



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

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The Secretary
General, Domestic and Professional Employers Organisation
P.O Box 35539
NORTHCLIFF
2115

Email: isabel@gdpeo.co.za

Dear Sir/Madam

LABOUR RELATIONS ACT, 1995 REPLACEMENT OF THE CONSTITUTION.

With reference to your application to Amendment to constitution of the employer's organisation General, Domestic and Professional Employers' Organisation dated 17 November 2022, be advised that the above have been approved with effect from

07/12/2022

Attached herewith a copy of the certified Resolution and Constitution

Yours faithfully

REGISTRAR OF LABOUR RELATIONS

DATE: 07/12/2022

CONSTITUTION OF THE GENERAL, DOMESTIC, AND PROFESSIONAL EMPLOYERS' ORGANISATION

1. NAME AND ADDRESS

1 .1 The name of the Organisation shall be the General, Domestic, and Professional Employers' Organisation.

1 .2 The postal address and physical address and place of service of any documents shall be advised to the Department of Labour from time to time and recorded on the Organization's website and members advised.

2. DEFINITIONS

2.1 Any expression used in this Constitution which is defined in the Labour Relations Act, No. 66 of 1995, shall have the same meaning as in the Act.

3. OBJECTIVES

The objectives of the Organisation shall be: -

- (a) to regulate relations between members and their employees or trade unions and to protect and further the interests of members in relation to their employees;
- (b) to promote the interests of members;
- (c) to plan and organise its administration and lawful activities;
- (d) to affiliate with and participate in the affairs of any, confederation of employers' organisations, international employers' organisations or the International Labour Organisation.
- (e) to promote, support or oppose as may be deemed expedient, any proposed legislative or other measures affecting the interests of members;
- (f) to facilitate settlement of disputes between members and their employees through dialogue and by means of conciliation, mediation, arbitration or litigation;

- (g) to provide, when deemed necessary, assistance (legally or otherwise) to members on matters affecting the relationship between themselves and their employees or trade unions;
- (h) to establish and administer funds for the benefit of its members;
- (i) to do such other lawful things as may appear to be in the interests of the Organisation or its members and which are not inconsistent with the objectives or any matter specifically provided for in this constitution;
- (j) to borrow, invest, lend, subscribe or donate money for the furtherance of the objectives of the Organisation;
- (k) to encourage the settlement of disputes between members and their employees or trade unions by conciliation, mediation or arbitration; and
- (l) to co-operate with organisations of employers and/or employees to deal with matters which affect members.

4. STATUS

The General, Domestic and Professional Employers' Organisation shall be an organisation not for gain as contemplated in Section 6 of the Labour Relations Act No. 66 of 1995.

5. MEMBERSHIP

- 5.1 Any employer, be they a person or persons in their private capacity, or a sole proprietorship, partnership, close corporation or registered company in terms of the Companies' Act, shall be eligible for membership of the Organisation.
- 5.2 Applications for admission or re-admission to membership together with the yearly membership fee shall be lodged in writing with the Secretary of the Organisation.
- 5.3 Applications for membership shall be considered by the Secretary, within two weeks of the receipt thereof.
- 5.4 An applicant to whom admission to membership is refused, shall be provided with reasons for such refusal and shall be entitled to a refund of the membership fee paid.

- 5.5 If admission to membership is refused by the Secretary, the applicant concerned shall be notified by the Secretary together with the reason for refusal and shall have the right of appeal to the Executive Committee of the Organisation, which shall have the power to confirm or reverse the decision of the Secretary. Such an appeal shall be lodged in writing and shall be submitted to the Secretary. The Executive Committee's decision shall be final.
- 5.6 Every member shall notify the Secretary, in writing, of his/her postal address and any change thereof within four weeks of the date on which the change occurred.
- 5.7 An employer who has resigned or been expelled from the Organisation may be re-admitted to membership on such conditions as the Executive Committee may determine.
- 5.8 Only one representative of a firm, company or partnership or close corporation which is a member of the Organisation shall be entitled to vote on its behalf at meetings of the Organisation or in ballots conducted by the Organisation.

6. TERMINATION OF MEMBERSHIP

- 6.1 A member may resign by giving one month's notice in writing to the Secretary.
- 6.2 A member whose membership fees are more than 3 months in arrears shall automatically cease to be a member of the Organisation. Such person shall, however, be liable for all monies due to the Organisation as at the date on which he/she ceases to be a member of the Organisation.
- 6.3 A member may be expelled.

7. MEMBERSHIP FEES

- 7.1 Membership fees are determined as follows:
- 7.1.1 Employers who employ 1-9 Employees will pay a membership fee of R810-00 per annum ;
- 7.1.2 Employers who employ 10-199 Employees will pay a membership fee of R1 285-00 per annum ;

- 7.1.3 Employers who employ 200-2000 Employees will pay a membership fee of R2 140-00 per annum ;
- 7.1.4 Employers who employ 2001+ Employees will pay a membership fee of R3 710-00 per annum.
- 7.1.5 In addition to the membership fee a member shall also be liable for the payment in the same manner of such other fees as may be prescribed in terms of the rules governing any fund to be established by the Organisation

8. MEETINGS

GENERAL MEETINGS

- 8.1 A General Meeting of the Organisation shall ordinarily be held as decided by the Executive Committee. Special General Meetings shall be called whenever deemed necessary by a majority of the Executive Committee or upon a requisition signed by not less than 33.3% of members of the Organisation in good standing.
- 8.2 Notices of General Meetings showing the business to be transacted thereat shall be given to members in writing by the Secretary not less than 14 days before the date of such meetings provided that in the case of Special General Meetings such shorter written notice being not less than 24 hours as may be decided by the Chairperson, may be given.
- 8.3 The General Meeting of the Organisation shall be held no later than the last day of the month of August every third year either by physical attendance or by way of an acceptable internet meeting platform or both.
- 8.4 All matters on which this Constitution is silent shall be decided on motion by a majority vote of the members present and tabled proxies at a General Meeting.

EXECUTIVE COMMITTEE

- 8.5 The Executive Committee shall be elected by electronic ballot at the General meeting and remain in office for a period of at least three years. After the initial three year period, any member may nominate a candidate to serve on the next Executive Committee. In the event that more than five nominations are received, a new Executive Committee shall be elected by electronic ballot at the next ensuing general meeting of the Organisation.
- 8.6 The Executive Committee shall ordinarily meet at least once every six months on a date to be fixed by the Chairperson. Special meetings of the Executive Committee

shall be called by the Chairperson whenever he/she deems it advisable or upon a written request by not less than three members of the Executive Committee, in which event the meeting shall be called within 14 days of receipt of the request by the Chairperson.

- 8.6 Members of the Executive Committee shall be notified in writing of the time and place of meetings of the Committee by the Secretary at least 7 days before the dates of such meetings, provided that shorter notice being not less than 24 hours may, at the discretion of the Chairperson be given in respect of special meetings. To every notice of meeting an agenda should be attached. All matters for consideration by the Executive Committee shall be decided on motion duly seconded and voted upon by show of hands.

QUORUMS

- 8.7 The quorum for any General Meeting shall be 5% of the members in good standing by presence or proxy and the quorum for an Executive Committee meeting shall be a majority of the members of the Committee. If within 30 minutes of the time fixed for any General Meeting a quorum is not present, the meeting shall stand adjourned to the same day in the week following (and if that day is a public holiday then to the next succeeding working day) at the same time and place or manner. At such adjourned meeting, the members present or attending via an acceptable internet platform shall form a quorum. Each member or his nominated representative shall have one vote only at General Meetings or in ballots conducted by the Organisation. A member may vote by means of a written proxy that shall be sent to the Secretary of the Organisation no less than 48 hours prior to a General Meeting. The business of a General Meeting may include, but will not be limited to:
- a) the nomination and election by ballot of membership of the Executive Committee;
 - b) the consideration of reports from the Chairperson, General Secretary and other special reports,
 - c) the formulation of policy;
 - d) the discussion of matters as per the agenda;
 - e) the ratification of financial statements approved by the Executive Committee since the last General Meeting;
 - f) the consideration of appeals, if any; and
 - g) the amendment or replacement of the constitution.

PROXIES

- 8.8 Prior to the General Meeting, an agenda for such meeting shall be sent to all members, to suggest and motivate agenda items, and afford members an informed opportunity to nominate a proxy bearer at the General meeting.
- 8.9 If between meetings of the Executive Committee any question arises that is of extreme urgency and can be answered by a simple “yes” or “no”, the Chairperson may authorise a vote of the members of the Organisation or of the Executive Committee to be taken by electronic mail and shall take action according to the decision of the members who have voted.
- 8.10 Chairperson may authorise a vote of the members of the Organisation or of the Executive Committee to be taken by electronic mail and shall take action according to the decision of the members who have voted.
- 8.11 At every General Meeting the minutes of the last preceding meeting shall be presented by the Presiding Officer or secretary and signed by the Presiding Officer after confirmation. Minutes of meetings of the Executive Committee shall be similarly dealt with by that body.
- 8.12 The proceedings of any meeting shall not be invalidated by reason of the non-receipt by any member of the notice of the meeting.
- 8.13 The Secretary of the Organisation, or a person appointed by him/her, shall keep minutes of all meetings of the Executive Committee and of all other meetings of the Organisation.

9. EXECUTIVE COMMITTEE

- 9.1 The management of the affairs of the Organisation between General Meetings shall be vested in an Executive Committee consisting of the Chairperson, the Vice-Chairperson and three other members of the Organisation who shall be elected at the General Meeting of the Organisation. All Executive Committee members will be Office Bearers of the Organisation. The Executive Committee shall be elected by electronic ballot at the General meeting and remain in office for a period of at least three years. After the initial three-year period, any member may nominate a candidate to serve on the next Executive Committee. In the event that more than five nominations are received, a new Executive Committee shall be elected by electronic ballot at the next ensuing general meeting of the Organisation. The Chairperson and Vice-Chairperson of the Executive Committee shall ipso facto be Chairperson and Vice-Chairperson of the Organisation.

Vacancies occurring on the Executive Committee shall be filled at the first ensuing General Meeting on nomination duly voted upon by an electronic ballot. Where a vacancy occurs, the Executive Committee will have the authority to unanimously co-opt a member for the unexpired portion of the period of office vacated by his or her predecessor.

- 9.2 Nominations for membership of the Executive Committee shall be sent to all eligible paid-up members in good standing to their email address on record, Nominations for election to the Executive Committee shall be returned electronically to the Secretary at least 4 weeks before the date of the General Meeting, which shall also be stipulated on the nomination form.
- 9.3 In the event of an Executive Committee member being unable, either temporarily or permanently, to perform their duties, the Executive Committee shall appoint another member of the Organisation to act as Executive Committee member until the other Executive Committee member is able to resume his/her duties or until the next election, as the case may be.
- 9.4 A member of the Executive Committee shall vacate his seat in any one of the following circumstances: -
 - (a) on absenting himself/herself, without the permission of the Executive Committee from three consecutive General Meetings or meetings of the Committee;
 - (b) on resigning as a member of the Committee by giving 4 weeks' written notice to the Secretary.
- 9.5 The Executive Committee shall, subject to the general direction and control of General Meetings, and to the provisions of this Constitution, have power:
 - (a) to appoint from time to time such sub-committees as it may deem fit for the purpose of investigating and reporting on any matter referred to them by the Executive Committee;
 - (b) to admit or refuse to admit employers to membership of the Organisation, to fix the conditions under which former members of the Organisation may be re-admitted to membership, and to suspend, fine or expel a member for cause deemed to be sufficient to a majority of the Executive Committee;

- (c) to institute legal proceedings on behalf of or to defend proceedings against the Organisation;
- (d) to acquire, either by purchase, lease or otherwise, any movable or immovable property on behalf of the Organisation and to sell, let, mortgage or otherwise deal with or dispose of any movable or immovable property belonging to the Organisation.
- (e) to deal with disputes between members and their employees or trade unions and to endeavour to settle disputes;
- (f) to make and enforce byelaws relating to procedural, administrative and disciplinary matters which are not inconsistent with the provisions of this Constitution, the Labour Relations Act, 66 of 1995 or any other law;
- (g) to engage or dismiss a Secretary and other employees of the Organisation and to fix their conditions of employment and define their duties;
- (h) to open and operate a banking account in the name of the Organisation;
- (i) to institute legal proceedings, or to provide legal assistance to members on matters affecting the relationship between themselves and their employees or trade unions and to institute legal proceedings against or on behalf of individual members;
- (j) to do such other lawful things as, in the opinion of the Executive Committee, appear to be in the interest of the Organisation and which are not inconsistent with the objectives set out in clause 3 or any matter specifically provided for in this Constitution.
- (k) to amend the constitution subject to the provisions of clause 17.1;
- (l) to establish any policy regarding the service to members;
- (m) to delegate any of its powers, as set out in clause 10.6 to the Chairman or any other Office Bearer of the Organisation as it deems fit, with the exception of amending the Constitution.
- (n) To join any federation of employers' organisations or other relevant bodies or institutes as a member

10. OFFICE-BEARERS AND ORGANISING OFFICIALS

OFFICE BEARERS

The Executive Committee shall have the power to appoint Officials to assist with the day to day coordination, administration and functioning of the Organisation and to ensure that the Organisation is in a position to render the required assistance and services to its members. Office Bearers will include but not be limited to the following:

(a) CHAIRPERSON

It shall be the duty of the Chairperson to preside at all meetings at which he/she is present, enforce observance of the Constitution of the Organisation, sign minutes of meetings after confirmation, endorse accounts for payment and generally exercise supervision over the affairs of the Organisation and perform such other duties as by usage and custom pertain to the office. He/she shall not have a deliberative vote, but shall, in the event of equality of voting, have a casting vote.

(b) VICE-CHAIRPERSON

The duty of the Vice-Chairperson shall be to exercise the powers and perform the duties of the Chairperson in the absence of the latter.

(c) ACTING CHAIRPERSON

In the event of both the Chairperson and the Vice-Chairperson being unable, either temporarily or permanently, to perform their duties, the Executive Committee shall appoint another member of Executive Committee to act as Chairperson until the Chairperson or Vice-Chairperson is able to resume his/her duties or until the next election, as the case may be.

(d) SECRETARY

- (i) The Secretary, who shall be appointed by the Executive Committee, may resign on giving one month's notice in writing to the Executive Committee and his/her services may be terminated by the Committee after the same period of notice has been given to him/her provided that he/she may be summarily discharged by the

Committee for serious neglect of duty or misconduct preceded by fair procedure. The contract of service of the Secretary shall be in writing.

- (ii) The duties of the Secretary shall in accordance with section 98 of the Labour Relations Act, 1995, be to keep proper books of account in such form as may be prescribed by the Executive Committee; receive requisitions for meetings; issue notices of meetings; conduct correspondence of the Organisation; keep originals of letters received and copies of those dispatched; attend all meetings and record minutes of the proceedings; keep a register of members, record therein, inter alia, every member's address, date of enrolment, entrance fee paid and, in respect of every month or year, the subscriptions and any levies and fines paid by such members, and in the event of the resignation or expulsion of a member the date thereof; collect entrance fees, subscriptions, fines and levies; bank all cash monies within seven (7) days of receipt; and perform such other duties as the Executive Committee or a general meeting may direct. He/she should attend all meetings of the Executive Committee and all General Meetings but shall have no voting power.
- (iii) The Secretary shall also take the necessary steps to ensure that the requirements of sections 98, 99 and 100 of the Labour Relations Act, 66 of 1995 are complied with.

(e) ASSISTANT SECRETARY

The Executive Committee may appoint an Assistant Secretary who shall assist the Secretary in the execution of his/her duties. Should the Secretary temporarily be unable to perform his/her duties, the Assistant Secretary shall act as Secretary until such time as he/she is able to assume his/her duties. The provisions of paragraph (d)(i) above shall mutatis mutandis apply to the Assistant Secretary.

(f) DISPUTE ADVISORS

A Dispute Advisor shall be a natural person which shall be an Office Bearer of the Organisation elected by members of the Organisation and then appointed by the Executive Committee of the Organisation to deal with any disputes involving paid up members of the Organisation, which shall specifically include representing the Organisation and/or any of its members at any proceedings conducted by the Commission for Conciliation, Mediation and Arbitration, Bargaining Councils, Statutory Councils and the

Labour Courts, and to perform such and other duties as the Executive Committee may from time to time direct.

(g) ORGANISING OFFICIALS

The Executive Committee may appoint organising officials. Organising Officials are employed by the Organisation either on a full time or part time basis. The main duties of the Organising Officials will be to recruit and enroll new members, to perform all duties required to achieve the objectives of the Organisation as defined in paragraph 3 above and such other duties as the Executive Committee may direct.

11. REMOVAL OF OFFICE BEARERS AND OFFICIALS

11.1 An Office Bearer or Official may be removed from office:

- (a) if he/she infringes any of the provisions of this Constitution; or
- (b) if he/she acts in a manner which is detrimental to the interests of the Organisation.

11.2 No Office Bearer or Official may be removed from office unless he/she has been afforded a chance to state his/her case personally at a meeting of the Executive Committee.

11.3 An Office Bearer or Official who has appeared before the Executive Committee and who is dissatisfied with the decision of the Committee shall have the right to appeal to the first ensuing General Meeting of the Organisation. Notice of appeal shall be given to the Secretary, in writing, within 7 days of the date on which the decision of the Executive Committee was communicated to the person concerned. The General Meeting may confirm or reverse the decision of the Executive Committee, and the decision of the General Meeting shall be final.

12. DISCIPLINE

MEMBERS

12.1 A member may be suspended or expelled from the Organisation as may be determined by the Executive Committee:

- if he/she fails within 30 days of demand, in writing, by the Secretary to pay membership fees or levies which are more than 3 months in arrears;
- if he/she infringes any of the terms of this Constitution or acts in a manner which is detrimental to the interests of the Organisation.

Provided that there shall be a right of appeal against suspension or expulsion to the first ensuing General Meeting. Notice of any such appeal shall be given to the Secretary in writing within 30 days of the date on which decision of the Executive Committee was communicated to the member concerned.

12.2 No member may be suspended or expelled unless he/she has been afforded an opportunity to state his/her case personally at a meeting of the Executive Committee, of which he/she has received not less than 7 days' notice in writing from the Secretary. The matter with which the member is charged shall be set out in such notice.

12.3 A member who has appeared before the Executive Committee in accordance with sub-clause (2) shall, if he/she is dissatisfied with the decision of the Committee and has lodged an appeal in the manner herein provided, have the right to restate his/her case personally to the General Meeting, which shall consider the matter.

12.4 A member shall be entitled to call witnesses in support of his/her case when attending a meeting of the Executive Committee or a General Meeting in terms of sub-clause (2) or (3), as the case may be.

12.5 Any decision taken by the Executive Committee in terms of this clause shall, when an appeal has been lodged, be subject to ratification or otherwise by a General Meeting.

12.6 Upon expulsion of a member, all monies due to the Organisation by such member shall become payable. If payment thereof is not made within 30 days, the Executive Committee may take such steps as it deems necessary to secure a settlement or payment.

12.7 A member shall cease to be entitled to any of the benefits of membership, including the right to vote:

- (a) if the membership fees or other charges due by him/her to the Organisation are more than 3 months in arrears;
- (b) during any period while he/she is under suspension in terms of this Constitution.

ORGANISING OFFICIALS

12.8 Organising Officials of the Organisation may be disciplined by the Chairman or any person appointed by him/her for that purpose. Organising Officials may appeal against the termination of their appointment or removal by lodging an appeal to the Executive Committee within 7 days from the date of their termination or removal. The Executive Committee will have the authority to confirm, overrule or replace the decision of the Chairman.

OFFICE BEARERS

12.9 Office Bearers may be suspended, expelled or removed from office by the Executive Committee. Office Bearers may appeal against the termination of their appointment or removal to the General Meeting by lodging an appeal with the Executive Committee within 7 days from the date of their termination or removal. The General Meeting will have the authority to confirm, overrule or replace the decision of the Executive Committee.

13. REPRESENTATION

A member shall be entitled to nominate another member of the Organisation to represent him at any General Meetings of the Organisation or at disciplinary hearings conducted by the Organisation. The name and contact details of the person so nominated shall be communicated to the Secretary in writing by the member concerned. If a representative is withdrawn by a member and another representative nominated, the name and contact details of the latter shall be similarly communicated.

14. REPRESENTATION ON BARGAINING AND STATUTORY COUNCILS

- 14.1 Following consultation with the relevant membership, the Executive Committee may at any time decide that the Organisation shall become a party to a Bargaining or Statutory Council in terms of the Labour Relations Act, 1995.
- 14.2 Representatives and their alternatives on any such council(s) may be appointed by the Executive Committee, following consultation with the relevant membership in this regard and the appointed representatives shall be from the ranks of the Organisation' Organising Officials and members within the particular sector.
- 14.3 Representatives on a Bargaining or Statutory Council may be removed by the Executive Committee or may resign on giving one month's notice to the Executive Committee or such notice as may be prescribed in the Constitution of the Bargaining or Statutory Council concerned.
- 14.4 In the event of the resignation or death of a representative or his/her removal by a Executive Committee, the vacancy shall be filled by a member of the Executive Committee.
- 14.5 Representatives shall, subject to a mandate from the relevant members and approval of the Executive Committee, have full power to enter into agreements on behalf of the Organisation.

15. BALLOTS

- 15.1 In addition to those cases in respect of which the taking of a ballot is compulsory in terms of this constitution or any legislation, a ballot on any question shall be taken if a General Meeting or the Executive Committee so decide, and shall also be taken:
- (a) if demanded in writing by not less than 25% of the members of the Organisation in good standing, or
 - (b) on any proposal to declare or take part in a national lock-out.
- 15.2 Ballots shall be conducted in the following manner, and shall be conducted by secure electronic means:-
- (a) Notice of a ballot shall be given to each member in good standing of the Organisation or in the case of sector specific issues to each member within

that sector in writing by the Secretary at least two weeks before the ballot is to be taken. Only one sequentially numbered ballot paper shall be sent electronically, to each qualifying member.

- (b) In order to secure electronic ballots, ballot papers will be returned only by electronic mail to the appointed Auditors of the Organisation by arrangement or appointment of specific accounting auditor for such purposes.
- (c) Ballot papers shall be provided by the Secretary or Assistant Secretary. The issue or issues or nominated members for election to be voted upon shall be set forth clearly on the ballot papers and such papers shall not contain any information by means of which it would be possible to identify the voter, other than the auditor who will check the return of each individually numbered ballot and ensure no duplication of numbers
- (d) The Secretary or Assistant Secretary will provide the auditors with a list of paid-up members to whom ballot papers were sent by electronic email and proof of such.
- (e) The appointed auditors shall secure the submitted ballot papers in a container to be sealed at the close of deadline for return of ballots. In such container a record of the results shall also be placed and shall be signed by the auditor.
- (f) Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in recording his vote. Papers bearing any other marks shall be regarded as spoilt and shall not be counted.
- (g) In the case of elections, a person nominated by the auditors and employed by the auditors shall attend at the General Meeting of the Organisation and when called upon, shall announce the result with a copy of such to be given to the Secretary. The candidates up to the required number receiving the highest votes shall be declared elected.
- (h) Ballot papers, including spoilt papers, shall be kept sealed, and retained by the auditors for not less than 3 years.
- (i) Should there be any dispute as to the results of the ballot; the member disputing such may request that two independent scrutineers be appointed for a recount in front of the auditors.

- 15.3 No ballot involving the declaration of or participation in a lock-out shall be taken until the matter giving occasion therefore has been dealt with as provided for in the Labour Relations Act, 1995.
- 15.4 The Organisation shall, before calling a lock-out, conduct a ballot of those of its members in respect of whom it intends to call the lock-out.
- 15.5 Notwithstanding anything to the contrary contained in this Constitution, members of the Organisation shall not be disciplined or have their membership terminated for failure or refusal to participate in a lock-out.

No lock out shall be implemented if:

- 15.5.1 no ballot was held about the lock-out; or
- 15.5.2 a ballot was held but a majority of the members who voted did not vote in favour of the lock-out.

16. FINANCE

- 16.1 All amounts due to or collected on behalf of the Organisation shall be paid into the Organisation's bank account, with proof of such deposit sent to the Secretary.
- 16.2 The funds of the Organisation shall be applied to the payment of expenses, the acquisition of property, the attainment of the objectives set forth in clause 3 and such other purposes as may be decided upon by the Executive Committee or by members voting by ballot for the attainment of the said objects.
- 16.3 Payments shall be made by any acceptable means of payment.
- 16.4 The Executive Committee may at any time, with a view to securing funds for any particular purpose falling within any of the objectives specified in clause 3, impose a levy not exceeding 20 percent of the annual subscription during any period of twelve months on each member (or each member within a specific sector), or a pro-rata levy per month on each member for a period not exceeding twelve months.

16.5 Statements of income and expenditure and the financial position of the Organisation shall be prepared annually by the Auditors and submitted to the Executive Committee for approval.

16.6 In accordance with the provisions of the Labour Relations Act, 1995, the Organisation or its Auditors shall prepare a statement of income and expenditure and a balance sheet in respect of each financial year ending February. Such statements and balance sheets shall be audited and within 30 days of receipt thereof the Secretary shall provide the Registrar with a certified copy of the auditor's report and the financial statements.

16.7 The Executive Committee shall, have the power to invest surplus monies in such a manner that the Organisation stands to benefit from such investments.

17. AMENDMENTS

17.1 Any of the provisions of this constitution may be repealed, amended, replaced or added to in any manner by resolution of the Executive Committee, provided that at least 21 days' notice of any proposed alteration shall first have been given to members, inviting members to submit comments and proposals.

17.2 The General Meeting of the Organisation shall also be empowered to amend the Organisation's Constitution, provided that the Executive Committee shall be notified of any proposed amendments at least 4 weeks prior to the General Meeting.

17.3 No change or addition shall have any force or effect until certified in terms of section 101 of the Labour Relations Act, 1995.

18. WINDING UP

18.1 The Organisation shall be wound up if, at a ballot conducted in the manner prescribed in the Constitution, not less than 50% of the total number of members of the Organisation in good standing vote in favour of a resolution that the Organisation be wound up.

- 18.2 If a resolution for the winding-up of the Organisation has been passed, or if for any reason, the Organisation is unable to continue to function, the following provisions shall apply:
- (a) The last-appointed Chairperson, or if he/she is not available, the available members of the last-appointed Executive Committee of the Organisation, shall forthwith transmit to the Labour Court a statement signed by him/her or them setting forth the resolution adopted or the reasons for the Organisation's inability to continue to function, as the case may be, and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act, 1995.
 - (b) The liquidator appointed by the Labour Court shall call upon the last-appointed Office Bearers of the Organisation to deliver to him/her the Organisation's books of accounts showing the assets and liabilities, together with the register of members for the twelve months prior to the date on which the resolution for winding-up was passed or to the date as from which the Organisation was unable to continue to function, as the case may be, hereinafter referred to as the date of dissolution.
 - (c) The liquidator shall also call upon the said Office Bearers to hand over to him/her all unexpended funds of the Organisation and to deliver to him/her the Organisation's assets and the documents necessary in order to liquidate the assets.
 - (d) The liquidator shall take the necessary steps to liquidate the debts of the Organisation from its unexpended funds and any other monies realised from any assets of the Organisation, and if the said funds and monies are insufficient to pay all creditors, after the liquidator's fees and the expenses of winding-up have been met, the order in which creditors shall be paid shall be the same as that prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate, and the liquidator's fees and the expenses of winding-up shall rank in order as though the expenses were the costs of sequestration of an insolvent estate.
 - (e) After the payment of all debts in accordance with paragraph (d), the remaining funds, if any, shall be distributed amongst the remaining members of the Organisation on the basis of subscriptions actually paid during the last two years prior to the date of dissolution.
 - (f) After the payment of all the liabilities, any assets that cannot be disposed of in accordance with this clause must be realised by the liquidator and the


proceeds paid to the Commission for Conciliation, Mediation, and Arbitration in accordance with section 103(5) of the Act.

- (g) The liability of members shall, for the purpose of this clause, be limited to the amount of subscriptions due by them to the Organisation in terms of this Constitution as at the date of dissolution.

CERTIFIED A TRUE COPY



CHAIRPERSON: ANTON COETZEE



SECRETARY: ISABEL BREEDT

7 JANUARY 2023

DATE