to attend three consecutive meetings of the council and/or committee which elected that person without sending an acceptable written reason;
 - (iv) fail to be in good standing with the Union;
 - (v) they resign;
 - (vi) the Union suspends or expels them;
 - (vii) they are unable to perform their duties.
- (b) Besides any other provision in this constitution for the removal of office bearers and elected officials, such persons may be removed from office in the following way:
- (i) in the event that 70% of members in good standing, in the constituency in which the affected person was elected or appointed, vote in favour of removal of the office bearer concerned;
 - (ii) that Executive Committee must arrange for a ballot of all the members in good standing in such constituency to determine the matter.
- (c) For the purpose of sub-clause [b] of this clause, the constituency shall be as follows:
- (i) for Shop Stewards, the members in good standing within a defined workplace area in a Branch;
 - (ii) for Branch Office Bearers, the members in good standing within a Branch;
 - (iii) for Regional Office Bearers or elected officials, the members in good standing within the geographical area of the region;
 - (iv) for National Office Bearers or elected officials, a Biennial General Conference.

(4) VACANCIES ARISING FROM REMOVAL

- (a) Vacancies in any position shall be filled in the manner prescribed for that position.
- (b) A member elected to fill a vacant position shall hold office for the unexpired period of the term of office of that member's predecessor.

CHAPTER 14

14. CONFERENCES OF THE UNION

(1) BIENNIAL GENERAL CONFERENCE

- (a) The Biennial General Conference of the Union shall be convened as soon as possible after the 31st day of January biennially provided that not more than 27 months shall elapse between the date of one Biennial General Conference and the next.
- (b) Members entitled to attend and participate in the Biennial General Conference of the Union shall be members of the National Executive Committee, two representatives from each region and delegates from each registered Branch of the Union. Branch delegates shall be elected by secret ballot of fully paid up members of each Branch on the basis of 4 delegate each from Branches with less than 20 members, 10 delegates each from Branches with up to 50 members, an additional 2 delegates each for every 20 members from branches with over 50members.
- (c) The place and date of the Biennial General Conference shall be determined by the National Executive Committee. Branches shall be given not less than six weeks written notice of the date, time and place of the Biennial General Conference.
- (d) Documents relating to the Conference shall be sent to Branches not later than three weeks prior to the date of the Conference.
- (e) The quorum of the Biennial General Conference shall be not less than 50% of the members of the National Executive Committee and 60% of the total number of delegates eligible to attend in accordance with Article 1(b) above.
- (f) If a quorum is not present one hour after the appointed time of the Conference, the Conference shall be suspended to a date (not later than 28 days) determined by the National Executive Committee. The quorum for this re-convened Biennial General Conference shall be not less than 50% of the members of the NEC and 40% of the delegates eligible to attend.
- (g) Branches which fail to submit the name(s) of their delegate(s) to the General Secretary within one week of the date of the Conference shall be disqualified from participating in the deliberations of the Congress but may send delegates as observers.
- (h) The business of the Biennial General Conference shall be to:
 - (i) receive reports from the General Secretary and Treasurer of the NEC;
 - (ii) consider and determine all matters affecting the welfare of the members and progress of the Union and to review the past years work of the Union;
 - (iii) appoint Trustees, Internal Auditors, External Auditors and Scrutineers;
 - (iv) receive the Scrutineers' report on the election of the NEC and any other matters requiring a secret ballot under Article 16(5) of the Constitution;

- (v) elect or remove from office the National Executive Committee, or any member thereof;
 - (vi) consider any Reports or Motions submitted by Regions or Branches, provided that such motions shall have been received by the General Secretary for inclusion on the agenda of the Congress not later than one month prior to the date of the Conference;
 - (vii) appoint external auditors in accordance with the Act;
 - (viii) consider all other matters included in the agenda.
- (i) The outgoing National Executive Committee shall hand over office to the new Committee within 21 days of the date of the Biennial General Conference.
 - (j) All members of the Union shall be entitled to attend the Biennial General Conference as observers but may not participate in the proceedings of the Congress unless authorized to do so by the Chairman. Observers shall not be entitled to vote at the Biennial General Conference.
 - (k) All members of the Union shall be entitled to attend the Biennial General Conference as observers but may not participate in the proceedings of the Conference unless authorized to do so by the Chairman. Observers shall not be entitled to vote at the Biennial General conference.

(2) **EXTRAORDINARY CONGRESS**

- (a) An Extraordinary Congress of the Union shall be convened when:
 - (i) the National Executive Committee deems it necessary;
 - (ii) a joint request in writing to the Chairman is made by not less than three Branches or 25% (twenty-five percent) of the members of the Union stating the reason(s) for such a meeting.
- (b) The Congress shall be called within twenty-one days after the request has been received by the National Executive Committee and shall address itself only to the specific item(s). The appointment of delegates to the Extraordinary Congress, and the proceedings and powers of such Congress shall be as if such Congress was a Biennial General Conference.
- (c) All members of the Union shall be entitled to attend the National Congress as observers but may not participate in the proceedings of the Congress unless authorised to do so by the Chairman. Observers shall not be entitled to vote at the National Congress.

CHAPTER 15

15. PROCEDURES AND STANDING ORDERS FOR UNION CONFERENCES AND MEETINGS

(1) CONVENING CONFERENCES AND MEETINGS

The following procedures must apply when convening meetings and conference:

	HOW OFTEN?	WHEN AND WHERE?	SPECIAL MEETINGS
(a) Biennial General Conference	At least once every two years in April or not later than six months from April.	The NEC decides on the exact date and venue by way of a simple majority.	The NEC may convene an Extraordinary Congress.
(b) National Executive Committee meeting	At least once every three months	The National Office Bearers decide on a date and venue.	The Chairman, or a majority of the members of the NEC in a written request, may call a special meeting of the NEC.
(c) Regional Committee meeting	At least once every two months	The Regional Committee Office Bearers decide on a date and venue.	Special meetings may be convened by a request of the majority of Branches within the region.
(d) Branch Committee meeting	At least once every two months	The Branch Committee Office Bearers decide on a date and venue.	The Branch Chairperson may convene special meetings of the Regional Executive Committee.
(e) Shop Stewards Committee meeting	As and when required.	The Shop Stewards in a particular unit decide on a date and venue.	Not applicable.

(2) NOTICE OF CONFERENCES AND MEETINGS

	WHO SENDS THE NOTICE AND WHAT SHOULD IT CONTAIN?	WHO RECEIVES THE NOTICE?	HOW LONG IS THE NOTICE PERIOD?	GENERAL?
(a) Biennial General Conference	The General Secretary The agenda and all	Each region	At least six weeks.	Regions wishing to submit resolutions must send these

	documents must be sent to delegates to reach them at least two months before the Conference.			to the General Secretary at least three months before Conference.
(b) National Executive Committee	The General Secretary. The notice includes the agenda, date, time and venue of the meeting.	Each NEC member	At least seven days	Verbal notice may be given directly to NEC members: (i) in an emergency and (ii) at the discretion of the Chairman
(c) Regional Committee meeting	The Regional Secretary. The notice includes the agenda, date, time and venue of the meeting.	Each Regional Committee member	At least two weeks	Verbal notice may be given directly to RC members: (i) in an emergency and (ii) at the discretion of the Regional Chairperson.
(d) Branch Committee meeting	The Branch Secretary. The notice includes the agenda, date, time and venue of the meeting.	Each Branch Committee member	At least seven days	Verbal notice may be given directly to BC members: (i) in an emergency and (ii) at the discretion of the Branch Chairperson
(e) Shop Stewards Committee meeting	The local coordinator	Each shop Steward committee member	At least 3 days	Verbal notice may be given directly to LSSC members: (i) in an emergency and (ii) at the discretion of the local coordinator.

(3) **QUORUM AT CONFERENCES AND MEETINGS**

	MINIMUM NUMBERS PRESENT FOR VALIDITY OF MEETING	WHEN THERE IS NO QUORUM	NOTICE PERIOD OF ADJOURNED MEETING
(a) Biennial General Conference	Two thirds (2/3) of accredited delegates, provided that at least 2/3 of the regions are represented.	If after three hours there is no quorum, the meeting must be adjourned and reconvened within eight weeks. The delegates present at the adjourned meeting	Four weeks

		shall constitute a quorum.	
(b) National Executive Committee meeting	Simple majority of members entitled to attend.	<p>If after one hour of the time of the meeting a quorum is not present, the meeting will be adjourned and reconvened within 14 days, or such shorter notice as may be agreed by those present.</p> <p>The members at the adjourned meeting shall constitute a quorum.</p>	<p>2 days notice, or such shorter notice as may be agreed by those present.</p> <p>The notice need not be in writing.</p>
(c) Regional Committee meeting	Simple majority of members entitled to attend.	<p>If after two hours of the time of the meeting there is no quorum, the meeting must be adjourned and reconvened within 4 weeks.</p> <p>The delegates present at the adjourned meeting shall constitute a quorum.</p>	At least one week written notice.
(d) Branch Committee meeting	Simple majority of members entitled to attend.	<p>If after one hour of the time of the meeting a quorum is not present, the meeting will be adjourned.</p> <p>The members at the adjourned meeting shall constitute a quorum.</p>	<p>2 days notice, or such shorter notice as may be agreed by those present.</p> <p>The notice need not be in writing.</p>
(e) Shop Stewards Committee meeting	Simple majority of members entitled to attend.	<p>If after one hour of the time of the meeting a quorum is not present, the meeting will be adjourned.</p> <p>The members at the adjourned meeting shall constitute a quorum.</p>	<p>2 days notice, or such shorter notice as may be agreed by those present.</p> <p>The notice need not be in writing.</p>

(4) **STANDING ORDERS FOR MEETINGS AND CONFERENCES**

(a) **Chair**

The following rules of procedure shall apply at Union meetings:

- (i) the most senior office bearer present shall preside. If there is no office bearer present, the meeting shall elect a Chair on the basis of a simple majority;
- (ii) the Chairperson shall determine whether there is a sufficient quorum;
- (iii) only the issues on the agenda may be debated, unless the majority at the meeting agree to debate other urgent matters;
- (iv) each member who wants to speak must address the chair.
- (v) no persons may speak or participate in a meeting without the permission of the Chairperson.

(b) **Decision-making procedure**

- (i) All matters for decisions must be proposed and seconded. The members at the meeting shall make decisions by a show of hands or by ballot if the meeting so agrees or if so prescribed by this constitution.
- (ii) A mover and seconder may not withdraw a motion which has been debated unless the meeting so decides.
- (iii) When an equal number of members support and oppose a motion, the motion cannot succeed.
- (iv) A decision made at a meeting may not be re-opened at the same meeting unless two-thirds of the members present agree.
- (v) A motion may not be proposed and seconded, at any regional or national congress, by delegates from the same local or region as the case may be.

(c) **Minutes**

At every meeting the presiding officer, once confirmed by those present, signs the minutes of the previous meeting. These must be kept safely in a book or file. A register of all resolutions taken must also be kept.

(d) **Procedures not provided for**

Unless this constitution provides otherwise, the majority of members present at a meeting shall decide on the conduct of meetings and rules of procedure that are not contained in this chapter.

(e) **Power to vote**

A paid official of the Union shall not be entitled to vote on any matter except where that official has been appointed or elected to represent the Union on any Board, Council, Committee or federation of trade unions internally and externally.

CHAPTER 16

16. BALLOTS

(1) GENERAL

A ballot must be taken:

- (a) when it is compulsory in terms of this Constitution;
- (b) if demanded by the simple majority of members entitled in any of the Biennial General Conference, the National Executive Committee, Regional Committee, the Branch Committee or the Shop Stewards Committee.

(2) SCRUTINEERS

- (a) The Biennial General Conference shall appoint three Scrutineers to supervise all the voting, including the secret ballot. They shall not be serving officers or candidates for posts of officers of the Union. At least two Scrutineers shall be present when a ballot is being taken or counted. They shall see that the procedure for a secret ballot is strictly adhered to, and shall certify the ballot results.
- (b) Each Branch and Region shall appoint two Scrutineers for the Branch and Region to supervise the taking of any secret ballot carried out at the level of the Branch or Region.

(3) BALLOT PROCEDURE

The following is the ballot procedure:

- (a) Each voter shall, in the presence of a scrutineer, be issued with a ballot paper which:
 - (i) clearly describes the issue; and
 - (ii) makes it impossible to identify the voter.
- (b) The voter makes his/her mark in secret and deposits the ballot paper in a ballot box.
- (c) On completion of the ballot or as soon as possible thereafter, the scrutineer counts the votes. If there is an election the candidates can watch the counting of the votes. The candidate receiving the highest number of votes shall be declared elected.
- (d) The Scrutineer informs the Chairperson of the results.
- (e) The Chairperson informs the meeting or committee.
- (f) 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:
 - (i) the provisions of this Constitution;
 - (ii) the decisions of the National Congress and the National Executive Committee.
- (g) The Regional Secretary must keep Local and regional ballot papers and the General Secretary must keep national ballots. These ballot papers must be kept for three years.

(4) **BALLOT BOX**

A ballot box shall be designed in such a manner that the ballot papers can be freely deposited therein and once deposited cannot be removed therefrom without the ballot box being open.

(5) **DECISIONS REQUIRING SECRET BALLOT**

- (a) Decisions on the following matters shall be taken to secret ballot vote of all the members of the Union: -
- (iii) to amalgamate with another registered Unions, to federate with or joining a federation of other registered Unions, or join a Confederation of registered Trade Unions within Botswana;
 - (iv) to withdraw from membership of such federation or congress of registered Trade Unions;
 - (v) to amend the Articles if such amendments would result in increasing the liability of the members to contribute or decrease the benefit to which the members are entitled;
 - (vi) to take any form of industrial action affecting members of the Union;
 - (vii) to dissolve the Union.
- (b) A motion referred to a secret ballot shall be deemed to have been approved by the membership if 51% of those voting, vote in favour of the motion, provided that with reference to (a) and (b) at least 50% (fifty percent) of the members must have voted and two thirds of those voting shall have voted in favour.
- (c) For the taking of a secret ballot, the procedure set out in the Appendix shall be complied with in addition to the requirements of the TUEOA.
- (d) The election of executive office bearers, regional office bearers, branch office bearers, trustees of the Union, and delegates to a Congress or Regional Meeting of the Union, or delegates to a Federation or Confederation of Registered Trade Unions, and any other matter which the Executive committee may, at its discretion determine, shall be by secret ballot of members attending, and eligible to vote at, a Biennial General Conference, Extraordinary Conference, Regional Meeting, or Branch Meeting.
- (e) Except where this constitution specifies or the law requires otherwise, decisions of such secret ballots shall be by simple majority of members voting.

CHAPTER 17

17. FINANCE

(1) NATIONAL BANK ACCOUNT

- (a) All monies payable to the Union including subscriptions, levies, fines and any other payments shall, within seven days of receipt be forwarded to the:
 - (i) National Treasurer; or
 - (ii) any other person authorised by the NEC.
- (b) The Treasurer or other authorised person must deposit all payments within seven days of receipt into an account in the name of the Union at a bank decided on by the NEC.
- (c) The bank account shall be in the name of the Union and the name of the bank shall be forwarded to the Registrar of Trade Unions.

(2) NATIONAL FINANCE: AUTHORISATION AND SIGNATORIES

- (a) All cheques drawn on the Union bank account must be signed by any two of the following:
 - (i) the Treasurer along with the Chairman; or
 - (ii) the Treasurer along with the General Secretary; or
 - (iii) any two signatories elected in terms of 17(2)(b).
- (b) If any authorized signatory is unable or unwilling to sign a cheque, the NEC may appoint another a suitable signatory who shall be one of the members of the NEC.
- (c) All payments made by the head office of the Union shall require the approval of the National Executive Committee.

(3) GENERAL USE OF UNION FUNDS

- (a) Subject to the provisions of the TUEOA, Union funds may only be used for the following expenses:
 - (i) the administration of Union affairs;
 - (ii) the acquisition of property for the Union;
 - (iii) the implementation of Union policies;
 - (iv) any other lawful purpose agreed to by the NEC or the Biennial General Conference.
- (b) The funds of the Union which are not required for current expenses shall, on the direction of the Executive committee, be invested in such manner as the Executive Committee may decide.
- (c) Should the Union decide to establish any contributory provident, welfare or pension scheme, the Executive Committee shall present to the Biennial General Conference a draft procedure for the manner in which such a scheme is to be run including provisions for a separate bank account, and the appointment of a committee of not less than three union members to administer the fund. The establishment of such a fund shall only be implemented after it is approved by the Biennial General Conference.

(4) INSPECTION OF BOOKS AND ACCOUNTS

Any member having an interest in the funds of the Union shall, after having submitted two weeks written notice to the General Secretary, be allowed to inspect all the books and accounts of the Union, and also the membership register, during normal working hours at the place where such records are kept.

(5) FINANCIAL YEAR

The Financial Year of the Union shall be the 1st of January to the 31st of December and books of accounts shall be audited by an External Auditor approved by the Registrar of Trade Unions by not later than two months after the end of the Financial Year.

(6) AUDITING OF UNION ACCOUNTS

(a) All accounts of the Union must be audited at least once every financial year in accordance with the provisions of the TUEOA by a registered as an accountant and/or auditor under Accountants Act, Cap 61:05 of the Laws of Botswana.

(b) These auditors shall be appointed by the NEC.

(c) The auditor's report shall state whether the auditor:

- (i) has examined the books of account and records of the Union;
- (ii) is satisfied with the existence of the securities;
- (iii) is satisfied that the Union has kept proper books of account;
- (iv) has obtained all the information and explanations required;
- (v) is satisfied that the statement of income and expenditure and the balance sheet show a true and correct reflection of the Union's financial affairs;
- (vi) is satisfied that the financial provisions of the constitution have been complied with.

(d) The National Executive Committee must confirm the consolidated audited financial statement and the auditor's report.

(e) The consolidated audited financials and the auditor's report must be presented to the Biennial General Conference.

(f) A copy of the audited financials and the auditor's report shall be conspicuously displayed at the registered office of the Union.

(a) The audit report shall be presented at the Biennial General Conference and a copy of the report shall be conspicuously displayed at the registered office of the Union.

(7) FUND-RAISING ACTIVITIES

The Union may at any time as may be authorized by the National Executive Committee organize fund-raising activities to raise funds for Union activities.

(8) **INDEMNIFICATION FOR UNAUTHORISED EXPENDITURE**

If any member(s) at a meeting of a council, committee or congress incur expenses which have not been authorised, then those members will be held jointly and severally liable for refunding the money to the Union; provided that any member who protested against the expenditure and recorded their protest in the minutes of that meeting will not be liable for refunding the money.

CHAPTER 18

18. TRUSTEES

- (1) The Biennial General Conference shall appoint three Trustees who shall hold office for a period of two years.
- (2) The trustees must be at least 18 years old and shall not be officers of the Union.
- (3) The Biennial General Conference may appoint a Bank approved by the Registrar of Trade Unions to be a Trustee.
- (4) In between Biennial General Conference should a vacancy occur in the number of Trustees, the National Executive Committee shall be empowered to fill the vacancy until the next Biennial General Conference .
- (5) The trustees shall have vested in them all the powers provided for by Section 24 of the TUEOA. Subject to the provisions of the Act they shall deal with property of the Union in such manner as the National Executive Committee may direct.
- (6) The Trustees shall not sell, withdraw or transfer any of the property of the Union without the consent of the National Executive Committee conveyed to them in writing by the General Secretary and the Treasurer.
- (7) A Trustee may be removed from office by the National Executive Committee on the grounds that, owing to ill health, unsoundness of mind, absence from the country, or for any other good reasons he is unable to perform his duties or is unable to do so satisfactorily. In such an event the National Executive Committee shall appoint a replacement until the next Biennial Conference.

CHAPTER 19

19. EMPLOYEES OF THE UNION

- (1) In the case when the union deems it necessary to engage any full-time employees, the National Executive Committee shall recruit and select suitable candidates and present their names for approval to the Biennial General Conference or Extraordinary Congress.
- (2) The National Executive Committee shall determine the salaries and allowances of the employees of the Union.
- (3) No person who is a member or trustee of the Union shall simultaneously be an employee of the Union.

CHAPTER 20

20. GENDER POLICY

- (1) There shall be a BOFIAWU Gender Policy which shall be drafted by the NEC and approved by the Biennial General Conference.
- (2) The Policy shall:
 - (a) synthesize diverse ideological considerations in order to clarify the Union's position on the struggle for gender equity;
 - (b) provide guidance on the formulation of a clear strategy of addressing gender imbalances;
 - (c) outline the structure, composition, purposes, and functions of the Gender Committee;
 - (d) deal with any other matter(s) relating to the struggle for gender equity.

CHAPTER 21

21. EDUCATION WORK

- (1) The Union shall promote the education of its members through holding meetings, seminars, training workshops, and/or classes.
- (2) The Union may publish literature and take such action as will promote trade unionism, culture, and social knowledge, subject to the statutory provisions relating to the expenditure of the Union funds.

CHAPTER 22

22. INDEMNIFICATION

- (1) The members of all Union committees provided for in this constitution, elected officials and other officials of the Union:
 - (a) shall be indemnified by the Union for all for proceedings, costs and expenses incurred for any act or omission performed in accordance with the provisions of the constitution, provided they have acted:
 - (i) in good faith; and
 - (ii) within the provisions of the constitution;
 - (iii) with due care and diligence and not negligent and/or careless in the execution of their duties.
 - (iv) without any intention to defraud the Union.
 - (b) will be held personally liable for expenditure incurred on behalf of the Union if they have incurred such liability not provided for in this Constitution or contrary to any lawful resolution taken by the Union.

CHAPTER 23

23. AMALGAMATION AND MERGER

- (1) If a Biennial Conference resolves that the aims and objects of this Constitution will be better achieved by amalgamating or merging with another trade union or trade unions, such amalgamation or merger should happen, provided that:
 - (a) two thirds of National Congress vote in favour;
 - (b) the terms and conditions are negotiated with the other party / parties;
 - (c) the majority of the National Executive Committee agree with these terms; and
 - (d) members of a general meeting called for this purpose ratify the National Executive Committee 's decision.

CHAPTER 24

24. DISSOLUTION

- (1) The Union shall not be voluntarily dissolved except with the consent of 75% (seventy-five percent) of the membership in good standing obtained by a secret ballot.
- (2) In the event of the Union being dissolved as provided for above the Trustees shall be vested with all the necessary powers and authority to wind up the affairs of the Union, settle any debts and liabilities and dispose of any assets. The Trustees shall determine the date from which the Union shall be deemed to have been dissolved.
- (3) The Trustees shall notify the Registrar of Trade Unions within 14 days immediately after the resolution to dissolve the Union of such resolution, and the date upon which the Union shall have been deemed to have been dissolved.
- (4) Subject to the agreement of the Registrar of Trade Unions, any funds or property of the Union remaining after all liabilities and creditors have been met shall be passed onto the Botswana Federation of Trade Unions.

CHAPTER 25

25. AMENDMENTS TO THE CONSTITUTION

- (1) Where an amendment or repeal to this Constitution would: -
 - (a) result in increasing the liability of the members to contribute; or
 - (b) decrease the benefits to which the members are entitled;

the amendment or repeal shall be effected by a secret ballot vote of at least two thirds (2/3) of the membership the majority of which shall have voted in favour of the amendment or repeal.

- (2) This constitution may be amended by the Biennial General Conference convened in accordance with Article 14 or Article 15.
- (3) All amendments to the Articles shall take effect from the date they are approved by the Registrar of Trade Unions, unless a later date is specified in the resolution approving the amendments.

CHAPTER 26

26. INTERPRETATION OF THE CONSTITUTION AND PROCEDURES NOT PROVIDED FOR

- (1) The National Executive Committee shall:
 - (a) determine a question of procedure if not provided for in this Constitution;
 - (b) interpret this Constitution should a query arise.

- (2) In interpreting this constitution, the NEC shall:
 - (a) construe it as a whole;
 - (b) disregard an interpretation which would render the Constitution ineffective and favour an interpretation which will enable it to have effect and to attain its object according to its true intent and spirit.

- (3) The headings used in this Constitution are for explanatory and referencing purposes only and do not form part of this Constitution.

CHAPTER 27

27. COMMENCEMENT, TRANSITIONAL AND SAVING CLAUSES

- (1) This Constitution shall come into force on the 1st of August 2021.
- (2) This Constitution repeals and revokes the previous Constitution.
- (3) Notwithstanding the repeal and revocation of the previous Constitution:
 - (a) all authorities and persons established or acting under the previous constitution shall continue to be established, or to be entitled to act, under this Constitution;
 - (b) all action and activity already commenced under the previous Constitution shall be continued under and in conformity with this Constitution so far as consistently may be.
- (4) This Constitution does not and shall not:
 - (a) revive anything not in force or existing at the time when the repeal takes effect;
 - (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the previous Constitution;
 - (c) affect any penalty, forfeiture of punishment incurred in respect of any offence committed under the previous Constitution; or

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