

NATIONAL TEACHERS' UNION (NAPTU)

BACKGROUND

The National Teachers' Union (NAPTU) traces its formation to a meeting held at the Bantu Congregation Church which was led by Reverend Makhanya (Ezihlabathini), Beatrice Street, Durban, 1918. This meeting was held between the Northern Natal Teachers' Association (NNTA) and the Coastal Teachers' Association (CTA) in the erstwhile Natal Province, now called KwaZulu-Natal, in pursuit of the best way that these two organisations could effectively serve the teachers of the province. During that period, these were the only teacher unions for Africans in the province, in line with the segregated political dispensations of both the British and Afrikaners' periods of governance. The meeting resolved to merge the two bodies into one Union – where 'union' referred to the amalgamation of the two associations. At its establishment, the union was called Natal Native Teachers' Union (NNTU), and its mandate was really to speak in unison of their struggle against the injustices suffered by the teachers in South Africa.

In the history of Education in South Africa, African teachers endured harassment, embarrassment, and intimidation in different ways. During the missionary era they would not be employed unless they were members of a particular church denominations which controlled the schools where they wanted to work.

Accordingly, the teachers were expected to teach Sunday school classes and accompany the Priest on his missions to serve as interpreters. Henceforth, many teachers found themselves following certain religious practices not necessarily out of faith conviction but just to earn a living to support their families.

When the apartheid government wrestled the control of African Education from the missionaries and created a department of Bantu Education, things got worse for the African teacher. The school boards who controlled Bantu education were notorious for persecuting teachers through their powers to hire and fire at will.

The manifestations of this arbitrary use of power included unfair treatment, unfair dismissals, and partisanship. Consequently, some NAPTU members left the country to teach overseas and in neighbouring countries, such as Swaziland, Botswana, and Lesotho in protest against Bantu Education and the attendant ill-treatment, but the majority remained to teach against all odds. It was at that time that NAPTU adopted the slogan "Teach the African child as you never did before." That was NAPTU's response to the unprovoked onslaught on African Education. It was during this time, in the 1950s, that there was a name change from the Natal Native Teachers' Union (NNTU) to the Natal Bantu Teachers' Union (NBTU). Indubitably, this change of name points vividly to the politics of the day.

Despite Education being designated as an "own affair" for the so-called "independent" homelands and self-governing territories, the "super" Department of Education and Training was created to play an oversight role over homeland education. So, from the 'unionism' point of view, the balkanisation of Education into the plethora of homeland departments of Education added another layer of complexity. This was an epitome of the apartheid ideology of separating people according to ethnicity to divide and rule them more easily. Concomitantly, the state apparatus became very strong, as the government established pervasive spy networks under the Bureau of Security Services (BOSS) in every sector of society. Numerous African men and women were employed to spy on each other, thereby making it difficult for teachers to operate freely, as their personal security became grossly compromised. Some NAPTU leaders were known political activists, so the Organization became a target of infiltration by the agents of the Bureau of Security Services.

1. PREAMBLE

We, educators, and workers of the education sector of South Africa tenaciously commit ourselves to the formation of a strong, democratic, and united organisation controlled by its members. Understanding and recognizing that education is a fundamental right, we commit to the eradication of gender and racial discrimination in the education sector, which shall allow for the transformation and development of an education system which is equally accessible to all. The educators and workers of the education sector who subscribe to this constitution firmly believe that the development of the country is dependent on the quality of education provided to its' citizens and for this reason they vow to unite in their efforts to contribute effectively to the quality of the education system and of the teaching profession. In so doing this teachers' union shall be based on a commitment to the following principles:

2. PRINCIPLES

- i. Self-reliance and self- development.
- ii. Freedom of association and the right to organize.
- iii. Professional approach to teaching inspired by the Children's' right to learn.
- iv. Political and religious nonalignment.
- v. Autonomy and independence
- vi. The enhancement of all aspects of the working life of educators and all employees of the Department of education.
- vii. Affirmation of the formally disadvantaged educators and all other member employees in the education sector.

To achieve the above this union shall be:

- Law abiding within a democratic political order.
- Inclusive of all like-minded educators and non-educators who subscribe to a professional code of conduct and the same professional ethos for teachers.
- Non-racial, shall not discriminate on grounds listed on the constitution of the Republic of South Africa including HIV/AIDS.

3. NAME & DEFINITIONS

3.1 NAME

The name of the organization shall be known as the National Teachers' Union, abbreviated as NAPTU (hereinafter referred to as "the Union").

The abbreviation NAPTU shall, wherever it is used in any document relating to the affairs of the Union, be understood to refer to the said National Teachers Union.

3.2 DEFINITIONS

- i. *General Secretary* is the union office-bearer elected to the Central Executive Board triennially by the National Conference in terms of this Constitution.
- ii. *School Building Representative* means the representative of members at a school, college, technical school or university or any educational institution elected triennially to represent members in that institution.
- iii. *Good Standing* means a paid-up member with no multiple union membership and has not been found guilty of violating this constitution.
- iv. *Auxiliary staff* means a person employed in an educational institution to assist teaching staff.
- v. *Paid-up Member* means an ordinary member whose subscriptions are up to date.
- vi. *Alliance-* means working together arrangement with other trade union(s) with similar values and objectives with NAPTU.

4. HEAD QUARTERS

The headquarters of the union shall be situated at the NAPTU HOUSE which is located at 47-57 Biyela Street, Empangeni, KwaZulu-Natal.

5. AIMS & OBJECTIVES

- (a) To unite into one compact body the teaching profession for the purpose of fostering the growth and diffusion of educational knowledge among South African Teachers.
- (b) To promote friendly intercourse among teachers and inspire them to improve their academic and professional status, and to ensure the maintenance of a high standard of training and efficiency.
- (c) To perpetuate the history and best traditions of the teaching profession by representing standards and ideals in education that stand for the advancement of knowledge and learning and by cultivating higher ideals of teaching and maintaining the dignity of the teaching profession in its relationship with the pupil and the community.
- (d) To educate the public and the teaching profession about the broad principles of education and to direct public opinion to the demands of the practice of teaching.
- (e) To promote, cultivate and inspire interest in the arts and sciences faculty by organizing, initiating, and patronizing music festivals, exhibitions of works of art and similar activities, and by supporting and raising funds for scholarships, bursaries, grants, or loans to enable deserving scholars to advance to higher studies in the various branches of the arts and sciences faculty.

- (f) To study and/ or to make representations on matters affecting education and for this purpose to arrange conferences, seminars, meeting and the like, and to establish groups, clubs, or societies and to affiliate or co-operate with other societies or organizations having similar aims.
- (g) To work with any political party on matters affecting education without engaging in party politics.
To this end the union shall maintain its autonomy and independence.
- (h) To acquire by purchase, exchange, donation, lease or in any other lawful manner, moveable, or immovable property and or shares in one or more companies and to dispose of the same by selling or in such a manner and to invest any money of the association in such securities or borrow against one or more securities of the association as may be approved by conference.
- (i) To ensure economic services to its' members and their families and/ or dependants by making provisions for group insurances whether life or otherwise, medical aid and credit union.
- (j) To establish independent teachers' centres and to maintain and administer them for the benefit of its' members.
- (k) To promote co-operation between the Union and the various Departments of Education under which the members of the Union serve.
- (l) To strive for the creation and/ or maintenance of the best conditions of service for educators and any other employees in the education sector.
- (m) To establish a special fund in the Republic of South Africa for the sole purpose of receiving donations to be used exclusively for the facilities (including expenditure on board and lodging facilities but excluding any expenditure in respect of tuition or boarding fees, or the granting of any bursary to any person nominated by a donor to the trust) for the benefit of the pupils, students, or trainees of the school.
- (n) To strive for the elimination of discrimination against women by assisting women teachers and other women employees in the education sector to realise their full potentials within the profession.
- (o) To strive for the establishment and the maintenance of effective compulsory education.
- (p) To strive to maintain and enhance effective consultation, advisory, negotiating, and bargaining mechanisms, and structures for the organized teaching profession, including mechanisms for the settling of disputes and to participate in a sound and equitable labour relations dispensation for educators established by law or by agreement.
- (q) To promote professional co-operation with other unions at local, provincial, national and international levels.
- (r) To provide a collective voice in the pursuance of its aims and objectives, including a continual evaluation and enhancement of legislation affecting education and all employees in the sector.

- (s) To provide an organizational home and a professional support system for the professionally oriented school, college and university educators and other member employees.
- (t) To do all things necessary for the furtherance and achievement of any or all the above objectives and in general to serve the best interests of all members, educators, education, and the organized teaching profession.
- (u) To recruit all educators, educationalists and auxiliary employees who subscribe to the aims and objectives of the union as enriched in this constitution.
- (v) to foster an understanding of social, political, and economic matters at national and international level; and
- (w) to do all such other things as are in the interests of the Union and its members, and which are consistent with the aims and objects of the Union.

6. LEGAL STATUS

6.1 The Union shall be a body corporate with perpetual succession, capable of entering contractual and other relations and of suing and being sued in its own name. As a legal entity the union shall hold property apart from its members.

6.2 Unless otherwise provided by this constitution, no office bearer, official or employee shall be deemed to be personally liable for any matters relating to the union unless otherwise provided by this constitution.

6.3 The Union is a consortium not for gain.

7. AUTHORITY OF THE CONSTITUTION

7.1 This constitution is the source of all rights and responsibilities within the union and is the final authority concerning any dispute within the union.

8. MEMBERSHIP

QUALIFICATION FOR MEMBERSHIP

8.1 Membership of NAPTU shall be open to any persons who are employed within the education sector in South Africa and who subscribe to the aims and objectives of the union.

9. APPLICATION FOR MEMBERSHIP

9.1 Application for membership shall be lodged with the Union. The Central Executive Board("CEB") shall have the authority to accept or decline any application. If admission to membership is refused the applicant may appeal to the President of the Union. The

appeal shall be lodged with the General Secretary in writing and at least seven days before the next meeting of the CEB. The applicant shall be entitled to appear personally at the meeting for the purpose of making representations in support of her or his appeal.

9.2 The President may ratify or reverse the decision. The President's ruling is binding and final.

10. MEMBERSHIP FEE

10.1 A subscription fee of R 130,00 as determined by the resolution of the national conference, shall be payable monthly in advance directly to the bank account of the union.

10.2 The subscription fee shall be collected through a stop order facility or a debit order.

10.3 Members may be required to make an extra contribution for any purpose that may be prescribed by the union from time to time.

10.4 The General Secretary or any other person as appointed by the CEB shall keep a proper record of contributions of each member.

10.5 The CEB may exempt a member from the payment of subscriptions or may set a lower subscription in respect of:

- (a) a member who is unable to work for thirty days or more on account of ill health: or
- (b) a member who has been suspended or dismissed from service for any reason that the CEB does not deem to be fair, pending the appeal of the suspension or dismissal; or
- (c) any other reason which the CEB or the relevant union structure may consider appropriate.

10.6 A monthly subscription of an amount which shall be determined by the Central Executive Board through consultation, from time to time is payable by all members, unless the member has been exempted from payment of subscriptions in terms of clause 10.5.

10.7 A member shall cease to be a member in good standing if he or she is more than three months in arrears with the payment of his or her subscriptions, unless he or she has been exempted from the payment of subscriptions in terms of 10.5. Members not in good standing may not vote, be elected to office, hold office, or be entitled to the benefits of the Union.

11. TYPES OF MEMBERSHIP

11.1 ORDINARY MEMBERSHIP

(a) All persons who practice as educators or educationalists, including those in auxiliary and support teaching service, in both formal and informal institutions of learning are eligible for membership. Ordinary membership shall be on an individual basis and shall be through a branch union. All office-based educators are not entitled to stand for election as office

bearers though they may be to committees of NAPTU and may be admitted as observers to conferences.

11.2 PROVISIONAL MEMBERSHIP

- (a) All student teachers and unemployed educators are eligible for provisional membership. Provisional members are not entitled to vote or stand in for elections as office bearers though they may participate in the proceedings of the union and may be admitted as observers to conferences.

11.3 HONORARY MEMBERSHIP

- (a) Honorary membership may be bestowed by NAPTU at a conference on any person in Recognition of a special contribution to the union or in the educational field in general. Honorary members shall be exempted from paying subscriptions and shall not be entitled to vote or stand for election as office bearers. Branches and Regions may Recommend through submission of motions the names of persons to be considered for honorary membership. The CEB shall compose and co-ordinate the criteria required for a person to be declared an honorary member.

11.4 RETIRED MEMBERSHIP

- (a) All persons professionally admitted to the teaching profession but no longer practising as such, are eligible for retired membership. Retired members are not entitled to vote or stand for election as Office Bearers, though they may participate in the proceedings of the Union and may be admitted as observers to Conferences and may be assigned to perform Union duties.
- (b) The CEB may admit teachers who are not able to practice because they have been barred from the profession for ideological reasons that are consistent with the aims and objects of the Union.
- (c) A member whose contract of employment as defined in Clause 11.4 (a) in the education sector has been terminated but who intends resuming employment as such shall remain a member for a period not exceeding twelve months. Membership shall automatically cease if she or he has re-commenced employment as a teacher or a position in the education sector at the expiry of twelve months.

12. SUSPENSION OF, OR EXPULSION FROM MEMBERSHIP AND RESIGNATION.

12.1 The CEB, on its own initiative, may suspend any member who is alleged to have committed a misconduct, or for violation of the constitution, policies, procedures and contravening the provisions of the Code of Ethics, for a period of not more than 30 days pending a formal enquiry.

12.2 Following an enquiry at which the member concerned is afforded an opportunity to be heard, if the member is found guilty of the charges levelled against him the CEB may:

- (a) Suspend the member for a period not exceeding 3 months
- (b) Expel the member from the union.

- 12.3 A member who fails, without a reason or acceptable apology to the relevant structure, to attend more than three (3) consecutive meetings of BEC, REC, or CEB may be suspended by the committee concerned for a period of not more than 3 months.
- 12.4 Members may not be suspended, expelled or have their membership terminated for failure or refusal to participate in a strike if:
- 12.4.1 No ballot was held about the strike; or
- 12.4.2 A ballot was held, but the majority of the members who voted did not vote in favour of the strike.
- 12.5 A suspension or expulsion in terms of subsection (1) and (2) is not effective until the CEB has made a decision to this effect. Once the decision is made, the member concerned must be notified in writing of the reasons for the suspensions or expulsion and be given an opportunity to present his or her case to the Appeals Committee as established and appointed by the CEB.
- 12.6 Any member who has been suspended or expelled from the union after being found guilty ceases to enjoy the union benefits until such time that the suspension is uplifted, or expulsion is set aside.
- 12.7 Any member who has been suspended or expelled may appeal a suspension or expulsion by:
- (a) Lodging an appeal with the General Secretary within 30 days of having been notified of the suspension or expulsion; and the Committee appointed by the CEB for consideration. The Appeals Committee is the structure that finalises all appeals and its decisions are final and binding.
- (b) A BEC, after holding an inquiry at which the member concerned is afforded an opportunity to be heard, may recommend to the REC, which will recommend to the CEB, that a member be suspended or expelled for conduct that is against the interests of the union and its members.
- (c) A REC, after holding an inquiry at which the member concerned is afforded an opportunity to be heard, may recommend to the Provincial Co-ordinators, which will recommend to the CEB that a member be suspended or expelled for conduct that is against the interests of the union and its members.
- (d) The Provincial Co-ordinators, on their own initiative, following an enquiry at which the member concerned is afforded an opportunity to be heard, or upon receipt of a recommendation from a REC, may recommend to the CEB that a member be suspended or expelled for conduct that is against the interests of the union and its members.

13. TERMINATION OF MEMBERSHIP

- 13.1 Any member may terminate their membership by resigning from the Union after giving three months' written notice to her or his Branch Secretary.

13.2 A member whose contract of employment has been terminated by her or his employer as a result of a labour dispute, or under circumstances which in the opinion of the relevant union structures renders her or his dismissal unfair, shall remain a member of the Union, and such a member shall be exempted from the payment of subscriptions until she or he is re- employed or until such date as the CEB may determine.

13.3 Membership shall automatically lapse when subscriptions are three (3) months in arrears.

13.4 Membership shall automatically terminate when the members' service has been terminated by the employer for reasons which are not inconsistent with the values and principles of the union.

14. REGISTER

An up-to-date register of membership shall be kept by each Branch Secretary, which shall be audited by the General Secretary at least once per annum.

15. CODE OF ETHICS

15.1 All members, including Office Bearers, shall be subject to the NAPTU Code of Discipline (annexure "A"), which shall be determined by the CEB from time to time, and to any disciplinary processes or sanctions defined in such Code.

15.2 If in the opinion of the BEC, REC, CEB, an office bearer who serves on the BEC, REC, CEB or as a Provincial Co-ordinator has behaved in a manner which is detrimental to the interest of the union and its members, it may resolve:

15.2.1 to remove him or her from office; or

15.2.2 to impose such penalty as it sees fit.

15.3 When disciplining an office bearer, the committee must follow the disciplinary code and procedure.

15.4 The individual concerned may appeal against such decision (which must remain in force until the appeal is determined).

16. STRUCTURES OF THE UNION

The union shall be organized so that there shall be a:

16.1 SITE WORKS

(a) Members of the union who work at a particular school, college, university, technikon or any institution, who in terms of this constitution are eligible for membership shall from among them, triennially elect one member. For every ten members as a School Build Representative (SBR). The School Build Representative shall keep an up-to-date register of membership which shall be audited by branch secretary annually. The SBR shall negotiate on behalf of the members with the worksite or school management. The School Building Representative

shall from time to time convene meetings to recruit new members, to seek new mandates which shall be in line with the conference mandates and to provide information to members as become available from time to time. School build Representative shall represent members on the school governing Body. The School Build Representatives shall receive and attend to complaints of members concerning their employment and where necessary to report such complains to the Branch Executive Committee.

- (b) There shall be a School Build Representative Council which shall compose of all the School Building Representatives falling within the boundaries of a branch. There shall be a worksite committee composed of not more than 5(five) union members at the site under the leadership of one of the School Build Representative.

16.2 BRANCH STRUCTURES

- (a) A Branch union, hereinafter called "Branch" may be established as soon as there are at least 100 (one hundred) members and shall be a constituent part of the union as opposed to federal.
- (b) A new Branch may be formed or established in any part of the Republic of South Africa, but no new Branch shall be formed or established by the partition of one or more Branches without the consent of the majority of the members of the Branches subject to confirmation by Conference.
- (c) The Branch shall have the power to make all Necessary rules and regulations respecting members and activities of the Branch, provided that such rules and regulations shall not be inconsistent with this constitution, and such rules and regulations should be sent to Central Executive Board for endorsement.

16.2.1 POWERS OF THE BRANCH GENERAL MEETING

- (i) The General Meeting of members of each Branch shall be held at least four times (at least once after three months) a year in accordance with the UNION`s master calendar.
- (ii) Extraordinary meetings of members in a branch shall be called by the Chairperson, in a consultation with the Branch Executive Committee or on a decision of the Branch Executive Committee, or on a decision of the Branch Executive Committee, or on the requisition of at least 20% paid-up members.
- (iii) General meetings may only be called on written notice to members of the date, time, place, and business of the meeting at least seven days prior to the date of the meeting, provided that shorter notice may be given by the Chairperson, in consultation with the Branch Executive Committee.
- (iv) 40% (forty percent) of membership or 50 members in the branch, whichever is the lesser, shall constitute a quorum. If within half an hour of the time fixed for a meeting, the meeting is not quorate, the meeting shall stand adjourned.
- (v) If any meeting is not quorate, an agreed date, time and place shall be decided and written notice be given of the adjourned meeting, and at such a meeting the person present shall constitute a quorum.
- (vi) The Secretary shall keep the approved minutes of every meeting of the branch in custody for a period of 5 years.

16.2.1.1 The Branch General Meeting Shall Have Powers to:

- (i) Mandate elected officials of the branch.
- (ii) Ratify and amend any policy decisions of the Branch Executive Committee.
- (iii) Elect from its members, triennially a Branch Executive Committee that will administer the branch affairs and execute its duties and obligations.
- (iv) Elect delegates among the Branch Executive Committee and formulate resolutions for submission to the Regional Conference and National Conference.

16.2.2 COMPOSITION OF THE BRANCH EXECUTIVE COMMITTEE

(a) BRANCH Executive Committee Shall Consist of The Following Portfolios:

- (i) Chairperson
- (ii) Deputy Chairperson
- (iii) Secretary
- (iv) Deputy Secretary
- (v) Treasurer
- (vi) Four coordinators
 - Professional matters
 - Condition of service
 - Structures and Developments
 - Statistics, recruitment, and Retention

(b) A person must be a member of the National Teachers Union in good standing for at least three (3) years before she or he can be nominated to the Branch Executive Committee of the NAPTU, and he/she shall not hold dual or multi union membership. He or she must not hold any position in the political party and or be a prominent member of the political party such that NAPTU member could confuse his or her position in the union with that he or she is holding in the political party.

(c) The CEB may, in newly established branches, authorise members of less than 1 (one) year but older than 3 (three) months as members to stand for BEC positions. However, preference must be given to members with many years in the union.

16.2.3 POWERS AND FUNCTIONS OF THE BRANCH EXECUTIVE COMMITTEE

THE BRANCH EXECUTIVE COMMITTEE

Branch Executive Committee shall have the power to appoint committee to perform various duties where the activities of a branch necessitate additional personnel. The conveners of these committees may be appointed by the Branch Executive Committee from among three members submitted by the members of interest group(s). Co-opted members shall be responsible to the Branch Executive Committee for their actions and activities. The Branch Executive Committee shall submit its reports on its work to the Regional Executive Committee and or Central Executive Board as when and where Necessary.

16.2.4 FUNCTIONS OF THE BRANCH EXECUTIVE COMMITTEE

a) CHAIRPERSON

The Chairperson shall preside over all meetings of the branch at which she or he is present, enforce observance of the constitution, sign minutes of the meetings after confirmation thereof, represent the branch on the Regional Executive Committee meetings and perform such other duties imposed by decisions required of his office.

b) DEPUTY CHAIRPERSON

The Deputy Chairperson will assist the Chairperson, deputise for him or her when Necessary and carry out whatever functions are entrusted to him or her by the Branch Executive Committee or the Chairperson. Deputy Chairperson shall perform such functions of the chairperson as the chairperson may either temporarily or permanently be unable to perform and any other duties imposed by decisions of the union.

c) SECRETARY

The Secretary shall, in consultation with the Chairperson, issues notice convening meetings of the branch, conduct all union correspondence, keep original letters received and copies of those dispatched and at each meeting of the Branch Executive Committee table such correspondence. She or he shall further attend all meetings of the branch, record the minutes, and perform such duties imposed by the decision of the union. The secretary shall take Necessary steps to ensure that a register of members is maintained, and in conjunction with the treasurer she or he shall ensure that a proper set of books of accounts are kept to be made available for auditing purpose and submit quarterly financial statements to the meeting of the BEC.

d) DEPUTY SECRETARY

The Deputy Secretary will assist the secretary, deputise for him or when Necessary and carry out whatever function are entrusted to him or her by the Branch Executive Committee or

the secretary. Or she shall perform such functions of the secretary as the secretary may either temporarily or permanently be unable to perform and any other duties imposed by decision of the union.

e) **TREASURER**

The treasurer shall oversee all monies and assets of the branch, authorise all bank transactions on behalf of the branch, causes official receipt for all monies received to be issued and perform such other duties imposed by the decision of the union. In conjunction with the secretary, she or he shall ensure that a proper set of books accounts are kept being made available for auditing purposes and submit quarterly financial statements to meetings of the BEC.

f) **FOUR COORDINATORS**

Four coordinators can operate as determined by the branch but in line with the operations of the senior structures of the organization as stated in the union operation.

16.3. REGIONAL STRUCTURES

- a) A Region shall be composed of at least 5 (five) geographically contiguous Branches or 500 members for the purpose of organising NAPTU activities in accordance with the master calendar. The names of the regions shall be determined and be amended from time to time by the Central Executive Board and be ratified by the Conference.

16.3.1 POWERS OF THE REGIONAL COUNCIL

- a) The region has an oversight function over the branches.
- b) Each region shall be responsible to the Central Executive Board and shall be responsible for Branches under its jurisdiction.
- c) Each region shall have a regional council in which each Branch shall be represented by the number of delegates determined in terms of clause 19.5 (b).
- d) To determine the quorum for the meeting of the Regional Council as:
- i. 50 % + 1 members delegated by the constituent branches including Chairpersons and Secretary of the Region.
 - ii. should quorum not be met half an hour of the stipulated time of meeting, the meeting shall stand adjourned.
 - iii. A subsequent meeting shall be decided, and return notice be issued of the adjourned meeting wherein members present shall constitute a quorum.
- e) The approved minutes of every meeting of the region must be kept in custody for the period of 5 years.

16.3.2 COMPOSITION OF THE REGIONAL EXECUTIVE COMMITTEE

- (a) For the administration of its affairs and the execution of its duties and obligations, a Regional Executive Committee shall elect from its members every 5 years
- (i) Chairperson
 - (ii) Deputy Chairperson
 - (iii) Secretary and
 - (iii) Deputy Secretary
 - (iv) Treasurer
 - (v) Two organisers, one responsible for music and cultural activities and the other responsible for sports
 - (vi) Four co-ordinators
 - o Professional matters
 - o Conditions of service
 - o Structures and Developments
 - o Statistics, recruitment, and Retention
- (b) Mandate elected officials of the Region Executive Committee
- (c) Ratify and amend any policy decision of the Regional Executive Committee
- (d) Formulate resolutions for submission to the National conference and Regional Conference.

16.3.3 POWERS AND FUNCTIONS OF THE REGIONAL EXECUTIVE COMMITTEE

- i. The Regional Executive Committee shall meet at least once a quarter on a date as determined by Chairperson in consultation with the Executive Committee.
- ii. Regional Executive Committee shall supervise and coordinate all branches under its jurisdiction and exercise discipline over the regional membership.
- iii. Regional Executive Committee shall implement programmes and decisions of the union in the region.
- iv. Regional Executive Committee shall be responsible for submission of reports on all matters raised at its meetings to the Central Executive Board.
- v. An extra ordinary meeting shall be convened when there is an urgent business to be transacted from time to time.

- vi. The Chairperson and the Secretary of the elected Regional Executive Committee shall be members of the Enlarged Executive Board and shall be called Vice President Region. Vice President Region shall have a momentous task of liaising between the region and the Central Executive Board.
- vii. Elections for the Regional Executive Committee shall be held triennially in accordance with the NAPTU master election calendar.

16.3.4 FUNCTIONS OF THE REGIONAL EXECUTIVE COMMITTEE

a) Chairperson

Chairperson shall preside over all meetings of the Region at which she or he is present, enforce observance of the constitution, sign minutes of the meetings after confirming thereof, represent the Region on the Enlarge Executive Board meetings and perform such other duties as required of his office from time to time.

b) Deputy Chairperson

Deputy Chairperson shall assist the Chairperson, deputise for him or her when Necessary and carry out whatever functions are entrusted to him or her by the Regional Executive Committee or the Chairperson. Deputy Chairperson shall perform such functions of the chairperson as the chairperson may either temporarily or permanently be unable to perform and any other duties assigned to him by the union.

c) Secretary

The secretary shall in consultation with the Chairperson, issue notices convening meetings of the region, conduct all union correspondence, keep original of letters received and copies of those dispatched and at each meeting of the Regional Executive Committee table the correspondence since the last meeting of the committee. He or She shall further attend all meetings of the Region, record the minutes, and perform such duties imposed by decision of the union. The secretary shall take the Necessary steps to ensure that a register of members is maintained and in conjunction with the treasurer she or he shall ensure that a proper set of books are kept being made available for auditing purposes and submit quarterly financial statements to the meetings of the Regional Executive Committee.

d) Deputy Secretary

The Deputy Secretary will assist the secretary, deputise for him or her when Necessary and carry out whatever functions are entrusted to him or her by the Regional Executive Committee or the secretary shall perform such functions of the secretary as the secretary may either temporarily or permanently be unable to perform and any other duties assigned by decision of the union.

e) Treasurer

The treasurer shall oversee all monies and assets of the Region, authorise all bank transactions on behalf of the region, he or she shall cause official receipt for all monies received to be issued

and perform such other duties imposed by the decisions of the union.

In conjunction with the secretary, he or she shall ensure that a proper set of books of account are kept to be made available for auditing purpose and submit quarterly financial statements to meetings of Regional Executive Committee and the Central Executive Board. He or she shall coordinate fundraising of the Region.

16.3.4 REGIONAL CONFERENCE

- a) The conference of the region shall be held triennially at such time and in such venue as the Regional Executive Council may determine.
- b) Regional Council shall have the powers to make all Necessary arrangements, rules, and regulations regarding the number of delegates per branch that must attend and activities that will be done during the regional conference, provided that such arrangements, rules and regulations shall not be inconsistent with this constitution and have been approved by the Central Executive Board.

16.4. PROVINCIAL STRUCTURES

The CEB in line with clause 16.5.4(m) shall appoint provincial coordinators who shall be known as the Provincial Liaising Committee. The Provincial Liaising Committee shall be responsible for liaising and corresponding with the provincial establishments of the departments of education as employer.

16.4.1 Composition

- a) The appointed members shall consist of the Provincial Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and not more than 30 (thirty) other members as appointed by the CEB. A person must have been a member in good standing of the union for 7 (seven) years before she or he can be appointed as a provincial coordinator.
- b) Each Region in the Province shall be equally represented in the Provincial Liaising Committee, provided that the number of regional representatives on the Provincial Liaising Committee does not exceed the number of elected members of the Provincial Committee.

16.4.2 Powers And Functions of The Provincial Liaising Committee (Plc)

The PLC shall:

- a) Meet as soon as possible after its appointment and thereafter meet at least once every three months.
- b) Carry out the policies and programs of the union in the province and do all things necessary to further the interests, aims and objectives of the union.
- c) Carry out the decisions and instructions of the Central Executive Board and the National Conference
- d) Provide broad political and organizational perspectives to the CEB.

- e) Submit reports to the EEB as often as is required, on the state of the organization and such other matters as may be specified.
- f) Issue and send directives and instructions to and Receive reports from the Regions, Branches, and other substructures in the province.
- g) Supervise and direct the work of the union and all its organs in the province, including the provincial and local union caucuses.
- h) Develop and implement social cohesion programmes.
- i) Audit the functioning of branches and take remedial action.

16.4.3 The duties of the Provincial Liaising Committee

a) Chairperson

The Chairperson shall preside at all meetings of the province at which she or he is present, enforce observance of the Constitution, sign minutes of meetings after confirmation thereof, represent the Province on the Enlarged Executive Board (“EEB”), National Council (“NC”) and National Conference (“NC”) meetings and perform such other duties imposed by decisions of the Union.

b) Deputy Chairperson

The Deputy Chairperson shall perform such functions of the Chairperson as the Chairperson may either temporarily or permanently be unable to perform and any other duties imposed by decisions of the union.

c) Secretary

The Secretary shall, in consultation with the Chairperson, issue notices convening meetings of the province, conduct all Union correspondence, keep originals of letters received and copies of those dispatched, table correspondence at meetings of the PC. She or he shall further attend all meetings of the province, record the minutes, and perform such duties imposed by decisions of the Union. The Secretary shall in conjunction with the Treasurer ensure that the funds of the Union are administered and managed in accordance with the financial policy and present financial statements at each ordinary meeting of the PC.

d) Deputy Secretary

The Deputy Secretary shall assist the Secretary in the execution of her or his duties and perform such other duties imposed by decisions of the Union.

e) Treasurer

The Treasurer shall be in charge of all monies and assets of the provinces, sign all cheques drawn on behalf of the province, audit the membership of the province, supervise the financial affairs of the province, monitor the financial affairs of the Branches and Regions, and perform such other duties

imposed by decisions of the Union. In conjunction with the Secretary, she or he shall ensure that funds are administered and managed in accordance with the financial policy of the Union and present financial statements at each ordinary meeting of the PC. The duty to manage and supervise the financial affairs of the province is a duty of the National Treasurer delegated to the Provincial Treasurer. Such delegation may be removed at any time by the EEB.

16.5 NATIONAL STRUCTURES

16.5.1 National Conference

- a) The National Conference shall be the supreme governing body of the Union and shall meet at least once every three years.
- b) The National Conference shall consist of the Central Executive Board, Provincial Liaising Committee, Regional Chairpersons and Secretaries and for the first 100 (one hundred) paid up membership a Branch shall be entitled to 2 (two) delegates and then 1 (one) delegate for every 200 (two hundred) members in addition to the quota, provided that each Branch shall be entitled to at least one delegate.
- c) The National Conference shall be convened by the Central Executive Board on written notice to the Provinces, Regions and Branches of the date, time, place, and business of the Conference.
- d) The majority of delegates shall constitute a quorum. If there is no quorum within two hours of the time fixed for the conference, the meeting shall stand adjourned to an agreed date, time, and place. At such adjourned meeting the delegates present shall constitute a quorum. A written notice of the adjourned conference shall be given to all constituent structures.
- e) Approved minutes of all deliberations of the National Conference shall be kept in custody for a period of 5 years ant the subsequent conference for ratification.
- f) A special conference may be called by 2/3 (two-thirds) vote of the Executive Board or upon request from a member of branches representing 30% (thirty percent) of NAPTU membership from at least 2 (two) regions.
- g) The conference shall be the supreme policy and decision-making body of the union.

16.5.1.1 POWERS AND FUNCTIONS OF THE NATIONAL CONFERENCE

The conference is responsible for strategic planning and determining programs to give effect to the functions of the union such as: -

- a) Co-ordinating and processing submissions by members and other interested institutions and liaising with such organizations or institutions.
- b) Establishing a professional support service in terms of the objectives of the union.
- c) Determination of fees and other levels to finance its activities, to read and confirm revenue and expenditure accounts and all reports from Branches, Regions, and motions from all other structures.

- d) Advising the relevant authorities on matters of educational policy and implementation, including matters concerning Labor Relations and policy for education.
- e) Performing activities and exercising powers in terms of relevant legislation, including legislation concerning labour relations in education.
- f) Performing any other activity which the conference deems essential for the promotion or attainment of the objectives and aims of the union.
- g) To delegate such powers and duties as it deems to be conducive to the attainment of its objectives to the committees but under the supervision of the Central Executive Board.
- h) Considering and deciding upon election of the Central Executive Board and the establishment of portfolios as formal structures of the union.
- i) To endorse amendments to the constitution, code of ethics, code of discipline and standing rules of the National Teachers Union.
- j) To adopt policies by means of resolutions in furtherance of the aims and objects of the Union and will consider and decide upon:
 - i. confirmation of the agenda.
 - ii. credentials of delegates.
 - iii. amendments to the constitution, codes of ethics, codes of discipline and standing rules.
 - iv. reports from the National Council, Enlarged Executive Board and Central Executive Board.
 - v. financial reports including the auditors' reports and resolutions. vi.

election of Central Executive Board.

 - vii. establishment of portfolios as formal structures of the union; and
 - viii. any other matter entrusted to it under this Constitution, or which is in the interest of the Union.

16.5.1.2 National Council ("NC")

- a) The National Council shall consist of the Central Executive Board, National Coordinators, Provincial Coordinators, Regional Executive Committee members, Branch Executive Committee members.
- b) The National Council shall meet at least once a year and its functions shall include: (a) the ratification of decisions of the Enlarged Executive Board; and (b) the adoption of policy issues

of major importance in between National Conferences.

16.5.3 ENLARGED EXECUTIVE BOARD (“EEB”)

- a) The EEB shall convene to receive and discuss portfolio reports, regional reports, committee reports, and all such matters as will be referred to this committee.
- b) The composition of the EEB shall be the Central Executive Board, Provincial Coordinators appointed in terms of clause 16.5.4.1(m)(ix) Regional Chairpersons and Regional Secretaries, Chairperson and Secretary of the National Principals Liaison Committee.
- c) The EEB shall meet at least biennially on a date to be fixed by the President in consultation with the General Secretary. Meetings of the EEB shall be convened on written notice of the date, time, place, and business of the meeting. If within one hour there is no quorum, the meeting stands adjourned to an agreed date, time, and place. A written notice of the adjourned meeting shall be given to all Regional Chairpersons, Regional Secretaries and Provincial Co-ordinators.

16.5.4. CENTRAL EXECUTIVE BOARD

- a) The Central Executive Board herein after called “Executive” shall be composed of the: -
 - President
 - Deputy President
 - General Secretary
 - Four Vice Presidents
- b) The executive board shall be elected by conference for a term of office of three years.
- c) For members to be eligible, a member must have nine years in the union and must at the time of election be serving in the REC or CEB.
- d) Separate voting will take place for the election of each of the office bearers mentioned in 16.5.4(a).
- e) A person receiving an outright majority of the total votes in each ballot shall be declared the duly elected to that position.
- f) The General Secretary at the instance of the President shall summon all meetings of the executive board in writing. The President shall be empowered to summon special executive board meetings.
- g) The President or Deputy President and General Secretary together with two other members of the CEB shall constitute a quorum to do business at any ordinary or special meetings of the executive.

- h) The General Secretary shall keep the approved minutes of every meeting of the Central Executive Board meeting in custody for a period of 5 years.
- i) Members elected to the executive, or to any special committee, a delegation, Commission, or reputation shall be bound only by affirmation to support this constitution and decisions of conference, but no religious or conscience test shall be required as a qualification for election to office under the union or any branch of the union.
- j) All members of the executive board shall hold office for three years but shall be eligible for re-election on any number of terms.
- k) The powers of the executive board shall be vested by conference with the custody and care of the union's property, with the execution of conference decisions and instructions, the pursuance of negotiations with the education department on matters affecting education and the teaching profession, the direction, planning and control of the publication of newsletters, magazines and other information for the education of the public and the teaching profession, and the power of settling disputes among members of the union (or structures of the union).
- l) The President shall be the chief accounting officer and shall preside over meetings of the executive board and over ordinary special sessions of conference shall authorize or initiate the calling of meetings of executive board and conference, shall be the administrator and authorize all bank transactions, bills or other instruments drawn on behalf of the union, shall fill up any vacancy that may occur in the executive during his term of office, the person so appointed continuing in office only for the duration of the vacancy or until the next conference when new office bearers shall be elected, shall appoint any person to any office created by conference not herein provided for and shall require any member of the union, branch, region or executive board to perform such duty as he may deem necessary for the execution of the business or programs of the union. The President shall attend to urgent business transactions to the benefit of the union and shall also be entitled to take certain decisions in the process provided that proper reports and accounts is presented to the Central Executive Board for ratification.
- m) In case of the removal of the President from office by his death, resignation, or inability to discharge his duties or to exercise the powers of his office such duties or powers shall devolve on the Deputy President.
- n) In case of the removal of both the President and Deputy President by death, resignation, or inability to discharge his or her duties, the General Secretary must convene a special conference to elect the President and Deputy President.
- o) In line with the provisions of (m) above, the General Secretary in consultation with the remaining CEB members shall elect an interim President and Deputy President to fill in the vacancies until the sitting of the special conference.

16.5.4.1 POWERS AND FUNCTIONS OF THE CENTRAL EXECUTIVE BOARD.

1. The Central Executive Board shall be the supreme and decision-making structure in between conferences. The Central Executive Board shall have the power: -
 - a) To execute union policies and programmes as decided by the national conference.
 - b) To appoint subcommittees for the purpose of investigating reporting or administering any matter or duty referred or delegated to it by other structures of the union including the conference and to dissolve such subcommittees.
 - c) To conclude contracts and perform other juristic acts.
 - d) To acquire, mortgage, pledge or otherwise encumber any movable or immovable property.
 - e) To borrow, lend and invest money.
 - f) To take part in any form of consultation, litigation, application or other dispute resolution proceedings.
 - g) To act as the official mouthpiece of the union and exercising its functions inter alia by direct mutual liaison with the relevant and any other relevant statutory structures and advisory bodies, the recognized teacher's organizations, the organized parent community, and the national level and with other institution concerned with education.
 - h) To establish a pension fund, Provident, medical scheme and any other similar funds or schemes.
 - i) To exercise any other power that may be necessary or desirable to achieve the objectives of the union.
 - j) To consider and deal with matters of common interest referred to it by members in accordance with the provisions of this constitution.
 - k) To engage and dismiss any employees of the union and determine their remuneration and allocate them duties.
 - l) To delegate such powers and duties as it deems to be conducive to the attainment of its objectives provided that any committee to whom such powers and duties have been delegated, shall be empowered further to delegate powers subject to the duty to be accountable, therefore.
 - m) The President in consultation with the Central Executive Board shall after every national conference appoints coordinators and members of committees such as the following:
 - (i) The professional matters committee
 - (ii) the conditions of service committee

- (iii) the Finance Committee
 - (iv) gender committee
 - (v) sports committee
 - (vi) music committee
 - (vii) social and cultural committee
 - (viii) recruitment committee
 - (ix) Provincial coordinators, responsible to liaise and correspond with the provincial establishments of the Department of Education as employer.
 - (x) and any such committee as the Central Executive Board may determine from time to time.
- n) The Central Executive Board shall appoint various committees to perform such duties as may be required of them. The coordinators of these committees may be appointed among names of members submitted by the Central Executive Board.
- o) Subject to the provisions of this constitution, to issue rules regarding:
- i. Criteria for the admission of members to the union.
 - ii. The procedures concerning its meetings, as well as meetings of any of its committees, their functions, procedures, and the delegation of powers to them.
 - iii. The establishment and constitution of committees, their functions, procedures, and the delegation of powers to them, the powers and duties of office periods and officials.
 - iv. Internal discipline including provision for appeal.
 - v. formula for the division of assets upon dissolution of the union.
 - vi. Any other matters aimed at the effective functioning of the union.
- p) To issue and send directives or/ and documents, instructions to and receive reports from union representatives and all structures of the organization.
- q) To supervise, direct the work of NAPTU and ensure that the regions and branches of the organization are functional.
- r) To suspend or dissolve any structure of NAPTU when necessary and may appoint an interim structure during the period of suspension or dissolution of the structure to fulfil the functions of NAPTU.

16.5.4.2 The Duties of The Central Executive Board (Individual Portfolios)

a) President

The President shall preside over the National Conference, meetings of the NC and EEB at which she or he is present, enforce observance of the Constitution and policies of the Union, sign minutes of meetings after confirmation thereof, represent the Union, and perform such other duties imposed by decisions of the Union.

b) Deputy President

The Deputy President shall perform such functions of the President as the President may either temporarily or permanently be unable to perform and any other duties imposed by decisions of the Union.

c) General Secretary

The General Secretary shall, in consultation with the President, issue notices convening national meetings of the Union, conduct all Union correspondence, keep originals of letters received and copies of letters dispatched and table correspondence at all meetings. She or he shall further attend all national meetings of the Union, record the minutes. Supervise the financial affairs of the union, ensure that the funds of the Union are administered and managed in accordance with the financial policy. Prepare and circulate the annual report of the activities of the Union which will include the audited financial statements, supervision of persons employed by the Union and perform such duties imposed by decisions of the Union. Perform all such functions as maybe assigned to him or her by the executive board, including the appointments of additional staff complying with the criteria and requirements laid down by the executive board, and as provided for by the staff provisioning scale which is determined by the executive board from time to time.

d) Vice Presidents

The Vice Presidents shall perform such duties as the Central Executive Board or National Council may impose at the first meeting of the CEB after the Elective Conference.

17. REPRESENTATION

- a. The President shall be the ex officio representative of the union on all other organisations with which the union establishes a relationship by association or affiliation, provided that the President may delegate this power to any member of the Central Executive Board and provided further that the Central Executive Board may decide to appoint certain representatives to serve on specific bodies outside the union.
- b. In the absence of specific mandate or instructions from the annual conference or executive or President, the representatives of the union, duly appointed in accordance with the provisions of this constitution, shall be authorized to act on behalf of the union, provided that they shall not give a vote in conflict with the declared policy of the union and that their actions and or

vote, or any act of deed done by them, shall not be binding on the union until ratified by the Central Executive Board or conference.

- c. It shall be the duty of the representatives of the union to present a written report to the first ordinary meeting of the Central Executive Board after the meeting of the body on which they represented the union.
- d. NAPTU shall function according to the conventional principles of democratic centralism that NAPTU traditionally adhere to. To secure the unity and cohesion of the organisation, members are obliged to defend the union in carrying out its decisions.
- e. All decisions taken by higher structures are binding on all lower structures and individual members.
- f. Members shall have the right to pursue their views internally in the lead up to conferences with powers under this constitution to determine or reverse NAPTU policies.
- g. No member with his or her own ideology, theory and discipline shall be permitted.
- h. The Union shall be governed by both direct and representative forms of democracy. Members of the Union shall participate directly in the affairs of the Union at the Branch and in the election of those who shall be responsible for governing the Union at branch, regional, provincial, and national levels.
- i. Proportional representation shall be a guiding principle in determining the number of elected representatives to the following governance meetings:

- i) National Conference

The National Conference shall consist of the Central Executive Board ("CEB's"), Provincial Liaising Committee ("PLC's"), Regional Chairpersons and Secretaries and for the first 100 (one hundred) paid up membership a Branch shall be entitled to 2 (two) delegates and then 1 (one) delegate for every 200 (two hundred) members in addition to the quota, provided that each Branch shall be entitled to at least one delegate.

- ii) National Council ("NC")

The National Council shall consist of the Central Executive Board, National Coordinators, Provincial Coordinators, Regional Executive Committee members, Branch Executive Committee members.

- iii) Regional Conference

The Regional Conference shall allow for elections of the Regional Executive Committee and shall consist of the Regional and Branch Executive Committee members of that Region. For Branch delegates the following quota shall apply; for the first 100 (one hundred) paid up membership a Branch shall be entitled to 2 (two) delegates and then 1 (one) delegate for every 200 (two hundred) members, provided that each Branch shall be entitled to at least one delegate.

iv) Regional Council Meeting

The Regional Council meeting shall consist of Regional Executive Committee and all Branch Executive Committee members of all branches in that regio

v) Regional General Meeting

The Regional General Meeting shall consist of the Regional Executive Committee, Branch Executive Committee and all members at Branch level.

v) Branch General Meeting

The Branch General Meeting shall consist of the Branch Executive Committee members and all members in the branch.

vi) Work Site Meeting

The Work Site Meeting shall consist of all members of the Union at that school, university or Technikon and shall be convened tri-annually by the School Build Representative to elect the SBR and the worksite committee.

18. DISCIPLINE

- (a) Any member who violates this constitution or the rules or regulations of a branch, region by word, deed or omission shall be liable to disciplinary action by the Branch Executive Committee, Regional Executive Committee or Central Executive Board as the case may be.
- (b) The disciplinary committee shall be established in Branches, Regions and Nationally to investigate and settle disputes and differences between the members of the union or between structures of the union. These committees shall be ad-hoc committees of the BEC, REC and CEB respectively and shall be chaired by a nominated member of the mother structure. The said committees shall subscribe to the provisions of the NAPTU code of ethics.
- (c) The Central Executive Board, Regional Executive Committee or the Branch Executive Committee shall, after finding a member guilty of violating this constitution or rules and regulations of the union, or after finding a member guilty of transgressing the code of ethics referred to in clause 15 above, decide either to reprimand or fine or suspend or expel such a member provided that a member shall have been given a fair chance of stating his/her case, replying to the charges, and defending him/herself.
- (d) A member who is dissatisfied with the decision of the Branch Executive Committee, Regional Executive Committee or Central Executive Board shall have the right to appeal to the Regional Executive Committee, Central Executive Board, or the President as he or she won't be involved in a disciplinary tribunal at first instance convened by the other members of the Central Executive Board or Regional Executive Committee or Branch Executive Committee. The decision of the Branch Executive Committee, Regional Executive Committee or Central Executive Board shall not come into effect once appeal has been noted.

- (e) The notice of appeal by a member shall be lodged with the Regional Secretary or President within 14 days after the decision of either Branch, Region, or Central Executive Board as the case may be.
- (f) During an appeal a member may be afforded the opportunity to personally present his/her case before any appeal committee or the President may want to hear argument and further representation by appellant or his/her representative, or may determine appeal application without having to hear arguments from the parties depending on the weight of the submission available before the Regional Executive Committee, Central Executive Board or the President as the case may be.
- (g) The President after considering all the evidence and representations by a member, and his or her witnesses, shall have the competence to uphold the appeal and set aside the decision of the disciplinary committee or dismiss the appeal and confirm the sanction imposed by the disciplinary committee. The President shall have the power to appoint his special disciplinary committee to decide on the appeal on his behalf should he or she deem it necessary. The decision of the appeal's committee as ratified by the President shall be final.

19. BALLOT AND STRIKES

- (a) If any matter concerning a Trade Union or its members which the Central Executive Board is of the opinion, after referred to it for consideration by any member, group or part of the union, that the general consensus or opinion of all or a part of its members should be obtained, it may authorize a ballot of all or part its members.
- (b) In addition to those cases in respect in which the taking of a ballot of members of the UNION or of a branch is compulsory in terms of this Constitution, a ballot on any issue shall be taken if the Central Executive Board so decides and shall also be taken if demanded by a Branch on any proposal to declare or take part in any strike.
- (c.) Ballot shall be conducted in the following manner:
 - i) Notice of ballot shall be given to each member of the Branch in writing by the Branch Secretary, at least 3 (three) days before the ballot is to be taken. A ballot may be taken without notice at any General Meeting on the decision of a majority of the members present.
 - ii) Two scrutinisers, who shall be Union representatives, shall be appointed to supervise any ballot and to ascertain the result thereof.
 - iii) Except in the case of postal ballots taken at General Meetings on the decision of a majority of the members present, ballot be conducted at the various Branch offices of the UNION or at such other places as may be specified in the notice referred to in paragraph (a) of this sub-clause during the hours specified in the said notice.
 - iv) Ballot shall be supplied to the Branch Secretaries by the General Secretary. The issue to be voted upon shall be set forth clearly on the ballot and such papers shall not contain any information by means of which it will be possible to identify the voter.

- v) Ballot box shall be inspected by the scrutineer and sealed by the Branch Secretary in their presence prior to the issuing of ballot.
 - vi) One ballot only shall be issued on demand at the place and during the hours fixed for taking of the ballot to each member of the branch who is entitled to vote.
 - vii) Each voter shall, in the presence of the scrutineer, be issued with one ballot which he/she shall thereupon complete, fold and deposit in a ballot box provided for the purpose.
 - viii) The ballot shall not be signed or marked in any way apart from the required to be made by a member in recording his/her vote. Paper bearing any other marks shall be regarded as spoilt and shall not be counted.
 - ix) On completion of a ballot or as soon as possible thereafter the result thereof shall be ascertained by the scrutineer appointed for such Branch in the presence of the branch Secretary and make know to the Branch Executive Committee which shall be as soon as possible advise the Central Executive Board.
 - x) Ballot, including spoilt papers, shall be placed in a container which shall be sealed after they have been counted and retained by Branch Secretaries for not less than three years.
- (d) The Central Executive Board may decide to hold a postal ballot of members, in this instance it shall be conducted in the following manner.
- i) The General Secretary shall be registered mail provide every Union member with a ballot. A member after recording his/her vote shall place the ballot in an envelope provide for this purpose, mail it to the General Secretary within 14 days from the date that it was send to each member.
 - ii) The General Secretary, after receipt of such an envelope shall immediately place it in a sealed ballot box.
 - iii) The Central Executive Board shall appoint 7 (seven) union representatives to determine the result of the ballot. The ballot box shall be opened, and ballot be counted in the presence of the General Secretary who shall immediately advise the Central Executive Board of the result.
 - iv) The same procedure applies mutatis mutandis on a postal ballot that is confined to members of the Central Executive Board or any Region or Branches of the Union.
 - v) In any highest ballot regarding any elections, the candidate who receives the highest number of votes shall be declared elected.
 - vi) Conference, the Central Executive Board, or the Branch Executive Committee is bound to take steps to conform to the decision of most members who voted.

- vii) The Central Executive Board, before calling a strike, must conduct a ballot of those of its members in respect of whom it intends to call a strike. The Central Executive Board shall have the power to decide the way such a ballot may be conducted.
- viii) The Union shall not discipline, effect, or terminate the membership of any member due to that member's failure or refusal to participate in a strike if no ballot was held or a ballot was held but a simple majority of members who voted did vote strike in favour of the strike.

20. PROCEDURES FOR ELECTIONS

20.1 Elections under normal circumstances, the elections of office bearers in all structures of the Union shall be held as follows:

20.1.1 Candidate Nomination

20.1.2 Opening and Closure of Candidate Nominations

20.1.3 In accordance with NAPTU constitution, the nomination of candidates shall be by the relevant structures (members in the case of work site elections) present at the respective election.

20.2 Leadership Requirements

All members of the union in good standing shall have the right to stand for any leadership position within the union if they have served the union as a member/leader for the following specified period:

- i) In terms of the SBR, one year or at least 3 months for newly established branches.
- ii) In terms of the BEC, one shall be a member of NAPTU for at least 3 consecutive years.
- iii) In terms of the REB, one shall be a member of NAPTU for at least 6 consecutive years and currently serving in the BEC.
- iv) In terms of the CEB, one shall be a member of NAPTU for at least 9 consecutive years and currently serving in the REC.
- v) Union officials including the General Secretary are nominated and elected in terms of these guidelines.

20.3 Nominations shall be opened and declared closed on dates and times determined by the Principal Electoral Officer or the President.

20.4 Nomination, Screening and Validation

- (a) On closure of nominations, the electoral officer will screen all received forms to test their validity. A nomination shall be deemed invalid unless-

- i) The nominee has indicated his/her acceptance of nomination by completing the relevant section of the nomination form; or the nominee has submitted a letter indicating acceptance of nomination.
 - ii) The nomination form has been duly signed by the authorized or designated office bearer in that structure; or duly signed by a member in the case of a site.
 - iii) The nomination form has been duly submitted at the place and within the time prescribed by the Electoral Officer.
 - iv) In the event of a nomination of an absent member, the said member has advanced valid and acceptable reasons for their absenteeism which shall be accompanied by proof thereof. The said proof shall be subject to validation and if the authenticity of the proof cannot be valed the member shall be automatically disqualified.
- (b) A structure cannot nominate or second two different candidates for the same position.
 - (c) The Electoral officer upon presentation of the nomination audit report shall proceed to give an opportunity to those validly nominated, who otherwise have reconsidered their nominations to withdraw.

21. ELECTORAL OFFICERS

Electoral Officers will be the following:

- (a) For work site committee will be members of the BEC
- (b) For BEC will be members of the REC or any member of a higher structure as deployed by the Central Executive Board.
- (c) For REC will be members of the CEB or member of the REC from another Region or any other person as deployed by the CEB.
- (d) For CEB elections will be an independent agency as appointed by the CEB.

22. VOTING METHOD

- (a) The prescribed method of voting for all office bearers at all structures shall be via a secret ballot.
- (b) The election shall be conducted based on the first past-the-post system (FPTP) in which, a voter shall be issued with a ballot.
- (c) In terms of the above methodology, a candidate who receives the highest number of votes shall be declared the winner of the election or elected to that position.

- (d) A ballot shall be declared invalid and not included in the determination of the election results if:
 - (i) it has the voter identity,
 - (ii) it has more than the required number of marks
 - (iii) or if it has been marked in such a way that it is impossible to determine the voter's preference.
 - (iv) or if the ballot is not the official ballot issued by the Electoral Officer.
- (e) Uncontested positions shall not be voted for, the member shall be deemed to have received the majority vote.

23. VOTING PROCEDURES

- (a) On completion of the nomination process the Electoral Officer shall prepare ballot where several contested positions may appear on one ballot. Names on the ballot shall be arranged in alphabetical order.
- (b) Voting shall be by secret ballot.
- (c) In the event where one candidate contests more than one position, different rounds of voting shall be conducted starting with the position appearing first on the constitution.

23.1. Voting may be conducted according to the following procedures:

- (a) In the Regional Conference and National Conference, the voter shall be required to produce his/her Voting Identity Card/ Name Tag to the Electoral Officer. In the Site, Branch and REC members shall use their Identity Documents or other acceptable identification documentation for elections.
- (b) His/her name shall be checked against the voter's register and when found be crossed off to ensure that the voter does not vote for the second time
- (c) Voting for all positions shall not be conducted concurrently. This means that a voter shall be issued with separate ballot for all contested positions.
- (d) If a voter claims and presents that s/he has spoiled his/ her ballot prior to it being lodged into the ballot box, the Electoral Officer shall issue him/her with a replacement ballot.

23.2 Credentials List

- (a) To ensure that only the authentic voters participate in the elections, a list of all delegates accredited to vote shall be compiled into a credentials list. The relevant structure's Executive Committee shall be responsible for the compilation of such a list.
- (b) The Principal Electoral Officer shall hand the credentials list over to the Electoral officer once the Conference or relevant structure has adopted it.

23.3 Counting Procedures

23.3.1 Reconciliation

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

23.3.2 Recounts

- (a) The Electoral officer may decide to conduct a recount at any time before the declaration of the result.
- (b) The Electoral Officer shall conduct a recount on receiving a written request from an observer before the declaration of the result. Requests for a recount must be supported with reasons.

23.3.3 Declaration of the Result

- (a) The Electoral Officer shall declare the result to the electing meeting as soon as possible after counting has been completed.

23.3.4 Election Observers

- (a) The election meeting shall appoint observers who shall in turn be entitled to witness the voting and the counting process.
- (b) All observers, however, are subject to the authority of the Electoral Officer. During the elections no one, unless authorized by the Electoral Officer, is allowed to touch the ballot, or any other election materials. No information that may compromise the secrecy of the ballot may be disclosed.

23.3.5 Election Complaints

- (a) The approval by the Election Observers of the election process is crucial to its integrity. To this end, approval will not be sought at the tail end but on completion of different phases of the election. Observers shall therefore be encouraged to bring complaints forward as they occur in order that the complaint may be acted upon timeously.
- (b) All complaints shall be dealt with by means of consensus. Should this fail; however, the aggrieved parties shall be entitled to lodge a formal objection to a higher structure within 30 days as at the date of the election.
- (c) Written objections shall be registered with the Electoral Officer as soon as possible, before the final declaration of the results, by a candidate, observer or any ten voters. The grounds for such an application must be clearly explained.
- (d) Upon receipt of such an objection, the Electoral Officer shall convene a meeting of the outgoing Office Bearers who are not candidates to the election together with the election observers. The decision of this meeting shall be final subject to approval by the Conference or relevant structure.
- (e) During this process of objection and complaint the Ballot Box must be sealed and be kept in the safe place by the Electoral Officer or relevant Secretary of the Structure.

24 SPECIAL ELECTIONS

24.1 By – Elections may be conducted to fill vacancies that may occur in the BEC and REC during the term of office. By-elections may be conducted where the incumbent has vacated office for the following reasons:

- (a) Dies or resigns.
- (b) Transferred to a school outside the original branch or region.
- (c) Is dismissed from the Union.
- (d) Has failed to attend 3 consecutive meetings of the Executive or any other constitutional structure that she\he is obliged to attend without a written apology or valid reason acceptable to the structure.
- (e) When she/he is no longer a member in the site, branch, region, and province.

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

- i. Site meetings shall conduct by-elections in the presence of BEC.
- ii. The Branch General Meeting shall conduct by-elections in the presence of REC.
- iii. Regional Executive Committee shall conduct by-elections in the presence of Provincial Office Bearers

24.3 Procedure for by-elections:

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

- (a) Prior to the by-elections on any vacant position, the vacancy shall be declared to the CEB.
- (b) By-elections shall be reported to the CEB and the CEB shall deploy an electoral officer to supervise the election.
- (c) The Secretary or any person mandated by the Executive at the relevant structure where the position or office exists, shall notify structures in writing of the existence of that position/office being available and reasons that such position/office has become available.
- (d) The above official shall issue a notice to all structures for the nomination of candidates and the closing date for receipt of nominations.
- (e) The official of the structure higher than the structure where the position/office exists or an independent observer appointed in the case of the Provincial or National structure, shall be responsible to handle all the nomination forms until the elections have been completed.

- (f) Vacancies emanating from such by-elections to be filled at the same meeting.

25. FINANCES

- (a) Income shall be raised by means of membership fees and catering, levies, donations, concerts admission fees, recitals, exhibitions, and other means that Conference or the Central Executive Board may decide upon from time to time.
- (b) The General Secretary shall refund each Branch and Region part of the subscription fee from members determined in terms of an agreed formula that is based on the size of membership of each structure as agreed upon from time to time.
- (c) All monies, bills and other negotiable instruments paid to the union shall be deposited in a registered commercial bank in the name of the union and all withdrawals by negotiable instruments shall require two signatures to be valid.
- (d) The names of the union signatories shall be updated from time to time.
- (e) No money shall be drawn from the treasury of the union or from the funds of the Region or funds of the Branch except in consequence of appropriations made by conference, Region or Branch meetings as the case may be, and a regular statement of receipts and expenditure of such appropriations shall be published from time to time.
- (f) All debts incurred, appropriations made, monies collected, and engagements entered into before the adoption of this constitution shall not be valid against or in favor of the union or branches under this constitution as under previous constitutions. The union shall accumulate its own funds and acquire assets for the benefit of the members without taking over incurred debts and assets of the union under the previous constitution.
- (g) The other organs of the union are precluded from concluding contracts with other parties on behalf of the union unless they have received a written permission from the CEB to do so.
- (h) The authority of the Central Executive Board or Executive Council of a Branch or Executive Committee of a region as the case may be, to transfer from the possession of the union or Region or Branch any money, bills or any negotiable instruments lapse immediately on election of new office bearers.
- (i) The CEB shall administer the union in such a manner as to preclude any donor from deriving any monetary advantage from monies paid into or out of the special fund mentioned in clause 5(m).
- (j) The CEB shall ensure that only the beneficiaries of the Union occupy the Union's property free of charge.
- (k) The CEB shall ensure that neither the income nor the capital of the Union will be transferred to any fund.
- (l) No profits or benefits shall be distributed to any person and the funds of the union shall be used for investment, defrayal of expenses, to acquire by purchase of property in the name of

the Union to achieve objectives in clause 4 and for any other lawful objects as decided upon by the Central Executive Board or the members through a vote by secret ballot for achievement of the above-mentioned objects.

- (m) The surplus funds available should be invested at registered financial institutions or in any other manner as the Central Executive Board may decide from time to time.
- (n) The budget must be drawn up at the end of each financial year for the consideration and approval by the Central Executive Board.
- (o) Quarterly financial statements and reports of the union must be prepared and be presented before the Branch Executive Committee, Regional Executive Committees and Central Executive for consideration and approval.
- (p) The books of the Branches and Regions shall be closed on 28 February of each year and statements be submitted to the Head Office not later than 31st March for the purposes of internal audit. The books of the Union shall close on 31 March of every year.
- (q) Certified auditors appointed by the Central Executive Board shall audit the books of the union.

26. INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE MEMBERS

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

27. ANNUAL GENERAL MEETING

- (a) There shall be an Annual General Meeting held once annually, which shall consist of members of the CEB, Regional and Branch Chairpersons and Secretaries, Regional and Branch Treasurers, National and Provincial Coordinators, and the Chairperson and Secretary of the National Principals Liaison Committee.
- (b) The meeting shall be convened to receive;
 - i. Annual report on the extent of implementation of conference mandates and other programmes of the union.
 - ii. Auditors report in respect of the manual financial statements of the union.
 - iii. Any other report(s) that the CEB may determine

28. AFFILIATION

- a. The national teacher's union, upon the resolution of its annual conference may affiliate to another teacher's organization or any other organization on a federal basis while maintaining its inherent right to sovereignty in the conduct of its own affairs and further maintaining its total independence and freedom from any form of insubordination.
- b. The union enjoys international affiliation to Education International (EI)
- c. NAPTU is a member of the working together alliance with other trade unions organizing in education as well as health sectors, only for the purposes of admission to the bargaining

councils: education Labor Relations Council (ELRC) and Public Service Coordinating Bargaining Council (PSCBC).

29. REGULATIONS

There shall be regulations for the admission of members, keeping of records, procedure at Conference and on any other matter relating to the proper administration of the Union`s affairs.

30. AMENDMENTS TO THE CONSTITUTION AND CHANGE OF NAME

- (a) Whenever two-thirds of the members who normally attend the Conference shall deem it necessary, conference shall propose amendments, to this Constitution or change of name which shall be valid to all intents and purpose when ratified by two-thirds of the members present and voting at the session of Conference considering such amendment.
- (b) A member or Branch Executive desiring an amendment to this Constitution or change of name to be effected shall give the General Secretary of the Union such written notice to enable him or her to issue such notice to the CEB. The CEB shall consider and circulate motions to all Branches allowing them forty (40) days' notice of intention of such member, Branch or Regional Executive, -to introduce a motion to that effect at the subsequent Conference.
- (c) No amendment or change of name shall have any force or effect until certified in terms of section 101 (3) or Section 101 (7) of labour Relations Act, 1995.

31. DISSOLUTION OF UNION

- (a) Whenever two-thirds of the members who would normally attend Conference and when these members produce written evidence of a mandate from their branches obtained by a two-thirds majority vote, deem it necessary to propose dissolution of the Union, such members shall submit to the President a motion of intention to dissolve the Union at least 30 (thirty) days before Conference.
- (b) The motion proposing dissolution of the Union shall be put to Conference and shall be adopted only if two-thirds of the members present vote in favour of this motion.
- (c) If a motion is adopted to dissolve or if the union for some reason that cannot be remedied is unable to continue to function, then the following stipulations will apply:
 - i) The President of the Union, if he is not available, the other members of Central Executive Board of the Union, should immediately send a declaration signed by all the Executive members to the Labour Court applying to the Labour Court for an order giving effect to that resolution in terms of Section 103 of Act No 66 of 1995.
 - ii) The Liquidator appointed by the Labour court must call upon the office bearers and officials to transfer all the financial records that reflect the assets and the liabilities, together with an up-to-date register of members for the 12 month prior the adoption of resolution to dissolve or a decision been taken that the Union is unable to function, as the case it may be (thereafter called the dissolution date), the membership fees paid by every member.

- iii) The Liquidator must call on the above-mentioned officials to transfer unexpended funds and any monies realized from other assets of the Union together with the necessary documents.
- iv) The Liquidator must take the necessary steps to liquidate the debt of the union from its unexpended funds and any monies realized from the assets of the union. If said funds and monies are insufficient to pay all creditors after Liquidators fees and the costs of liquidation have been paid, the creditors shall be paid in order of preference as prescribed by any act that is in force regarding the division of the Assets of the insolvent estate, and the Liquidator`s fees and costs of liquidation stands in order of preference as if they are costs of liquidation in an insolvent Estate.
- v) If, after all the liabilities have been discharged, any assets remain that cannot be disposed of in accordance with the Constitution of the Union, the Liquidator must realize those assets and pay the proceeds to an institution with similar aims and objectives. The institution must be an educational institution in the Republic of South Africa, such education institution being nominated by Conference. If some other assets cannot be disposed of in accordance with the constitution of the Trade Union, the Liquidator must pay the proceeds to the commission for Conciliation, Mediation and Arbitration in conformity with Section 130 (5) of the Labour Relation Act, 1995.

(The liability of members for the purpose of this clause shall be limited to the amount of their membership fees outstanding in terms of this Constitution as at the date of dissolution).