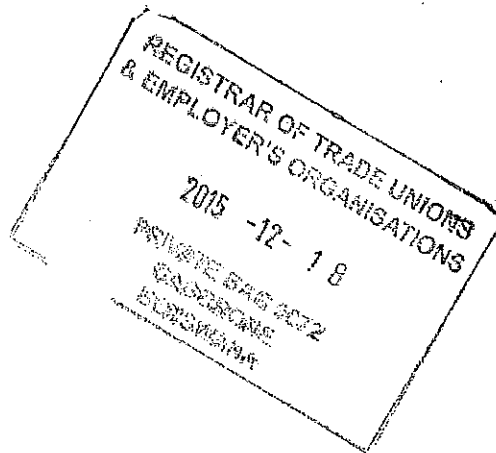


**BOTSWANA LANDBOARDS, LOCAL AUTHORITIES AND HEALTH WORKERS UNION**

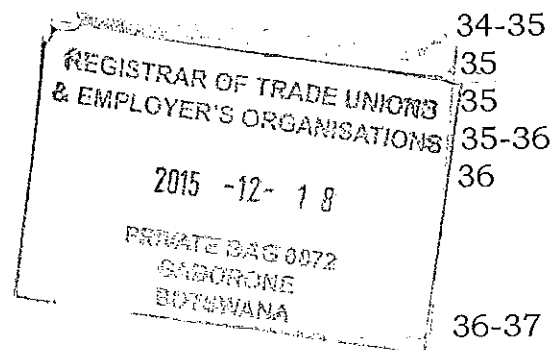


**B.L.L.A.H.W.U**

Solidarity, Justice and Prosperity

**CONSTITUTION**  
(FUNDAMENTAL LAW)

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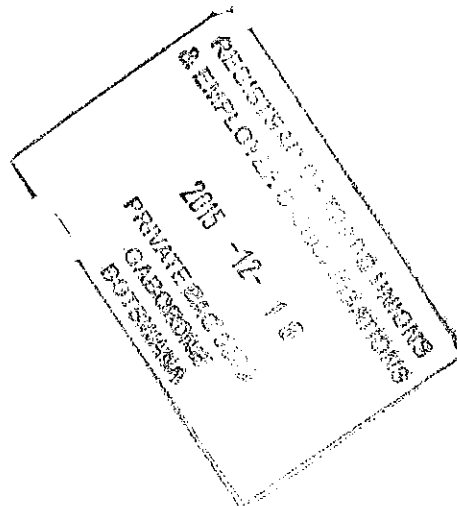
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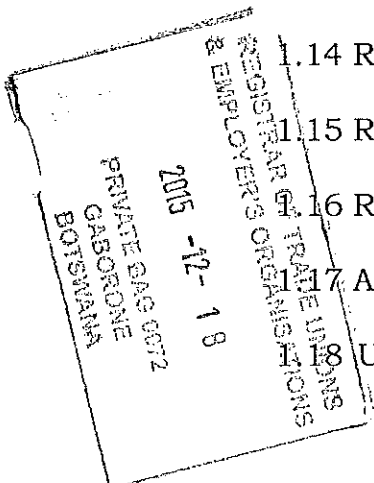
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**PART 1: INTERPRETATION**

In this Constitution, unless the context indicates otherwise, the following words, phrases and abbreviations shall mean the following:

- 1.1 Amalgamate: the joining together of trade unions to form one trade union;
- 1.2 BEC: Branch Executive Committee;
- 1.3 Congress: Union’s Triennial Congress;
- 1.4 CEC: the Central Executive Committee;
- 1.5 Day: a calendar day;
- 1.6 Federation: federation, congress or other association, by whichever name known, of autonomous registered trade unions;
- 1.7 GC: the Governing Council;
- 1.8 IEC: the Independent Electoral Commission;
- 1.9 Locality: the lowest structure of the Union. Each branch is divided into localities;
- 1.10 LSSC: the Local Shop Stewards Council;
- 1.11 Merger: an amalgamation between trade unions;
- 1.12 NDC: the National Disciplinary Committee;
- 1.13 Office bearer: any person elected to hold office in terms of the provisions of this Constitution;
- 1.14 RDC: a Regional Disciplinary Committee;
- 1.15 REC: a Regional Executive Committee;
- 1.16 RSSC: a Regional Shop Steward Council;
- 1.17 A.G.M Annual General Meeting/Conference
- 1.18 Union: Botswana Land Boards, Local Authorities and Health Workers Union.



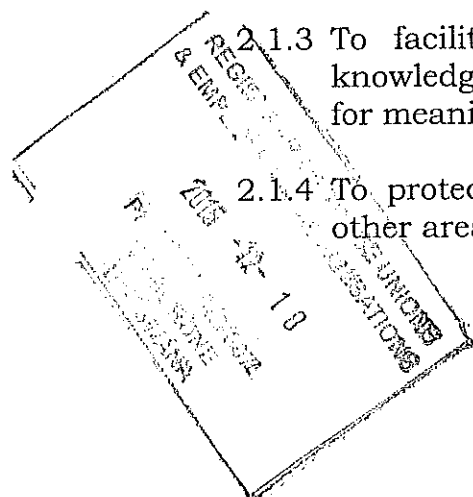
**PART 2: THE UNION****ARTICLE 1: FOUNDING PROVISIONS****1.0 Name and Offices**

- 1.1 The name of the Union shall be the BOTSWANA LANDBOARDS, LOCAL AUTHORITIES AND HEALTH WORKERS UNION, hereinafter referred to as "the Union or BLLAHWU".
- 1.2 Its Headquarters shall be in Gaborone or at any other place as shall be determined by the C.E.C.
- 1.3 The Union shall be a body corporate with perpetual succession capable of entering into contractual and other relations and of suing and being sued in its own name.
- 1.4 It shall hold property separate from its members and shall be an organisation not for gain.
- 1.5 The liability of members shall be limited to the amount of subscriptions or other moneys due to the Union at anytime in terms of this constitution.

**ARTICLE 2.0: OBJECTIVES:** the aims and objectives of the Union are:

**2.1 in relation to the Union per se:**

- 2.1.1 To secure total organization of all eligible members employed in the Land Boards, Local Authorities, Health Services and other allied public services in Botswana;
- 2.1.2 To build a democratic worker-controlled and membership- centred organisation based on membership participation on policy formulation, decision-making, and implementation;
- 2.1.3 To facilitate and/or coordinate the acquisition of a diversity of knowledge and skills through training in order to empower members for meaningful participation in the Union;
- 2.1.4 To protect and advance worker interests in the workplace, and all other areas of the working class struggle;



2.1.5 To develop and maintain a union free of any discrimination and/or unequal treatment with respect to race, tribe, place of origin, political opinions, colour, creed, gender, disability, age, class or any arbitrary ground;

2.1.6 To develop and maintain solidarity with other trade unions and staff associations nationally and internationally and to affiliate to any body or federation of trade unions that advances the cause of the working class.

**2.2: in relation to the workers:**

2.2.1 To bargain with the employer on the following matters: remuneration and other terms and conditions of employment, including the physical conditions under which employees are required to work; employment benefits; employment policies concerning, *inter alia*, the recruitment, appointment, training, transfer, promotion, suspension, discipline, and dismissal of employees;

2.2.2 To strive for just standards of living, social and economic security/justice, and fair conditions of work for workers;

2.2.3 understanding how the economy of the Country affects workers and formulating clear policies on how the economy should be restructured in the interests of the working class;

2.2.4 To strive for a united working class regardless of race, tribe, place of origin, political opinions, colour, creed, gender, disability, age, class or any arbitrary ground;

2.2.5 To engage employers in order to promote and protect the interests of union members through negotiations, consultations, mediation, and/or through industrial action in accordance with this Constitution and any legislative provisions governing engagement in industrial action in Botswana;

2.2.6 To build international working class solidarity by representing members and collaborating with other unions at national and international level;

2.2.7 To pursue any action which is in the interest of the Union and its members, provided that it is consistent with this Constitution.

2.2.8 Restructuring the economy to allow the creation of wealth to be democratically controlled and its fruits shared among the working class

2.2.9 Advancing or opposing any law, action or policy of any authority or body affecting working class

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2.2.10 Facilitating and coordinating education and training of all workers so as to further the interests of working class

2.2.11 Conducting, coordinating and publishing research into matters affecting workers

2.2.12 Instituting or defending legal proceedings affecting members and the union

2.2.13 To pursue any action which may be in the interests of the Union and its members and which are consistent with this constitution.

**2.3: in relation to society in general:**

2.3.1 To strive for economic, social, and political justice and equality in order to achieve prosperity for all;

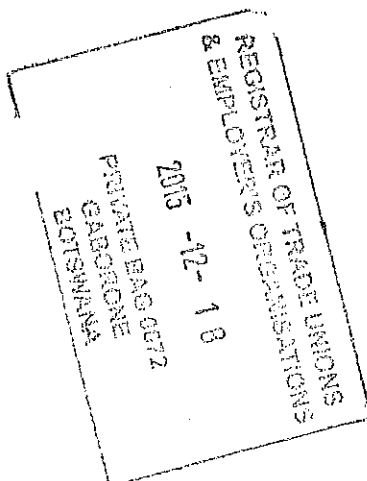
2.3.2 To strive for equal access to quality public facilities and services by all regardless of race, tribe, place of origin, political opinions, colour, creed, gender, disability, age, class or any arbitrary ground;

2.3.3 To reinforce and encourage progressive contact or form alliance with any community organisation and/or social movement nationally or internationally for the advancement of social equity and security.

**ARTICLE 3: SCOPE**

3.1 The Union may operate anywhere in the Republic of Botswana, and shall be open to any worker employed in the following sectors:

- a. Lands Boards
- b. Local Authorities
- c. Health Sector
- d. The entire Public service
- e. Parastatals and public entities



## **ARTICLE 4: AUTHORITY OF THE CONSTITUTION**

4.1 The Constitution is the source of all rights and responsibilities within the Union, and is the final authority concerning any dispute within the Union.

## **PART 3: UNION ORGANIZATION**

### **ARTICLE 5: STRUCTURES WITHIN THE UNION**

5.1.0 The Union shall be composed of the following hierarchal structures:

- 5.1.1 Triennial Congress (Congress)
- 5.1.2 Annual General Meeting (AGM)
- 5.1.3 Governing Council (G.C.)
- 5.1.4 Central Executive Committee (C.E.C)
- 5.1.5 Regional Shop Steward Council (R.S.S.C)
- 5.1.6 Regional Executive Committee (R.E.C)
- 5.1.7 Branch General Membership (B.G.M.)
- 5.1.8 Local Shop Steward Council (L.S.S.C)
- 5.1.9 Branch Executive Committee (B.E.C)
- 5.1.10 Locality
- 5.1.11 Shareholders forum of BLLAHWU Investments
- 5.1.12 Annual General Meeting (A.G.M) of BLLAHWU Funeral Scheme/BLLAHWU Burial Society

### **ARTICLE 6: QUALIFICATIONS FOR MEMBERSHIP**

6.1 Membership of the Union shall be open to;

- 6.1.1. All persons at the age of eighteen years and above,
- 6.1.2 Workers covered by the scope of this constitution
- 6.1.3 A worker who, but for retirement would otherwise qualify to be a member (honorary member)
- 6.1.4 All fit and proper persons

6.2 No person may be rejected as a member on the basis of unfair discrimination in terms of age, gender, sexual orientation, religious and political beliefs; and physical orientation.

6.3 All members of the Union shall be members of the BLLAHWU Burial Society/ Funeral Fund or scheme.

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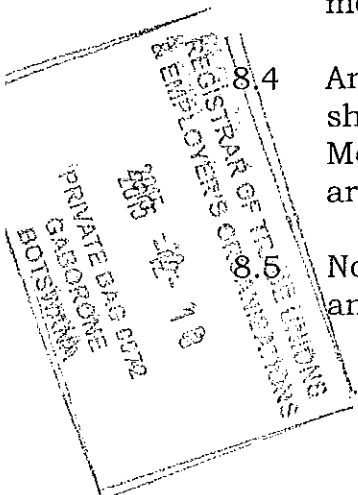
## ARTICLE 7: APPLICATIONS FOR MEMBERSHIP

- 7.1 Every application for membership shall be made to the Secretary General through Branch Executive Committee;
- 7.2 Application for membership shall be made on the Union's standard application and stop-order authorisation forms.
- 7.3 Considerations and approvals of membership applications shall be done by the Secretary General
- 7.4 Notwithstanding sub section 7.3 The C.E.C has full and discretionary powers to reject any application for membership.
- 7.5 If the C.E.C is not satisfied that the application complies with the entrance requirement(s) and resolves not to admit the applicant, the applicant may, within seven days of his/her becoming aware of the decision, appeal in writing to the National Appeals Board whose decision on the matter shall be final and binding.
- 7.6 Successful applicants shall pay membership and subscription fees to the Treasurer General and receive a membership card.
- 7.7 Integration and orientation processes shall be executed by the Branch Executive Committee.

## ARTICLE 8: SUBSCRIPTION FEE

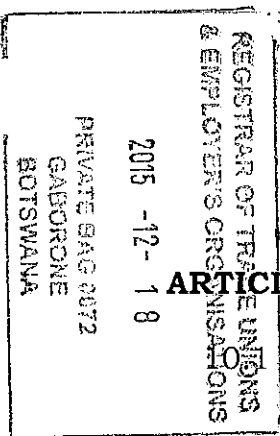
- 8.1 The membership subscription and membership re-admission fees shall be determined by the Governing Council of the Union from time to time, and shall not exceed 1% of the member's basic salary.
- 8.2 A member may be excused to pay any subscription fees for any period if he/she is out of work for continuous period of at least 3 months.
- 8.3 Where the Union has negotiated a deduction facility agreement with an employer a member employed by such employer shall authorise the employer in writing to deduct his/her Union membership subscription from his/her monthly salary.
- 8.4 Any member contrary to 8.2 whose arrears exceed three (3) months shall lose membership status and forfeit all membership benefits. Membership shall be regained through the C.E.C after payment of arrears and a re-admission fee.

8.5 No refunds of either subscription or membership fees shall be made to any member upon resignation from Union.



## ARTICLE 9: GOOD STANDING

- 9.1 A member remains in good standing unless he/she has been suspended or the member's subscription fee are more than 3 months in arrears.
- 9.2 An excused member as per subsection 8.2 remains in good standing during the exemption period.
- 9.3 Only a member in good standing is entitled to the benefits of membership.
- 9.4 Subject to this constitution, the benefits to membership shall include amongst others:
- a. attending meetings of the union
  - b. meeting and assembling freely with other members
  - c. participating in Union activities
  - d. voting in or out elected representatives; and
  - e. enjoying the rights and benefits conferred on members as per the Union's initiatives and programs



## ARTICLE 10: HONORARY MEMBERSHIP

Honorary life membership will be awarded to Union members who retire from employment.

- 10.2 Such membership will facilitate access to the prescribed Union benefits by its holders.
- 10.3 The membership will further maintain the bond between its holder and the Union.
- 10.4 Condition and procedures for application and termination of honorary life membership shall be similar to those laid down in Sections 6, 7 and 12.

## ARTICLE 11: TERMINATION OF MEMBERSHIP

- 11.1 Any member shall have the right to resign from the Union, provided that the National Disciplinary Committee shall have the powers to revoke or terminate membership.
- 11.2 A person ceases to be a member of the Union 30 days after the date on which his or her contract of employment within the registered scope of the Union terminates.
- 11.3 A member who changes employment within the registered scope of the Union is eligible for membership.

- 11.4 A member who wishes to resign from the Union shall give ninety calendar day written notice to the C.E.C and shall pay arrears on subscription and other debts due to the Union.
- 11.5 The National Disciplinary Committee shall have the power to expel any member from the Union in accordance with the provisions of this constitution and any regulations or code made pursuant to this Constitution.
- 11.6 A member whose membership of the Union ceases is not entitled to participate in the affairs of the Union or receive the normal services or benefits of Union membership.
- 11.7 Upon termination of membership, voluntarily or otherwise, anyone who ceases to be a member shall forthwith surrender the property of the Union which may be in his or her possession or control by virtue of being a Union member or office bearer of the Union.

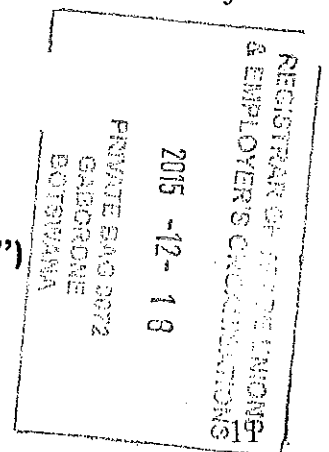
## **ARTICLE 12: RIGHTS AND OBLIGATIONS OF MEMBERS**

- 12.1 Except otherwise provided in this constitution, all members shall have equal rights and be bound by this Constitution, rules and regulations made pursuant to this Constitution, and decisions made by the structures of the Union.
- 12.2 Every member has the responsibility to ensure that his/her subscription is paid regularly.
- 12.3 Every member shall have the right to participate actively and freely in decision- making and activities of the Union.
- 12.4 Every member of the Union shall have the right to inspect documents and records of the Union.
- 12.5 Any member wishing to inspect any such records must give fourteen day notice in-writing to the Secretary or Secretary General of that structure, as the case may be, and the Secretary shall ensure that the same is availed to the requesting member within fourteen days of receipt of such notice for inspection only.

## **PART 4: UNION STRUCTURES**

### **ARTICLE 13.0: TRIENNIAL CONGRESS ("THE CONGRESS")**

- 13.1.1 The Congress shall be composed of:



- (a) Members of the C.E.C;
- (b) Branch delegates
- (c) Board of Trustees;
- (d) Members of the Union's Audit Unit;
- (e) Commissioners of the Independent Electoral Commission, Regional and Branch Electoral Officers;

13.1.2 Provided that only Branch delegates and C.E.C members shall be entitled to vote.

13.1.3 Branches shall be entitled to one observer per Branch who shall either be young workers or women; and delegates of ratio: one delegate to twenty five fully paid-up members save that shop stewards shall be given priority.

### 13.2 POWERS AND FUNCTIONS

13.2.1 The Congress shall be the supreme body of the Union.

13.2.2 The business of the Congress shall be, amongst others, to:

- (a) Elect C.E.C office-bearers in terms of this Constitution;
- (b) Consider and resolve on any proposal for the amendment of the Constitution;
- (c) Appraise reports and debate motions from the C.E.C, Regional Executive Committees and other relevant structures appointed by itself and adopt resolutions thereon;
- (d) To receive, debate and adopt a resolution(s) on the written report from the Union trustees in respect of the properties of the Union.

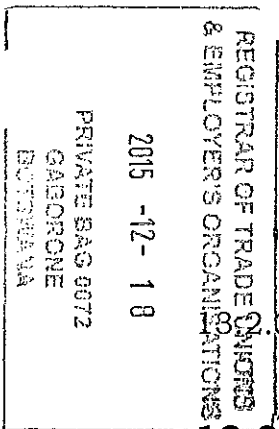
3 All policy decisions and resolutions of the Congress shall be written after adoption and signed by the President and Secretary General.

### 13.3 MEETING

13.3.1 The Congress of the Union shall be convened by the C.E.C once in every three years.

13.3.2 The quorum of the Congress shall not be less than two thirds of members of the C. E. C. and at least two-thirds of the total number of branches eligible to attend and vote.

13.3.3 If a quorum is not reached within three hours of the appointed time, the Congress shall be adjourned to a date, time, and place that shall be determined by the C.E.C, provided that such date shall not be later than sixty days after the date of the postponement.



13.3.4 The quorum for the re-convened Congress shall be delegates present in person.

13.3.5 Unless the President otherwise decides, no notice of any meeting adjourned in terms of Article 14.1.3 above need be given.

13.3.6 A branch which fails to submit in writing names of its delegates to the Secretary General at least thirty days before the date of the Congress shall be disqualified from attending the congress.

13.3.7 The Congress shall be chaired by the President or any person delegated by the President.

13.3.8 The Congress shall be conducted in terms of the Congress rules and procedures adopted by it, which procedures shall be recorded and kept by the General Secretary.

#### **13.4: NOTICE AND AGENDA**

13.4.1 The C.E.C shall determine the place, date and time(s) of the Congress.

13.4.2 Branches and regions shall be given not less than ninety day written notice of the date, time, proposed agenda and place of the Congress provided that the final agenda thereof shall be delivered to the branches and regions at least twenty-one days before the first day of the Congress.

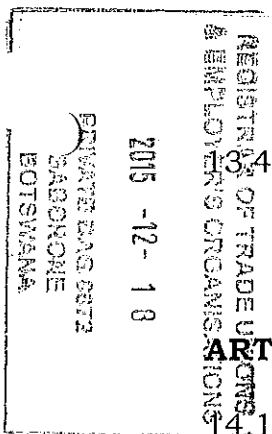
13.4.3 Branches and regions shall discuss the proposed agenda and may propose additional items or submit written motions or constitutional amendments to the Secretary General for inclusion in the agenda at least forty days prior to the date of the Congress.

13.4.4 All motions and constitutional amendments shall be circulated to all Branches and Regions not less than thirty days prior to the Congress.

#### **ARTICLE 14.0 SPECIAL CONGRESS**

A Special Congress of the Union shall be convened when:

- (a) The C.E.C deems it necessary, provided that the C.E.C shall deliver to the Branches and Regions notice of such Meeting and the agenda



therefore at least twenty one days prior to the first day of the Special Congress;

- (b) Not less than one half of the Regions, through their Chairpersons, sign a joint requisition for the Special Congress and deliver same to the Secretary General;
- (c) The notice referred to at 10.1(a) and the requisition referred to at Article 10.1(b) above shall specify the agenda for the intended Special Congress;
- (d) The Special Congress shall be called within twenty-one days after the request has been received by the C.E.C.

14.2 The Special Congress shall address itself only to the agenda items specified in the requisition or, if convened by the C.E.C., the agenda items specified by the C.E.C through its written notice.

14.3 The appointment of delegates to the Special Congress, and the proceedings and powers of such meeting, shall be similar to that of the Congress.

## **ARTICLE 15.0 ANNUAL GENERAL MEETING**

### **15.1 COMPOSITION**

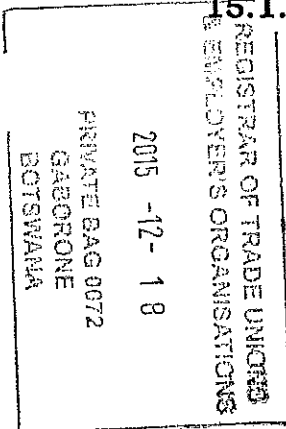
**15.1.1** The A.G.M shall consist of members of the; C.E.C, Branch Executive Committee Chairpersons, Branch Executive Committee 1<sup>st</sup> Vice Chairpersons, Branch Executive Committee 2<sup>nd</sup> Vice Chairpersons, Branch Executive Committee Secretaries, Branch Executive Committee Vice Secretaries, Branch Executive Committee Treasurers, Branch Executive Committee Secretaries For Arts Sports & Culture, Board of trustees, members of the Union's Audit Unit, Commissioners of Independent Electoral Commission, Regional and Branch Electoral Officers, provided that Board of trustees, members of the Audit Unit and Commissioners shall not be entitled to vote at the A.G.M

### **15.2: POWERS AND FUNCTIONS**

15.2.1 It shall be the function of the A.G.M to adopt specific policies to run the affairs of the Union.

15.2.2 All policy decisions of the A.G.M shall be written after adoption and signed by the President and Secretary General.

15.2.3 The business of the A.G.M shall be, amongst others, to:



- (a) Appraise reports and debate motions from the C.E.C, Regional Executive Committees and other relevant structures on issues of collective bargaining, workers rights, and the like, and adopt resolutions thereon;
- (b) Elect the Chief Electoral Commissioner and other Commissioners to the Independent Electoral Commissioners shall be elected to serve for three years and shall be elected at every A.G.M immediately preceding the Congress;
- (c) Recall office – bearers in the C.E.C in terms of this Constitution;
- (d) In the event of a vacancy in the C.E.C or Board of Trustees, elect an officer to fill in such a vacancy until such time that the next Congress shall elect new office bearers in terms of this Constitution.
- (e) Consider all other matters included in the agenda;
- (f) Shall review the progress of the Union in between the Congresses;

**15.3: MEETING**

15.3.1 The A.G.M of the Union shall be convened by the C.E.C annually.

15.3.2 The quorum of the A.G.M shall not be less than two thirds of the Members C.E.C and at least two thirds of the total number of Branches eligible to attend and vote in accordance with Article 15.1.1 above

15.3.3 If on the day appointed for the holding of an A.G.M or an Extra – Ordinary Meeting there shall not be a quorum present at the time appointed or within three hours thereafter, no business shall be dealt with.

15.3.4 If a quorum is not reached within three hours of the appointed time, the A.G.M shall be adjourned to a date, time, and place that shall be determined by the C.E.C, provided that such date shall not be later than thirty days after the date of the postponement.

15.3.5 Unless the President otherwise decides, no notice of any meeting adjourned in terms of Article 17.3.4 above need be given.

17.3.6 The quorum for the re-convened A.G.M shall be members present in person.

15.3.7 A branch which fails to submit in writing names of its delegates to the Secretary General at least thirty days before the date of the

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A.G.M shall be disqualified from participating in the deliberations and voting processes of the A.G.M but may send delegates only as observers.

15.3.8 The A.G.M shall be chaired by the President or any person delegated by the President.

15.3.10 The A.G.M shall be conducted in terms of the Rules and Procedures adopted by itself, which shall be recorded and kept by the Secretary General.

#### **15.4 NOTICE, AGENDA AND RESOLUTIONS**

15.4.1 The C.E.C shall determine the place, date and times (s) of the A.G.M.

15.4.2 Branches and Regions shall be given not less than ninety days written notice of the date, time and place of the A.G.M, provided that the final agenda thereof shall be delivered to the Branches and Regions at least twenty one days prior to the A.G.M

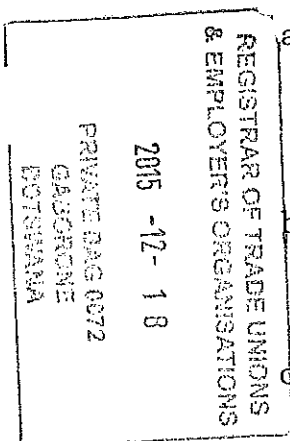
15.4.3 Branches and Regions shall discuss the proposed agenda and may propose additional items or submit written motions to the Secretary General for inclusion in the agenda at least forty days prior to the date of the A.G.M.

#### **15.5 EXTRA - ORDINARY GENERAL MEETING**

15.5.1 An Extra General Meeting of the Union shall be convened when;

- a) The C.E.C deems it necessary, provided that the C.E.C shall deliver to the Branches and Regions notice of such Meeting and the agenda therefore at least twenty one days prior to the Extraordinary General Meeting;
- b) If at least two thirds of the branches, through their Chairpersons, sign a joint requisition for the Extraordinary Meeting and deliver same to the Secretary General;
- c) The notice referred to at 15.5.1 (a) and the requisition referred to at Article 15.5.1 (b) above shall specify the agenda for the intended Extraordinary General Meeting;

15.5.2 The Extra-ordinary General Meeting shall address itself only to the agenda items specified in the requisition or, if convened by the C.E.C the agenda items specified by the C.E.C through its written





notice.

15.5.3 The appointment of delegates to the Extraordinary General Meeting, and the proceedings and powers of such Meeting, shall be similar to that of an A.G.M

## **ARTICLE 16:0 GOVERNING COUNCIL**

### **16:1 COMPOSITION**

16.1.1 The Governing Council shall consist of members of the: C.E.C, Branch Executive Committee Chairpersons, Branch Executive Committee Secretaries and Branch Executive Treasurers.

### **16.2: POWERS AND FUNCTIONS OF THE GOVERNING COUNCIL**

The Governing Council:

16.2.1 Shall review the progress of the Union in between the Annual General Meetings;

16.2.2 Shall re-affirm decisions and resolutions of the A.G.M, should it be necessary;

16.2.3 Shall receive reports from the C.E.C and shall determine the way forward on all non-constitutional matters;

16.2.4 Shall have powers to appoint external auditors for C.E.C;

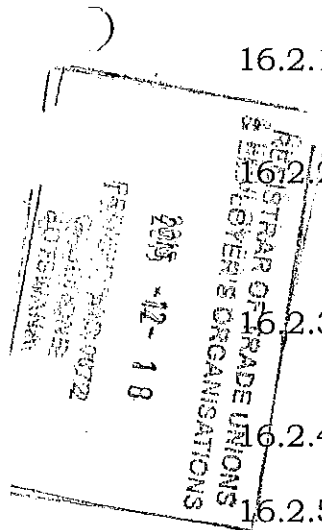
16.2.5 Shall have powers to appoint members of the National Disciplinary Appeals Board

16.2.6 Shall approve Conditions of employment of the Union employees as recommended from time to time by the C.E.C;

16.2.7 Shall approve Union Organisational structure as recommended from time to time by the C.E.C in terms of Article 19.2.12 of this Constitution;

16.2.8 Shall have powers to demarcate shop steward localities;

16.2.9 Shall approve the national annual budget of the Union.



**16.3: MEETINGS OF THE GOVERNING COUNCIL**

16.3.1 Meetings of the Governing Council shall be convened by the C.E.C.

16.3.2 There shall be one Governing Council scheduled meeting in a calendar year.

16.3.3 Notice of such meetings shall be given in writing by the Secretary General, or any officer of the Union delegated by the Secretary General on no less than sixty (60) days stating the place, time, and agenda of the meeting.

16.3.5 The quorum of such meeting shall be two thirds of all registered and established Branches of the Union and not less than two thirds of members of the C.E.C.

16.3.6 Branches and regions shall discuss the proposed agenda and may propose additional items or submit written motions to the Secretary General for inclusion in the agenda at least forty (40) days prior to the date of the Governing Council

**ARTICLE 17.0: CENTRAL EXECUTIVE COMMITTEE**

**CENTRAL EXECUTIVE COMMITTEE ("THE C.E.C")**

**17.1: COMPOSITION**

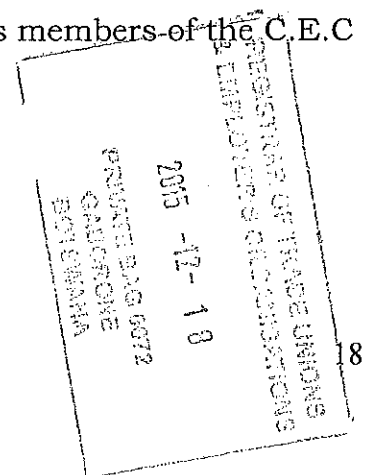
17.1.1 The C.E.C shall be composed of the President; 1<sup>st</sup> Vice President; 2<sup>nd</sup> Vice President; Secretary General; Deputy Secretary General; Treasurer-General; Secretary For Arts, Sports and Culture.

17.1.2 The C.E.C. shall hold office for a period of three years and with a limit of two terms.

17.1.3 Only shop stewards are eligible to be elected as members of the C.E.C

**17.2: POWERS AND FUNCTIONS OF THE C.E.C**

The C.E.C shall:



- 17.2.1 Manage the affairs of the Union between meetings of the Governing Council, the A.G.M and the Congress;
- 17.2.2 Be responsible for providing broader policy direction concerning organisational, political, and educational issues within the Union;
- 17.2.3 Have residuary powers to interpret the constitution;
- 17.2.4 Have the power to appoint, on acting capacity, any member of the Union to fill any vacancy in the event of resignation, death, or disqualification of a member of the C.E.C pending election, save that, for the position of President, elections shall be called within a period of ninety days of his/her resignation, death or disqualification;
- 17.2.5 Have powers to expel any of its members who fail to attend three consecutive committee meetings without reasonable cause;
- 17.2.6 Have powers to formulate rules, guidelines, operational policies, and bye laws for efficient operation of the Union;
- 17.2.7 Have the powers to coordinate the activities of structures of the Union;
- 17.2.8 Have powers to review, uphold, reverse, or prohibit any decision or activity of any structure, except that of the Governing Council, the A.G.M, the Extra-Ordinary General Meeting and the Congress, which it considers to be contrary to the provisions and the spirit of this Constitution;
- 17.2.9 Have powers to bargain and sign collective agreements with the employer or any other bodies in the interest of members;
- 17.2.10 Have powers to appoint any sub-committee it deems necessary and to determine its terms of reference in order to fulfil its mandate;
- 17.2.11 Have powers to delegate, in writing, any of its powers and functions to any structure or sub-committee; provided that such structure shall not have powers to further delegate such powers;
- 17.2.12 Be responsible for recommending to the Governing Council on;
- (a) Conditions of employment of the Union employees;
  - (b) Creation of positions of employment within the Union.
  - (c) Determination of organisational structure of the Union.

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- 17.2.13 Have powers to open and operate bank accounts in the name of the Union and ensure proper management, administration and overall control of the Union finances and assets;
- 17.2.14 Have powers to acquire, either by purchase, lease or otherwise, any moveable or immovable property on behalf of the Union, and to sell, let, mortgage or otherwise deal with any movable or immovable property of the Union as it deems fit;
- 17.2.15 Have the powers to invest the Union's funds for the proper administration of the Union;
- 17.2.16 Have powers to appoint internal auditors for other structures;
- 17.2.17 Have powers to freeze and/or re-possess any account of the Union and, where necessary, institute an enquiry on all books of accounts and asset register, and subsequently take any action necessary to protect the interest of the Union;
- 17.2.18 Be responsible for verification of credentials of delegates to the Governing Council, Extra-ordinary General and Congress, and further take necessary action thereon;
- 17.2.19 Have the powers to institute and defend legal proceedings on behalf of the Union;
- 17.2.20 Subject to provisions of this Constitution and Trade Unions and Employer's Organisations Act, respectively, the C.E.C. shall exercise all such powers and perform such acts it deems necessary for promoting the interests of the Union and its objects;
- 17.2.21 Have the powers to supervise all structures of the Union except the Governing Council and Congress.

17.2.22 Have the powers to dissolve a Union structure on the basis that same is not functional, provided that it shall cause such a dissolved structure to be properly elected within sixty days of its dissolution.

17.2.23 Have the powers to ensure discipline within the Union.

**17.3: MEETINGS**

17.3.1 The C.E.C. shall meet at least once every three months.

17.3.2 Notice of normal meetings shall be given in writing at least fourteen days in advance stating matters to be discussed, venue, and date of the meeting, and calling for any notification of any further items.

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17.3.2 The C.E.C may hold an emergency meeting upon a written request signed by the majority or the President stating issues to be discussed, and such meeting shall be convened as urgently as is necessary by giving each member at least forty-eight hour notice in writing.

17.3.3 The quorum of the C.E.C shall be at least two-thirds of the total membership.

17.3.4 In the event of no quorum the meeting shall be adjourned and be reconvened within fourteen days, in which event, members present shall form a quorum.

17.3.5 Minutes of the meetings shall be circulated to all members not later than thirty days after such minutes have been adopted.

17.3.7 All decisions of the C.E.C. shall be by a consensus or majority vote and the President shall have a casting vote.

## **ARTICLE 18.0: REGIONAL STRUCTURES**

### **18.1: DEMARCATION OF REGIONS**

18.1.2 The Union shall be divided into Regions with clear boundaries and each shall have a name and consist of specified registered branches.

18.1.3 The Governing Council shall have the powers to demarcate Regions through a systematic delimitation process.

### **18.2: REGIONAL SHOP STEWARD COUNCIL (R.S.S.C)**

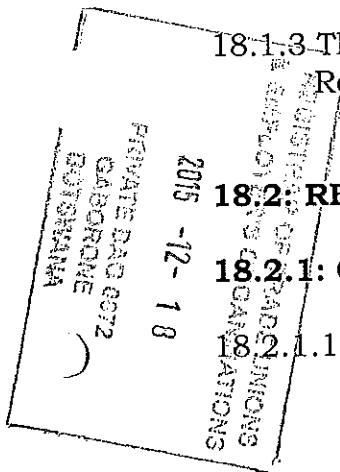
#### **18.2.1: COMPOSITION**

18.2.1.1 The R.S.S.C shall be composed of all Shop Stewards within member Branches, provided that Internal Auditors of member branches, regional electoral officers and members of the C.E.C for the relevant region shall attend as ex-officio members;

### **18.3: POWERS AND FUNCTIONS**

The R.S.S.C shall:

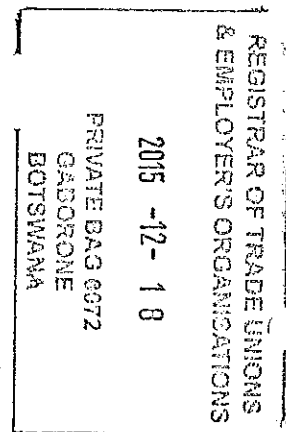
18.3.1 Be responsible for coordination of Union activities within the region;



- 18.3.2 Receive and assess the Union activities from member branches, and effect any intervention where necessary;
- 18.3.3 Be a forum for peer review and information exchange between member branches;
- 18.3.4 Be responsible for recommending to the Governing Council, in consultation with the C.E.C, any changes on demarcation of member branches or regional structures;
- 18.3.5 Be responsible for election of the R.E.C from among itself, save that only members holding similar positions at the branch level shall qualify to contest for that similar position at the R.E.C;
- 18.3.6 Consider and approve a consolidated report and motions of member branches for presentation to the Governing Council, A.G.M or Congress, as the case may be;
- 18.3.7 Provide a forum for debate on the current state and future challenges of the Union and effectively identify strategies for membership popular participation and control.
- 18.3.8 Formulate policy for the region not inconsistent with the constitution; decisions of the C.E.C; Governing Council and Congress.
- 18.3.9 Generally carry out aims and objectives of the union relevant to the organisation of workers in the region.

**18.4.0: MEETINGS**

- 18.4.1 The R.S.S.C shall be held at least twice a year.
- 18.4.2 The last R.S.S.C. shall be held at least once every year.
- 18.4.3 Notice shall be sent at least twenty (21) days before an R.S.S.C. meeting.



- 18.4.5 The minutes of the R.S.S.C shall be taken and signed for by the Regional Chairperson and Secretary and delivered to the Secretary General within fourteen days of the R.S.S.C.

**18.5.0: REGIONAL EXECUTIVE COMMITTEE**

**18.5.1: REGIONAL EXECUTIVE COMMITTEE (R.E.C)**

**18.5.2: COMPOSITION**

18.5.2.1 The R.E.C shall be composed of the following office bearers:  
Chairperson; 1<sup>st</sup> Vice Chairperson; 2<sup>nd</sup> Vice Chairperson; Secretary;  
Vice Secretary; Treasurer; Secretary for Arts, Sports and Culture.

18.5.2.2 Term of office shall be three years.

### 18.6.0 POWERS AND FUNCTIONS

The R.E.C shall:

18.6.1 Coordinate the activities of the Union within the Region by promoting active participation of members Branches;

18.6.2 Coordinate advocacy activities for workers' rights at regional level;

18.6.3 Be responsible for ensuring implementation of the Union's policies, bye-laws, rules and procedures, resolutions, strategic plans and any other activities geared towards achieving the Union objectives;

18.6.4 Mediate in any dispute between member branches;

18.6.5 Represent and bargain on behalf of members on issues delegated to itself by the C.E.C;

18.6.6 Have powers to convene the Regional Shop Steward Council (R.S.S.C);

18.6.7 Organise fund-raising activities for the Union;

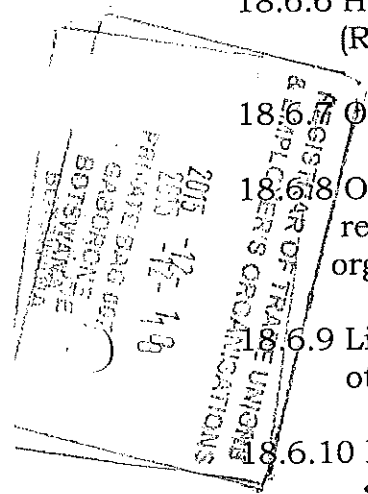
18.6.8 Open, operate and close banking accounts in the name of the region, subject to approval, direction and control of the C.E.C; and organise fund-raising activities for the Union

18.6.9 Liaise with the C.E.C and act as a link between the branches and other structures;

18.6.10 Have powers to co-opt, on temporary basis, any shop steward into the R.E.C with specific knowledge or experience on a particular item to be discussed;

18.6.11 Report to the R.S.S.C any cases of failure to deliver on the mandate by particular office bearer(s) for recall;

18.6.12 Undertake any such activities which, in its opinion, shall further the objectives and are not inconsistent with any provision of this



constitution; decisions of the R.S.S.C; C.E.C; Governing Council and Congress.

### **18.7. MEETINGS**

18.7.1 The R.E.C. shall meet at least quarterly.

18.7.2 Notice of such meetings shall be given in writing at least fourteen days prior to such a meeting stating the place, time and agenda of the meeting.

18.7.3 Co-opted members who are not office bearers shall be entitled to participate in debates but shall not be entitled to vote.

18.7.4 A quorum of such meetings shall be two-thirds of R.E.C members, save that co-opted members who are not office bearers shall not be counted for this purpose.

18.7.5 Signed minutes of meetings shall be sent to the Secretary General of the Union not later than fourteen days after the date of such a meeting.

### **ARTICLE 19.0: BRANCHES OF THE UNION**

#### **19.1: DEMARCATION AND DISSOLUTION**

19.1.2 All members of the Union shall be members of a particular branch.

19.1.3 The Governing Council shall have the power to demarcate branches of the Union.

19.1.4 The Governing Council, with the recommendation of Regional Shop Steward Council and C.E.C, shall decide on registration of a branch where there are not less than twenty five members of the Union.

19.1.5 The Regional Shop Steward Council, in consultation with the C.E.C, shall recommend to the Governing Council the dissolution of a branch when the number of members of such branch falls below twenty-five and such membership shall be integrated into an appropriate branch.

19.1.6 Properties and inventory of the dissolved branch shall be handed over to the Treasurer General within fourteen days of dissolution of such a branch.

19.1.7 The Treasurer General shall facilitate the auditing and

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hand-over of relevant properties and inventory to the relevant branch.

## **20.0: BRANCH MEMBERSHIP GENERAL MEETING**

### **20.1: COMPOSITION**

20.1.2 The Branch Membership General Meeting shall be composed of all paid-up members of the Union within a Branch.

### **20.2: POWERS AND FUNCTIONS**

The Branch Membership General Meeting:

20.2.1 Shall be responsible for recommending to the R.S.S.C on demarcation of Localities;

20.2.2 Shall be responsible for electing members of the Branch Executive Committee from amongst members of the Local Shop Steward Council;

20.2.3 Shall be a forum for membership participation and forum for information exchange on the Union activities and debate;

20.2.4 Shall decide on specific issues which may require specific mandate based on popular views of Union membership within the branch.

20.2.5 Generally carry out the aims and objectives of the Union with regard to the organisation of workers in the branch

20.2.6 Formulate policy for the branch not inconsistent with the decisions off the RSSC, CEC, Governing Council and Congress.

20.2.7 Consider reports of the activities of the localities, BEC and Branch.

### **20.3: MEETINGS**

20.3.1 The Branch Membership General Meeting shall be held at least quarterly.

## **21:0 LOCAL SHOP STEWARD COUNCIL ("L.S.S.C")**

### **21.1 COMPOSITION**

21.1.2 The L.S.S.C, similarly referred to as the Branch Shop Steward

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Council, shall be composed of all Shop Stewards in the Branch, provided that each branch shall be divided into localities as shall be determined from time to time by the Governing Council.

## **21.2 POWERS AND FUNCTIONS**

### **The L.S.S.C:**

- 21.2.1 Shall be responsible for coordination of activities of all shop stewards within the branch and shall ensure that they deliver on their mandate;
- 21.2.2 Shall be a forum for information and experience exchange through regular reporting;
- 21.2.3 Shall have powers to recall a member(s) of the B.E.C in the case of perpetual failure to deliver on his/her mandate, provided the process is consistent with article 39.0 of this constitution;
- 21.2.4 Shall be responsible for recommending to the R.S.S.C on the determination of shop steward localities and the number of shop stewards per locality or shop floor;
- 21.2.5 Shall coordinate activities for advocating for workers' rights and defending interests of the membership at branch level.

## **21.3 MEETINGS**

- 21.3.1 Meetings of the L.S.S.C shall be held once every month.

## **22.0 BRANCH EXECUTIVE COMMITTEE (B.E.C)**

### **22.1: COMPOSITION**

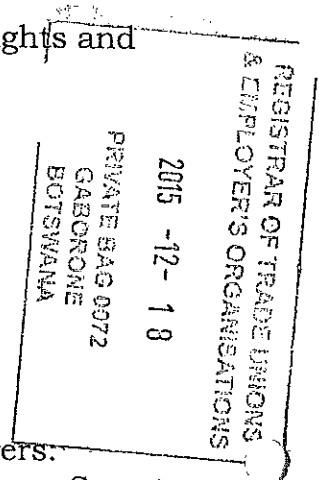
- 22.1.2 The B.E.C shall be composed of the following office bearers:  
Chairperson; 1<sup>st</sup> Vice Chairperson; 2<sup>nd</sup> Vice Chairperson; Secretary, Vice Secretary; Treasurer; Secretary for Arts, Sports and Culture.

- 22.1.3 Term of office shall be three years.

### **22.2: POWERS AND FUNCTIONS**

#### The B.E.C:

- 22.2.1 Shall be responsible and accountable for the implementation of the Union policies and programmes at branch level;



22.2.2 Shall facilitate and co-ordinate activities of shop stewards and other structures within the Branch;

22.2.3 Shall review, confirm, amend, or reverse any decision of such lower structures it considers to be contrary to the interest of the Union, subject to such structures having the right to appeal to the Regional Executive Committee;

22.2.4 Shall recruit members within its jurisdiction and promote the interests of the members and the Union;

22.2.5 Shall bargain on behalf of members on matters assigned to it by the Union;

22.2.6 In order to fulfil its mandate, it may appoint sub-committees where it considers necessary and determine their terms of reference;

22.2.7 Shall be responsible for convening General Membership Meetings and L.S.S.C on quarterly basis;

22.2.8 Shall report to the L.S.S.C where an office bearer fails to deliver on his/her mandate for purposes of a recall;

22.2.9 May do any such acts which in its opinion are in the interest of the Union, provided such acts are not inconsistent with this Constitution, decisions of the R.S.S.C; C.E.C; Governing Council and Congress.

### 22.3: MEETINGS

22.3.1 The B.E.C shall meet once every month.

22.3.2 Notice of such meetings shall be given in writing at least seven days before a meeting, stating the place, time, and agenda of the meeting.

22.3.3 Signed minutes of meetings shall be sent to the Secretary General of the Union and the Regional Secretary not later than fourteen days after the date of such a meeting.

22.3.4 A quorum of such meetings shall be two thirds of members of the Committee.

22.3.5 The Chairperson shall have a casting vote.

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ARTICLE 23.0: LOCALITIES

23.1: LOCALITY MEETINGS

- 23.1.2 The Union members in a locality must hold a meeting at least once in every two months.
- 23.1.3 The composition of the meeting shall be shop stewards and members of the Union at the locality.
- 23.1.4 A quorum of two-thirds of shop stewards and one-third of members of the locality shall be needed for the meeting to commence.
- 23.1.5 If a meeting is postponed, the shop stewards will identify a new date and time which must not be more than 7 days, and members present shall form quorum.

ARTICLE 24.0 SHOP STEWARDS

24.1 A shop steward shall be a fully paid-up member, duly elected by workers in a particular locality to effectively represent their interests in relation to the employer.

24.2 The duties of a shop steward shall be to represent the interests of members and Union at the locality of work. A shop steward shall actively promote activities of the Union and represent workers on grievances and/or disputes with the employer.

24.3 Where possible, in discharging his/her duties, a shop steward shall ensure maximum participation of workers s/he represents.

24.4 A shop steward cadre shall form the bedrock for ideological refinement, leadership regeneration, and development in the Union to ensure worker control.

24.5 A shop steward shall serve a term of office of three years, after which he/she shall be eligible for re-election, unless otherwise recalled by members.

24.6 The C.E.C shall be responsible for determining the number of Shop Stewards per locality or shop floor, save that department, geographic location or any other determinant factors shall be used in the process.

24.7 Save for employee Office Bearers, only Shop Stewards shall be eligible for election into positions of Union constitutional structures.

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## ARTICLE 25.0: OFFICE BEARERS OF STRUCTURES AND DUTIES

### 25.1: GENERAL

25.1.1 In the event that an office bearer vacates his or her seat in any structure, for whatever reason, the C.E.C shall have powers to appoint a member to act until the next general meeting whereat general elections of office bearers shall be held.

25.1.2 In this Article, reference to a seat means a post in the C.E.C., provided that where such a post exists in a lower structure, the provisions of this Article shall only be applicable thereto only insofar as circumstances allow at such a lower level.

### 25.2: PRESIDENT AND CHAIRPERSONS

The President or Chairperson of any structure, as the case may be:

25.1 Shall be the Chief Spokesperson of the Union within the relevant structure;

25.2 Shall preside over all meetings of the Union of the relevant structure and ensure that the meetings are conducted in a transparent, democratic, and procedural manner;

25.3 Shall have the power to summon any meeting of the C.E.C or, in the case of a Chairperson, the relevant structure;

25.4 Shall be responsible for supervision of all office-bearers in the relevant structure;

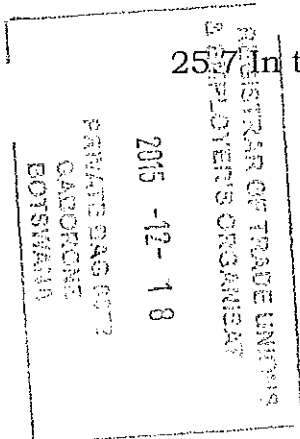
25.5 Shall be co-signatory of all the union accounts controlled by the structure concerned;

25.6 Shall have disciplinary powers over members of respective structures in so far as performance of their duties within such structures

25.7 In the case of the President:

(a) he/she shall generally supervise the affairs of the Union and maintain unity within the membership and structures of the union;

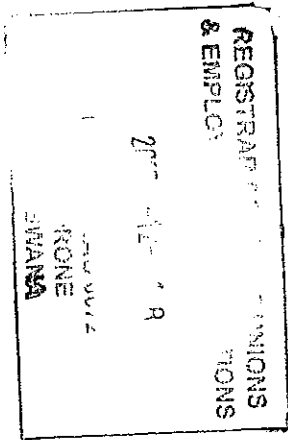
(b) shall have a casting vote in the event of a tie;



(c) preside over meetings of the C.E.C; Governing Council; Special Congress; and the Triennial Congress;

(d) he/she be an ex-officio member of every committee of the Union;

(e) he/she shall prepare for signature by all office holders performance contracts between the relevant officer and him, the President, provided that such a contract shall be concluded within twenty one days of such officer's assumption of office and, further, provided that if such an offer does not accept the terms and conditions of the said contract, the President shall refer the matter to the C.E.C whose decision thereon shall be final and binding on the President and the officer concerned.



**25.3: 1st Vice President / 1st Vice Chairperson**

The 1st Vice President/1st Vice Chairperson:

25.3.1 Shall, in the absence of the President/Chairperson, and upon being appointed by the President/ Chairperson, as the case may be, act for and have the powers vested in the President/Chairperson, except the signing of the cheque,

25.3.2 In the event that the President is absent, but, for any reason whatsoever, is unable to appoint 1st Vice President, to act on his behalf, the relevant structure shall appoint either the 2nd Vice President, to act such;

25.3.3 In his/her absence, the President/Chairperson may, in writing, appoint the Deputy President/ Deputy Chairperson to sign cheques on his/her behalf;

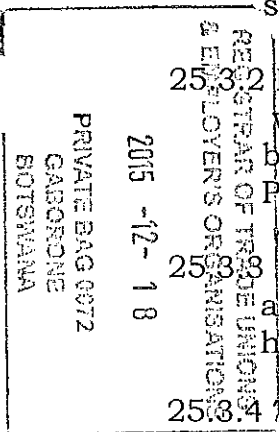
25.3.4 The 1st Vice President shall be the Chairperson of the BLLAHWU Burial Society/ Funeral Fund Board/ Management Committee.

25.3.5 Assist the President/Chairperson and perform any duties of the President / Chairperson delegated to them.

**25.4: 2nd Vice President/ 2nd Vice Chairperson**

The 2nd Vice President/ 2nd Vice Chairperson

25.4.1 Shall, in the absence of the President and Deputy President/Chairperson and Deputy Chairperson, and upon being appointed by the President/ Chairperson, as the case may be, act for



and have the powers vested in the President/Chairperson, except the signing of the cheque,

25.4.2 In the absence of the President and 1<sup>st</sup> Vice President/ Chairperson and 1<sup>st</sup> Vice Chairperson, the President/Chairperson may, in writing, appoint the 2<sup>nd</sup> Vice President/ 2<sup>nd</sup> Vice Chairperson to sign cheques on his/her behalf;

25.4.3 In the event that the President is absent, but is, for any reason whatsoever unable to appoint the 1<sup>st</sup> Vice President, to act on his behalf, the C.E.C shall appoint any other member from amongst itself, to act as such, provided that hierarchy of members shall be considered.

25.4.4 If the President is, for any reason, absent but unable to appoint the 1<sup>st</sup> Vice President, to sign cheques on his/her behalf, the relevant structure may appoint the 2<sup>nd</sup> Vice President to do so on the President's behalf.

25.4.5 Assist the President/Chairperson and perform any duties of the President / Chairperson delegated to them.

25.4.6 The 2<sup>nd</sup> Vice President shall be the Chairperson of the BLLAHWU Foundation Board/ Management Committee.

25.5:

### **SECRETARY GENERAL, BRANCH AND REGIONAL SECRETARIES**

25.5.1 Shall conduct the business of the Union in accordance with these Articles and be responsible for the effective, transparent, and democratic administration and management of the Union offices and activities within their jurisdiction;

25.5.2 Shall carry out the instructions and resolutions of relevant Union structures;

25.5.3 Shall be responsible for conducting all correspondence and keeping all books, documents and papers belonging to his/her office in such form and manner as the C.E.C or relevant structure may direct;

25.5.4 Shall be a signatory to the Union cheques;

25.5.5 Shall take, and be responsible for, the minutes of the C.E.C, relevant structure and the Union, provided that he/she may delegate a senior employee of the Union to take and/or produce minutes on his/her behalf;

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25.5.6 Shall, in consultation with the President/ Chairperson, draw the agenda for the C.E.C, the Governing Council and the Congress/ B.E.C; B.G.M.; L.S.S.C; R.E.C; R.S.S.C, wherever applicable.

25.5.7 In the case Branch and Regional Secretary, they shall be responsible for publicising the Union at their levels of leadership.

25.5.8 In the event of the Secretary General vacating the position, for whatever reason, there shall be a C.E.C meeting in which all books, documents, and papers belonging to his/her office shall be inspected before hand over;

25.5.9 In the case of the Secretary General, he/she:

(a) shall be the most senior employee of the of the Union on a term to be prescribed by the C.E.C which shall not be less than 3 years.

(b) shall be responsible for the Secretariat of the Union.

(c) Shall be responsible for recruitment of staff

(d) shall be a signatory to the Union cheques;

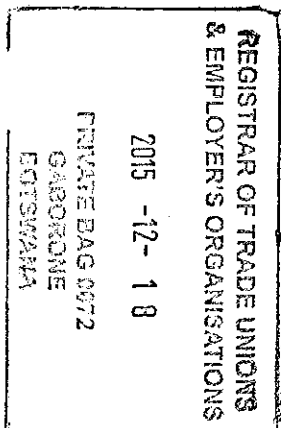
(e) shall coordinate educational processes within the Union;

(f) shall facilitate educational exchange programmes between the Union and progressive organisations locally and internationally;

(g) shall be responsible for all foreign relations;

(h) in consultation with the President, issue press statements on behalf of the Union;

(i) shall be responsible for the publicity of the Union and publication of any journal, newsletter, and other publications of the Union;



**25.6: DEPUTY SECRETARY GENERAL, BRANCH AND REGIONAL SECRETARIES**

The Deputy Secretary General, Branch and Regional Secretaries;

25.6.1 Shall assist the Secretary General, Branch and Regional Secretaries in all the administrative work of the Union within the relevant structure;



25.6.2 Shall, in the absence of the Secretary General, act for the General Secretary, Branch and Regional Secretaries except on signing of cheques, unless mandated to do so by the relevant structure;

**25.7: TREASSURER GENERAL, REGIONAL AND BRANCH TREASSUERS**

The Treasurer General, Regional Treasurers and Branch Treasurers:

25.7.1 Shall be responsible for the sound financial administration of the Union;

25.7.2 Keep proper records of all monies belonging to the Union at the relevant structure;

25.7.3 Shall prepare and present a financial statement for each business meeting of the C.E.C, R.E.C and Regional Shop Steward Council, and an audited financial statement to the Regional Shop Steward Council, A.G.M & Congress;

25.7.4 Shall endorse all payments and shall sign all cheques on behalf of the Union at the relevant structure;

25.7.5 In the event of the Branch Treasurer, he/she shall be responsible for Branch funding raising activities, keeping financial records of the Branch and depositing funds of the Branch in the relevant vote in the regional account.

25.7.6 In the event of the Treasurer General, he/she shall chair the Finance Committee.

25.7.7 In the event that the Treasurer General, Branch and Regional Treasurer vacates the position, for whatever reason, he/she shall prepare and present an audited financial statement of the income and expenditure of the Union during his/her period of office in accordance with the provisions Union's Financial Policy and set standards of financial accounting.

**25.8: SECRETARY FOR ARTS, SPORTS AND CULTURE**

The Secretary for Arts, Sports and Culture:

25.8.1 Shall facilitate the preservation and continuity of history, culture, and the traditions of the working class within the Union;

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- 25.8.2 Shall coordinate entertainment, sports, cultural and interior design activities of the Union;
- 25.8.3 Shall chair all the sub structures established under this portfolio within the relevant structure;

**PART 5: UNION FINANCES**

**ARTICLE 26.0: FINANCIAL ADMINISTRATION OF THE UNION**

**26.1 FUNDS AND ASSETS**

26.2 The funds of the Union shall be accrued through subscriptions, by any other legal means and manner within the framework of this constitution.

26.3 Funds and assets of the Union shall be owned by the Union as a Corporate national body.

**ARTICLE 27.0: NATIONAL FINANCES**

27.1 The C.E.C shall operate all national banking accounts of the Union in which all subscriptions and other income of the Union shall be deposited.

27.2 The CEC shall be responsible for the overall management of the Unions financial affairs.

27.3 The funds of the Union shall be used for lawful purposes for the achievement of aims and objectives of the Union as are consistent with this Constitution and the Union's Accounting Policy.

No person is permitted to open an account in any banking facility in the name of "Botswana Land Boards, Local Government and Health Workers Union", ("BLLAHWU") without explicit written authority of a resolution of C.E.C signed by the Secretary General and President.

**ARTICLE 28.0: REGIONAL FINANCES**

28.1 A region of the Union shall open an operating bank account only if so approved in writing by the C.E.C.

28.2 A region of the Union shall open an account only if C.E.C is convinced that such a region has administrative capacity.

28.3 A region which has a bank account shall be responsible for

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maintaining all records and books of account as per the Union's Accounting Policy.

28.4 Float amounts and other funds must be allocated to each region by the C.E.C. from time to time.

28.5 All income and expenditure of the region must be reported to each meeting of the R.E.C and R.S.S.C.

28.6 Any cheque issued by the region must be signed by the Regional Treasurer or and Regional Secretary or Regional Chairperson or Regional employee authorised.

#### **ARTICLE 29.0: FINANCIAL YEAR**

29.1 The Union's financial year shall be determined from time to time by AGM.

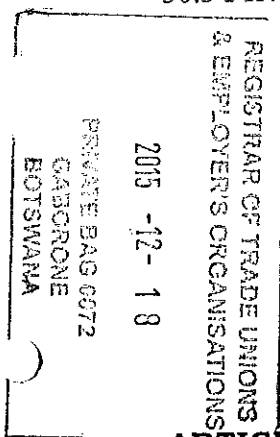
#### **ARTICLE 30.0: FINANCE COMMITTEE**

30.1 A finance committee (FINCO) is established and reports to the C.E.C

30.2 FINCO shall meet at least three times in a financial year and is composed of the Treasurer General; Secretary General and Regional Treasurers.

30.3 FINCO is responsible for:

- (a) Assisting the Treasurer General;
- (b) Preparing financial reports for the C.E.C and audit;
- (c) Recommending amendments or additions to the accounting policy;
- (d) Monitoring unions accounts;
- (e) Making recommendations regarding financial requests from the regions;
- (f) Identifying ways of making the union self-sufficient
- (g) Preparatory work regarding the Union's budget



#### **ARTICLE 31.0: AUDITING OF ACCOUNTS**

31.1 The accounts of the Union, operated by the C.E.C and Regions shall be audited by auditors accredited by an independent and registered body of auditors and appointed by the Governing Council.

31.2 The books of all accounts shall be audited at least once in every financial year, and the audited financial statement shall be presented to the A.G.M and Congress, copy of the report shall be conspicuously displayed at the registered office of the Union.

31.3 Auditors shall have free access to all books and documents necessary for delivery of their mandate.

#### **ARTICLE 32.0: INVESTMENT**

32.1 The Union shall strengthen its resource base through investment.

32.2 For purpose of good governance and to ensure that the Union structures remain focused on its mandate of protection of workers' rights and promotion of their interest, investment structures shall be administratively be separated from those of the Union, but still under the control and ownership of the union.

32.3 Such investment approach shall be conducted with due diligence, in line with national company laws and international best practice.

32.4 The Shareholders General Meeting shall make policy decisions on investment related matters, provided that such decisions are in furtherance of the principle and spirit of Article 32.1.

32.5 The Governing Council shall have powers to interpret Union Policy decision insofar as Article 31.2 is concerned, and the Governing Council shall serve as the shareholders forum of Investments.

#### **PART 6: GENERAL PROVISIONS**

##### **ARTICLE 33.0: BOARD OF TRUSTEES**

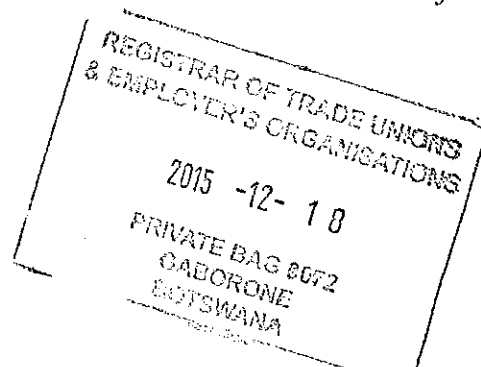
33.1 The AGM shall appoint three trustees who shall hold office for a period of three years.

33.2 Trustees shall run any trust or scheme established by the Union for the benefits of the members.

33.3 Shall a vacancy occur, the C.E.C shall be empowered to fill the vacancy on temporary basis until the next AGM.

33.4 The Trustees shall have vested in them all the powers provided for by Section 25 of the Trade Unions and Employers Organisation Act ("the Act").

33.5 Subject to the provisions of the Act they shall deal with property of the Union in such manner as the C.E.C may direct.



- 33.6 The Trustees shall not sell, withdraw, or transfer any of the property of the Union without the consent of the C.E.C conveyed to them in writing by the Secretary General and the President.
- 33.7 A Trustee may be removed from office by the C.E.C on the grounds that, owing to ill health, unsoundness of mind, and absence from the country, or for any other good reason, he/she is unable to perform his duties or is unable to do so satisfactorily. In such an event the C.E.C. shall appoint a replacement until the next A.G.M.

#### **ARTICLE 34.0: DISCIPLINE**

##### **34.1 CODE OF CONDUCT AND DISCIPLINARY PROCEDURES**

34.2 The Union's ability to deliver on its mandate shall be anchored upon development and maintenance of disciplined cadre from a highly disciplined rank and file. Therefore it shall be the responsibility of each and every Union structure to ensure full compliance with the Union's Code of Conduct.

34.3 The C.E.C shall be responsible for formulation of Code of Conduct and Disciplinary Procedures to be approved by the Governing Council.

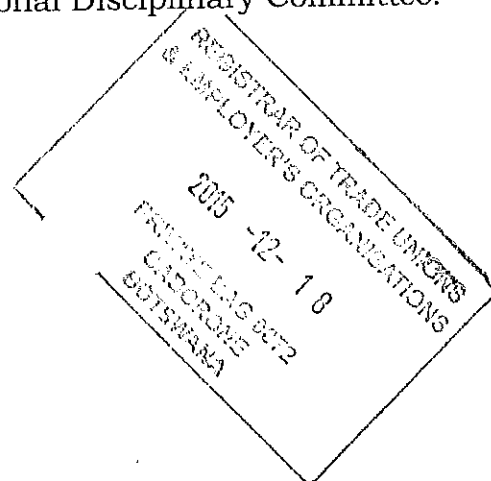
##### **ARTICLE 35.0: REGIONAL DISCIPLINARY COMMITTEE ("THE R.D.C")**

35.1 The R.D.C. shall be composed of three members appointed by the Regional Executive Committee from time to time from among members of the Union, within the Region;

35.2 The R.D.C. shall be responsible for presiding over disciplinary cases within specific localities, branches and regions in accordance with the BLLAHWU Code of Conduct.

35.3 The R.D.C. shall hear appeals on locality, branch and regional shop stewards and office bearers' recall

35.4 Where a member of the Union is alleged to have committed an offence against this Constitution and the BLLAHWU Code of Conduct in his/her capacity at any level other than the C.E.C. or the national sub structures, his/her case shall be dealt with and determined by the Regional Disciplinary Committee.



**ARTICLE 36.0: NATIONAL DISCIPLINARY COMMITTEE ("THE N.D.C")**

36.1 There shall be a National Disciplinary Committee appointed by the Central Executive Committee from time to time.

36.2 The National Disciplinary Committee shall hold office for three years.

36.3 The National Disciplinary Committee shall comprise three (3) non-members of the Union.

36.4 The National Disciplinary Committee shall:

- (a) be responsible for maintenance of discipline within the Union;
- (b) ensure dispensation of justice in a fair, timeous and transparent manner, without any fear or favour.

36.5 Where a member is alleged to have committed an offence in violation of the Constitution of the Union or the BLLAHWU Code of Conduct in his/her capacity as a member of the C.E.C. or the national sub structures, such a member shall be tried before the National Disciplinary Committee.

36.6 The National Disciplinary Committee shall be independent of any structure of the Union and shall be answerable to the Congress.

36.7 The National Disciplinary Committee shall hear and determine appeals against:

- (a) decisions of regional and branch electoral officers on the conduct of elections at their level.
- (b) Decisions of Regional Disciplinary Committees

36.8 Any person aggrieved by the decision of the National Disciplinary Committee shall be entitled to appeal to the National Appeals Board by giving the National Appeals Board's Secretary written notice of his/her intention to do so within ten days of his/her becoming aware of the decision of the National Disciplinary Committee.

**ARTICLE 37.0: NATIONAL APPEALS BOARD**

37.1 There shall be a National Appeals Board appointed by the Governing Council and comprising three (3) non-Union members.

37.2 The National Appeals Board shall hold office for three (3) years, provided that a member of the National Appeals Board shall be entitled to hold office for more than three (3) years if so appointed.

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37.3 The National Appeals Board shall comprise: the Chairperson; the Secretary; and sitting member.

37.4 The National Appeals Board shall be responsible for considering appeals from pronouncements of the National Disciplinary Committee, members of C.E.C and national sub structures recalls.

37.5 Decisions of the National Appeals Board shall be final and binding on all members.

37.6 The National Appeals Board shall operate under the auspices of the BLLAHWU Code of Conduct and disciplinary procedures.

### **ARTICLE 38.0: LIABILITY AND INDEMNITY**

38.1 The office bearers and officials of the Union, unless they have acted in a manner constituting misconduct, shall be indemnified by the Union against:

- a) all legal proceedings, costs and expenses by reason of any acts or omissions done by them as agents of the Union;
- b) other acts done in the performance of their duties on behalf of the Union;
- c) being held liable for any liabilities of the Union.

### **ARTICLE 39.0: POWER TO RECALL AN OFFICE-BEARER**

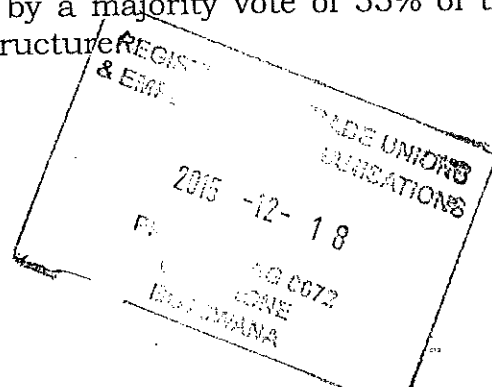
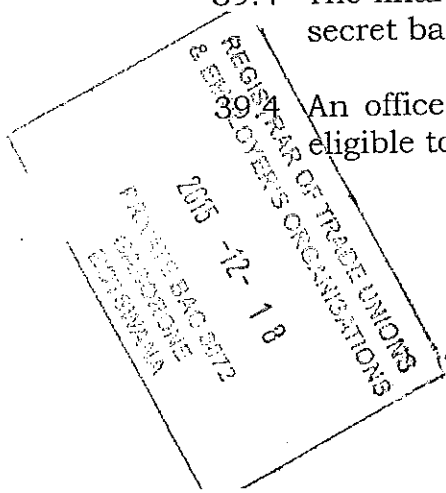
39.1 Any member or structure of the Union shall have power to initiate a recall of any office bearer on the grounds that, owing to ill health, unsoundness of mind, and absence from the country, or for any other good reason, he/she is unable to perform his duties or is unable to do so satisfactorily.

39.2 Such recall shall be tabled in the presence of the concerned office bearer.

39.3 The concerned office bearer shall be informed in writing at least seven days in advance of such a move.

39.4 The final decision shall be made by the relevant structure through the secret ballot.

An office bearer shall be recalled by a majority vote of 55% of those eligible to vote in that particular structure



- 39.6 The Union members in a locality shall have powers to recall a shop steward within such a locality.
- 39.7 For purposes of this section, a locality shall also be considered to be a structure.
- 39.8 Any decision made to recall an officer under this section may be appealed against by the aggrieved office bearer to the relevant Disciplinary Committee or Appeals Board within ten days of his/her knowledge of the decision.

**ARTICLE 40.0: EDUCATION**

- 40.1 The Union shall promote the education of its members through meetings, seminars, training workshops, and study groups.
- 40.2 The Union may publish literature and take such action as will promote trade unionism, their industry, culture, and social knowledge, subject to the statutory provisions relating to the expenditure of the Union funds.

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**ARTICLE 41.0: UNION ELECTIONS**

**ELECTION OF OFFICE BEARERS**

- There shall be an Independent Electoral Commission ("the I.E.C") which shall be responsible for facilitating elections for all Union structures through a secret ballot.
- 41.1.2 The Commission shall ensure that all elections are transparent, free, and fair.
- 41.1.3 All elections shall be guided by Rules on Conduct of Elections, which rules shall be approved by the Governing Council.
- 41.1.3 The elected office-bearers shall assume office immediately after taking an oath of allegiance administered by the Chief Electoral Commissioner or his/her representative.
- 41.1.4 The commissioners, who shall be three in number, shall be elected by the Governing Council prior to any general election of the C.E.C.
- 41.1.5 The term of office of the commissioners shall come to an end immediately prior to elections of the C.E.C.



41.1.5 The I.E.C shall appoint a regional electoral officer and a branch electoral officer, as the case may be, to facilitate elections at the relevant level.

## **ARTICLE 42.0: GENDER POLICY**

42.1 There shall be a B.L.L.A.H.W.U Gender Policy which shall be drafted by the C.E.C and approved by the Governing Council.

42.2 The Policy shall:

- (a) synthesise diverse ideological considerations in order to clarify the Union's position on the struggle for gender equity;
- (b) provide guidance on the formulation of a clear strategy of addressing gender imbalances;
- (c) outline the structure, composition, purposes, and functions of the Gender Committee;
- (d) deal with any other matter(s) relating to the struggle for gender equity.
- (e) Enhance participation of women in the affairs of the Union by emphasising due regard when officials; office bearers or members of committees or any organ of the Union are appointed.

## **ARTICLE 43.0: AMMENDMENT; AMALGAMATIONS & DISSOLUTION**

### **43.1 AMENDMENT OF THE CONSTITUTION**

43.2 Only the Congress shall have the power to amend any clause or sub-clause of this constitution.

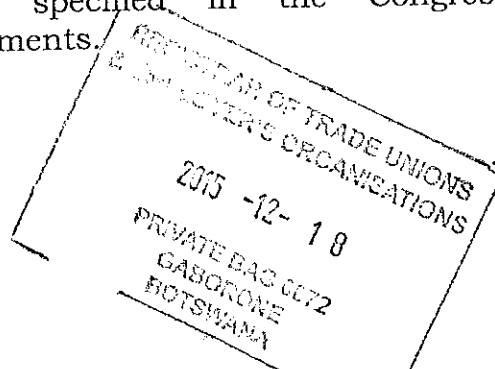
43.3 The C.E.C shall implement the decision of the Congress to amend the Constitution.

43.4 An amendment proposal by any structure shall be delivered to the Secretary General at least sixty days before the Congress.

43.5 The C.E.C shall circulate the amendment proposal to all structures at least thirty days before the Congress.

43.6 Any amendment to the Constitution shall be by two thirds majority vote, and shall be sent to the Registrar of Trade Unions for registration.

43.7 Any amendment shall take effect from the date of such registration, unless specified in the Congress resolution approving the amendments.



**ARTICLE 44.0: AMALGAMATIONS, MERGER AND FEDERATION**

- 44.1 The Congress may, by two thirds majority vote, through a secret ballot, resolve to dissolve the Union for the purpose of joining another Union, in which event it may transfer its members and assets to such a Union if it is in the best interest of members, provided that the laws in respect of eligibility shall always apply.
- 44.2 The event of a merger and amalgamation, members of the joining union automatically become full members of the new union on the date it is approved by the Registrar, pursuant to Section 45 of the Trade Union and Employers' Organisations Act.

**ARTILCE 45.0: DISSOLUTION OF THE UNION**

- 45.1 A resolution supported by two thirds of those entitled to vote at the Congress shall bind the C.E.C to apply to the Industrial Court for the dissolution of the Union.
- 45.2 In the event of such resolution, the remaining assets after liquidation shall be transferred either to another union, federation of unions having similar interest, trust, or benefit fund established in the interest of members of the Union.
- 45.3 Any member or structure with reasonable grounds can initiate a resolution pertaining to dissolution of the Union by notifying the C.E.C in writing of his or her intentions to do so at least sixty days prior to the Congress.
- 45.4 The C.E.C shall then guide and notify, in writing, other structures of the Union thirty days before the Congress who shall, within that time, form positions for debate.
- 45.5 A decision to dissolve the Union shall be made by the Congress only and not by the Special Congress or otherwise.

