

Bewysstuk No. ....  
 Gekry by Lion Levy PREAMBLE TO CONSTITUTION OF  
 Deur H. J. van der Merwe S. A. CONGRESS OF TRADE UNIONS.  
 Tev. (a) Progressive Union of Nat.  
 Datum 27/9/1955 History has shown that unorganised workers  
 Verwysings No. E.V. are unable to improve their wages and conditions on a lasting basis.

Only where workers have organised in trade unions have they been able to raise their lot, improve their standard of living and generally protect themselves and their families against the insecurity of life.

The whole experience of the Trade Union Movement everywhere has also established the fact that the Movement can only progress on the basis of unity and in the spirit of brotherhood and solidarity of all workers. Trade Unions must unreservedly reject the attempts of reactionary Governments and employers to sow disunity between the workers on the basis of colour or nationality.

Just as the individual worker or any section of workers are unable to improve their lot without organising into a Trade Union, so is the individual trade union powerless unless there is in existence a trade union federation which unites the efforts of all workers in those fields where they have common interests. For such a trade union federation to be successful, it must be able to speak on behalf of all workers, irrespective of race or colour, nationality or sex.

The future of the people of South Africa is in the hands of the workers. Only the working class, in alliance with other forward striving sections of the people, can build a happy life for all South Africa, a life free from unemployment, insecurity and poverty, free from racial hatred and oppression, a life of vast opportunities for all the people.

But the working class can only succeed in this great and noble endeavour, if it itself is united and strong, if it is conscious of its inspiring responsibility. The workers of South Africa need a united trade union movement, in which all sections of the working class can play their part unhindered by prejudice or racial discrimination. Only such a truly united

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movement can serve effectively the interests of the workers, both the immediate interest of higher wages and better conditions of life and labour as well as the ultimate objective of complete emancipation for which our forefathers have fought.

We, who are assembled here to-day on this .....day of.....1955, representing as we do..... trade unions with.....members, therefore resolve here and now to lay the foundation for a truly united and powerful trade union movement of the workers. We firmly declare that the interest of all workers are alike, whether they be Non-European or European, Coloured Indian, English, Afrikaans or Jewish. We resolve that this body, which we are about to inaugurate, shall strive to unite all workers in its ranks, without discrimination and without prejudice. We resolve that this body shall determinedly seek to further and protect the interests of all workers and that its guiding motto shall be the cry of working class solidarity:

" An injury to one is an injury to all! "

Wherefore we have adopted the following constitution.

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SUGGESTED AMENDMENTS TO  
DRAFT CONSTITUTION OF S.A. CONGRESS OF TRADE UNIONS.

Section 1. Delete "S.A. Trades & Labour Council (1955)" and substitute "S.A. Congress of Trade Unions."

Section 4. The objects of the Council shall be:

- a) To co-ordinate the activities and interests of workers in the Union of South Africa.
- b) To assist trade unions morally, financially or otherwise, as circumstances may dictate:
- c) To organise the unorganised workers into trade unions.
- d) To oppose any discrimination in employment and to fight for the right of all workers to do any job, provided the prevailing minimum wage rates are applied.
- e) to promote, oppose or support any legislation which might be in the interest of the workers and the Trade Union Movement.
- f) To advance the democratic rights of all workers.
- g) to do all other things, not inconsistent with this constitution, to promote interests and welfare of Trade Unionism.

Section 5(a) To read as follows:  
" The membership of the Council shall be open to all Trade Unions subject to the further terms of this Constitution. No trade Union shall be refused membership on grounds of race, colour, nationality or sex of its members."

Section 6. Add the following words after "Secretary":  
"and one member for each 3,000 affiliated members. For the purpose of determining the number of N.E.C. members, the total affiliated membership shall be divided by 3,000, the resultant figure being the number of N.E.C. members; provided that should after such division a balance of not less than 1,500 remain, an additional member shall be elected.  
2/....."

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Section 9 (f) Delete and substitute:

"The N.E.C. may establish funds for special purposes, such as an Organising Fund, a Solidarity Fund, a General Reserve Fund, etc."

Section 11. Delete this Section.

Section 12 (b) Delete all words after "signed by" and before "a special conference shall be called" and substitute: "not less than one-fourth of affiliated trade Unions."

Section 12 (e) Delete - See Section(5) (1)

Section 12 (f) Delete the following words in the penultimate line: "or to any proposed alterations of the Constitution (See Section 17(a) and 17(c) )

Section 13(g) Add a comma and the following words at the end of the Section:

"save that the mover of such a motion shall have the right to state his grounds and the chairman shall have the right to reply.

Section 14 (f) Delete this sub-section.

Section 16 (a) Delete and substitute:

"The Council shall be dissolved if so decided by a vote of not less than 75% of the delegates present at a Conference at which the proposal to dissolve appears on the agenda."

1. DECLARATION OF PRINCIPLES.

History has shown that unorganised workers are unable to improve their wages and conditions of work on a lasting basis. Only where workers have organised in effective trade unions have they been able to improve their lot, raise their standard of living and generally protect themselves and their families against the insecurities of life.

The whole experience of the Trade Union Movement the world over has, furthermore, established the fact that the Movement can only progress on the basis of unity and in the spirit of brotherhood and the solidarity of all workers. Trade Unions must unreservedly reject any attempts to sow disunity among the workers, on the basis of colour or nationality, or any other basis.

Just as the individual worker, or any group of workers, are unable to improve their lot without organising into a Trade Union, so is the individual trade union powerless unless there is in existence a co-ordinating body of trade unions which unites the efforts of all workers. For such a trade union federation to be successful, it must be able to speak on behalf of all workers, irrespective of race or colour, nationality or sex.

The future of the people of South Africa is in the hands of its workers. Only the working class, in alliance with other progressive minded sections of the community, can build a happy life for all South Africans, a life free from unemployment, insecurity and poverty, free from racial hatred and oppression, a life of vast opportunities for all people.

But the working class can only succeed in this great and noble endeavour if it itself is united and strong, if it is conscious of its inspiring responsibility. The workers of South Africa need a united trade union movement in which all sections of the working class can play their part unhindered by prejudice or racial discrimination. Only such a truly united movement can serve effectively the interests of the workers, both the immediate interests of higher wages and better conditions of life and work as well as the ultimate objective of complete emancipation, for which our forefathers have fought.

We firmly declare that the interests of all workers are alike, whether they be European or non-European, African, Coloured, Indian, English, Africans or Jewish. We resolve that this co-ordinating body of trade unions shall strive to unite all workers in its ranks, without discrimination and without prejudice. We resolve that this body shall determinedly seek to further and protect the interests of all workers and that its guiding motto shall be the universal slogan of working class solidarity:

"An injury to one is an injury to all!"

2. NAME.

The name of the organisation shall be S. A. CONGRESS OF TRADE UNIONS (hereinafter referred to as "CONGRESS").

3. HEADQUARTERS.

The headquarters of the Congress shall be situated in Johannesburg, or such other place as the N.E.C. or the Annual Conference may decide.

4. OBJECTS.

The objects of the Congress shall be:-

- (a) To co-ordinate the activities and interests of workers in the Union of South Africa.
- (b) To assist trade unions morally, financially or otherwise, as circumstances may dictate.
- (c) To organise the unorganised workers into trade unions.
- (d) To oppose any discrimination in employment and to fight for the right of all workers to do any job, provided the prevailing minimum wage rates are applied.

- (a) to promote, oppose or support any legislation as might be in the interests of the workers and the trade union movement.
- (f) to advance the democratic rights of all workers.
- (g) to do all other things, not inconsistent with this constitution, to promote the interests and welfare of trade unionism.

5. POWERS AND FUNCTIONS OF THE CONGRESS.

- (a) The Congress shall constitute a channel for communication between affiliated unions and the Government, any national or international trade union movement, organisations or co-ordinating bodies.
- (b) The Congress shall not usurp any of the functions or authority of its affiliated unions, nor interfere in the domestic affairs of any such unions, but shall confine itself to work of a consultative, organising an co-ordinating nature, provided that it shall enjoy such powers in respect of any affiliated union as may be specially delegated to and conferred upon it by such union.

6. MEMBERSHIP - AFFILIATIONS.

- (a) The membership of the Congress shall be open to all trade unions subject to the further terms of this Constitution. No trade union shall be refused membership of the Congress on the grounds of the race, colour, nationality or sex of its members.
- (b) Application for affiliation to the Congress shall be made in writing and shall be lodged with the General Secretary. Applicants shall be required to subscribe and conform to the Constitution of the Congress, as then or thereafter in force, and shall, in submitting such application, provide a copy of the applicant's constitution, a certificate showing the number of members in good financial standing and shall furnish such other particulars or information as may be required by the National Executive Committee.
- (c) The National Executive Committee may refuse any application for membership, provided that the reasons for refusal are submitted to unsuccessful applicant unions.
- (d) In the event of an application for membership being rejected by the National Executive Committee, the applicant union shall have the right to appear before the National Executive Committee to state a case for admission to membership.
- (e) Should the applicant union fail in obtaining membership, it shall have the right to appeal to the next Annual Conference of the Congress, and such conference shall have the power to reverse or confirm the decision of the National Executive Committee.
- (f) A member union may resign from the Congress upon giving three months' written advice to the National Executive Committee to that effect, provided that the National Executive Committee need not necessarily accept such resignation unless and until the said union has paid all affiliation fees due up to and including the date of such resignation; provided further that a union which has resigned shall not have any claim on the funds or assets of the Congress.
- (g) No union which has given notice of its intention to resign shall have the right to be represented at any Conference or take part in any ballot. The provisions of this sub-section shall also apply in a case where notice of resignation is given during the proceedings of a Conference. In this event the delegation of the union concerned shall withdraw from the Conference and take no further part in its proceedings.
- (h) Affiliated unions which are more than one month in arrear with their affiliation fees, shall be deemed to be out of financial standing and shall not have the right to be represented at any Conference of the Congress or take part in any ballot.
- (i) Any affiliated union which in terms of Sub-section (h) of this Section has been declared to be out of financial standing and which, after due notice has been given by the General Secretary of such arrears, fails to pay the

affiliation fees due, may be removed by the National Executive Committee from the roll of membership, provided that not less than three months' notice of such intention has been given to the union concerned.

7. ADMINISTRATION - N.E.C.

The affairs of the Congress shall, between Annual Conferences, be conducted by a National Executive Committee (hereinafter referred to as the N.E.C.) which shall consist of a President, Treasurer, two Vice-Presidents, General Secretary and one member for each three thousand affiliated members, or any terminal part thereof of not less than 1,500 members.

8. ELECTION OF OFFICERS OF THE CONGRESS.

- (a) The President, Vice-President, Treasurer and National Executive Committee members shall be nominated and elected annually at the Annual Conference of the Congress.
- (b) The General Secretary shall be nominated and elected bi-annually at the Annual Conference of the Congress.
- (c) The President, Vice-Presidents, Treasurer and General Secretary shall be resident within fifty miles of the Congress head office.
- (d) A member of the N.E.C. whose normal place of residence is in a province other than the one in which the head office of the Congress is situated, may appoint an alternate who is resident within fifty miles of head office, to represent him or her at those meetings of the N.E.C. which he or she are unable to attend. Such alternate shall, in the absence of the principal member, have the same powers as a member of the N.E.C.
- (e) The President, General Secretary, Treasurer and eight members elected by the N.E.C. from amongst its own numbers, shall constitute a management committee to manage the affairs of the organisation between N.E.C. meetings, with such powers of the N.E.C. as may be delegated to it by that committee.

9. DUTIES AND POWERS OF THE NATIONAL EXECUTIVE COMMITTEE.

- (a) The management and administration of the affairs and funds of the Congress shall be vested in the National Executive Committee, subject to the general direction and control of Annual Conferences of the Congress and in accordance with the provisions of this Constitution.
- (b) Subject to the provisions of sub-section (a) hereof, the National Executive Committee shall have, in addition to the powers conferred upon it by this Constitution, the following other powers:
  - (i) To appoint from time to time such Committees as it may consider necessary or desirable to deal with special problems, whether of a permanent or temporary nature. Members of such Committees need not necessarily be members of the N.E.C.
  - (ii) To establish Local Committees of the Congress in various areas throughout South Africa.
  - (iii) To determine the terms and conditions of service of the General Secretary.
  - (iv) To engage an assistant General Secretary and other employees of the Congress as required, and determine their conditions of employment.
  - (v) To appoint Auditors, who shall be Chartered Accountants.
- (c) Meetings of the N.E.C. shall be held at least once in every month and the quorum shall be 50% of the members. If within thirty minutes from the time shown on the notice of any meeting of the N.E.C., or of any Committee appointed by the N.E.C., a quorum is not present, such meeting shall stand adjourned for at least seven days but not more than fourteen days and at such adjourned meeting, of which notice shall be given in the usual way, the members present shall constitute a quorum and shall conduct the business of the meeting.
- (d) Members of the N.E.C. shall be given not less than 10 days notice of any meeting of the N.E.C., provided that in a case of emergency the General Secretary may, in consultation with the President, give such shorter notice as may be necessary.

- (e) Should any members of the N.E.C. fail to attend three consecutive ordinary meetings without a reasonable excuse acceptable to the N.E.C., he shall vacate his seat on the N.E.C. Any vacancies on the N.E.C. between Conferences shall be filled by the N.E.C. by successively inviting the unsuccessful candidates at the previous annual election, in the order of the votes then received by such candidates, and any vacancy that cannot be filled in that manner shall be filled as determined by the National Executive Committee.
- (f) The rules of procedure at all N.E.C. meetings shall be as follows:-
- (i) The Chair shall be taken by the President or, in his absence by a Vice-President, or, in the absence of all such officers by such member as the meeting may decide.
  - (ii) Business shall be proceeded with in accordance with the agenda, except by consent of the meeting.
  - (iii) No questions other than those appearing on the agenda shall be debated; provided, however, that in the event of any urgent questions arising the N.E.C. may, upon a majority vote, agree to discuss a matter not included on the agenda.
  - (iv) Except where otherwise stated, all questions and elections shall be decided by the highest vote cast, each member being entitled to one vote on a show of hands. The Chairman shall have a deliberative vote only, and in the event of equality of votes. the question shall lapse.
  - (v) No question which has been debated and determined shall be re-opened in the same meeting, except on a motion carried by a two-thirds majority.
  - (vi) A member with the consent of the meeting shall be allowed to withdraw any motion or amendment submitted by him.
  - (vii) A ruling given by the Chairman shall be final, provided that it shall be in order to move and second a motion to overrule and rescind a ruling from the Chairman, and a majority of the members present shall be sufficient to carry such a motion; provided, further, that there shall be no discussion of any such motion to overrule or rescind the Chairman's ruling at any meeting, save that the mover of such a motion shall have the right to state his grounds and the chairman shall have the right to reply.

10. FINANCE AND AFFILIATION FEES.

- (a) Affiliated Unions shall pay a basic affiliation fee to the Congress of 10/-per month, irrespective of the size of such unions. In addition, unions shall pay such additional fees as may be determined by the Annual Conference from time to time. It shall be in order for the Annual Conference to lay down varying scales of additional affiliation fees for the various affiliated unions and to vary the scales from year to year. Provided that the N.E.C. shall have authority to grant any affiliated union exemption from payment of the full or a portion of the additional fees, for any reason deemed sufficient by the N.E.C.
- (b) Affiliation fees shall be paid monthly in advance.
- (c) An annual return submitted by an affiliated union to the General Secretary at the time of application for affiliation and thereafter at the 31st December in each year, shall be deemed to be evidence of that union's membership. Provided that, if an objection is raised, the N.E.C. shall have the right to inspect the books of the union concerned. Affiliation fees for any one calendar year shall be based on such return.
- (d) It shall be competent for the N.E.C., in order to finance projects for which general funds are either inadequate or inappropriate, to request member unions to make a contribution towards such projects.
- (e) Funds contributed by affiliated unions for any specific purpose shall not be alienated for any other purpose, save with the written consent of the respective affiliated unions.



- (f) The N.E.C. may establish funds for special purposes, such as an organising fund, solidarity fund or a General Reserve Fund, and at the end of each financial year the N.E.C. may vote a sum of money to be determined for these purposes.
- (g) The N.E.C. shall, at the end of each financial year, prepare estimates of revenue and expenditure for the ensuing year; such estimates shall be submitted to the Annual Conference for consideration.
- (h) The Congress's financial year shall be from 1st January to 31st December.
- (i) All accounts other than recurring expenditure, e.g. rent, salaries, telephone and petty cash, shall be submitted to the N.E.C. for approval prior to payment. An amount not exceeding £10 shall be granted from time to time as petty cash.

11. DUTIES OF OFFICERS.

(a) President:

The President shall be the Chairman of all Conferences, N.E.C. and other Committee meetings at which he is present, and shall conduct such meetings and conferences in accordance with this Constitution. He shall sign all minutes and endorse all accounts for payment after approval by the N.E.C. He shall generally exercise, in conjunction with the other officers, supervision over the affairs of the Congress.

(b) Vice-Presidents:

The Vice-Presidents shall exercise the powers and carry out the duties of the President in the absence of the latter.

(c) Treasurer:

The Treasurer shall submit a statement of income and expenditure to the N.E.C. at the end of each month, and, in conjunction with the Secretary, be responsible for all monies and property of the Congress. He shall also draw up a statement of income and expenditure and balance sheet for inclusion in the Annual Report of the N.E.C.

(d) General Secretary:

(i) The General Secretary shall keep such books and accounts as may be required, conduct all correspondence of the Congress and collect affiliation fees. He shall send out notices of all Conferences and meetings of the N.E.C. and other Committees, with agenda attached of the business to be transacted. He shall attend all meetings, take minutes of the proceedings, present all correspondence, applications for affiliation and matters for attention of the N.E.C. and shall undertake the general organising work of the Congress. He shall draw up an Annual Report of the activities of the N.E.C., which shall include the Treasurer's statement of income and expenditure for the year ending 31st December, certified by auditors appointed by the N.E.C.

(ii) He shall have the right to resign on giving three months' notice to the N.E.C. The N.E.C. shall have the right to suspend or dismiss the General Secretary should he be guilty of misconduct or neglect of duty. The General Secretary shall have the right to appeal to the Annual Conference against the decision of the N.E.C. to dismiss or suspend him.

12. DISCIPLINE.

The N.E.C. shall have the power to suspend any affiliated union which acts in a manner detrimental to the Congress and/or the trade union movement, provided that no suspension shall take place until statements or charges against the union have been handed to the union in writing and that its representatives have been given the opportunity of appearing before the N.E.C. to answer the charges laid against it. In the event of the N.E.C. finding that the charges are well-founded and deciding to suspend the union, such suspension shall be effective until the next succeeding Annual Conference following the date of suspension, which Conference shall either confirm or reverse such suspension. If Conference confirms the suspension, the union concerned shall cease to be affiliated to the Congress from the date of such suspension.

13. ANNUAL AND SPECIAL CONFERENCES.

- (a) An Annual Conference of delegates from affiliated unions, which have been affiliated for at least three calendar months before the date of such Annual Conference, shall be held at such time and place as may be decided upon by the previous Conference.
- (b) Special Conferences may be called by the N.E.C. in cases of emergency, provided that upon receipt of a requisition signed by not less than one fourth of the affiliated trade unions which between them represent not less than one-third of the total number of members of all affiliated unions in respect of whom affiliation fees are paid to the Congress, a special Conference shall be called by the N.E.C. in connection with the subject matter of the requisition, within six weeks of the date of receipt of the requisition by the General Secretary or President.
- (c) If the N.E.C. considers it essential to alter the venue and/or date of a Conference, a vote of affiliated unions shall be taken by post before such alteration can be made. Each affiliated union shall have one vote only.
- (d) Affiliated unions which are not more than one month in arrear with their affiliation fees shall be entitled to be represented at a Conference by one delegate for each 500 members on which affiliation fees are paid, with a minimum of one delegate for any affiliated union.
- (e) An agenda shall be framed by the N.E.C. and circulated to all affiliated unions at least SIX WEEKS before the date fixed for the holding of an Annual Conference. To secure inclusion on the agenda, all items from affiliated unions must be forwarded to the General Secretary in writing at least EIGHT WEEKS before the date of the Annual Conference. Delegates shall be entitled to move amendments at Annual or Special Conferences to any resolutions or proposals that may appear on the agenda paper of such Conference.

14. STANDING ORDERS AND RULES OF PROCEDURE FOR CONFERENCES.

The rules of procedure at all Conferences shall be as follows:-

- (a) The Chair shall be taken by the President or, in his absence by a Vice-President, or, in the absence of all such officers, by such delegate as the Conference may decide.
- (b) Business shall be proceeded with in accordance with the agenda, except by consent of the Conference.
- (c) No questions other than those appearing on the agenda shall be debated; provided, however, that in the event of any urgent questions arising the Conference may, upon a majority vote, agree to discuss a matter not included on the agenda.
- (d) Except where otherwise stated, all questions and elections shall be decided by the highest vote cast, each delegate being entitled to one vote on a show of hands. The Chairman shall have a deliberative vote only, and in the event of equality of votes the question shall lapse.
- (e) No question which has been debated and determined shall be re-opened in the same Conference, except on a motion carried by a two-thirds majority.
- (f) A delegate with the consent of the Conference shall be allowed to withdraw any motion or amendment submitted by him.
- (g) A ruling given by the Chairman shall be final, provided that it shall be in order to move and second a motion to overrule and rescind a ruling from the Chairman, and a majority of the delegates present shall be sufficient to carry such a motion; provided, further, that there shall be no discussion of any such motion to overrule or rescind the Chairman's ruling at any Conference, save that the mover of such motion shall have the right to state his grounds and the Chairman shall have the right to reply.

15. FORMATION OF LOCAL COMMITTEES.

- (a) Local Committees may be formed under the auspices and by the authority of the N.E.C. in the various areas throughout South Africa, and shall be under the direct control of the N.E.C. which shall have the power to suspend and/or disband any Local Committee where it fails or refuses to carry out its functions in terms of this Constitution.

(b) Local Committees/7

- (b) Local Committees shall function in accordance with the objects of the Congress within their local area of jurisdiction and under bye-laws which shall be framed by the N.E.C., and shall be financed by the N.E.C.
- (c) All affiliated unions or their branches or sections shall ipso facto be members of the Local Committee, if any, in the area in which the office of such union, branch or section is situated. Unions not affiliated shall not participate in the proceedings of a Local Committee except with the approval of the N.E.C
- (d) Where in the opinion of the Local Committee it is necessary to appoint paid officials, such appointments shall be made by the Local Committee, which shall determine salaries and other conditions of service, subject to confirmation by the National Executive Committee.
- (e) Where Local Committees do not employ paid officials but from time to time desire to vote honoraria to honorary officials, such votes must receive the sanction of the N.E.C., who shall be responsible for payment thereof.
- (f) Paid officials of Local Committees shall be regarded as employees of the N.E.C.
- (g) For any special/<sup>local</sup>purpose, it shall be competent for/<sup>a</sup>Local Committee to raise funds in any manner determined by it, but in no case shall funds supplied by the N.E.C. be utilized for other than normal routine purposes, except with the sanction of the N.E.C.
- (h) Local Committees shall have the power to discuss but not to decide matters of national importance; all such matters shall be submitted to the N.E.C. for its final decision. The N.E.C. shall decide the question whether matters are of national importance or otherwise.
- (i) Local Committees shall co-operate with the N.E.C. and keep it informed on all matters dealt with by them, and shall submit a report to the N.E.C. at least four times each year.

16. INDUSTRIAL GROUPS.

- (a) Affiliated unions whose members are engaged in the same industry may form industrial groups under the auspices and by the authority of the N.E.C, which shall function within such industry in accordance with the objects of the Congress.
- (b) An industrial group under this section may make bye-laws for its own guidance; such bye-laws shall not be inconsistent with this Constitution and must receive the endorsement of the N.E.C.
- (c) A Union not affiliated to the Congress may become a member of an industrial group, but it must affiliate to the Congress within a period of six months from the date of joining the group, or cease to be a member of the group; provided that the N.E.C. may extend this period in its discretion.
- (d) Each industrial group shall be responsible for its own income and expenditure.
- (e) The powers of an industrial group shall be limited to questions affecting its own industry. Where such questions affect other industries, and before action is taken, the N.E.C. shall be informed of such proposed action, which shall not be entered upon without its consent.
- (f) Each industrial group shall submit a report of its activities to the N.E.C. at least four times a year.
- (g) The N.E.C. shall have the power to suspend or disband any industrial group if it fails or refuses to carry out its functions in terms of this Constitution.

17. DISSOLUTION.

- (a) The Congress shall be dissolved if the number of affiliated Unions falls below five, or if the number of affiliated members represented by the Congress falls below 3,000.
- (b) In the event of the Congress being dissolved in terms of (a) above, the members of the N.E.C. holding office at the time shall appoint one or more officers to wind up the affairs of the Congress, who shall also determine the date as from which the Congress shall be deemed to have been dissolved.

(c) The officers/8

- (c) The officer or officers shall take the necessary steps to liquidate the debts of the Congress from its unexpended funds and any other monies realised from any assets of the Congress. The officer's fees and expenses shall rank in order of preference as though he were a trustee of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate.
- (d) After the payment of all debts in accordance with the provisions of Sub-Section (c) of this Section, the remaining funds (if any) shall be distributed amongst affiliated unions who were in good financial standing as at the date of dissolution, and each affiliated union shall be awarded a share in proportion to the affiliation fees actually paid by such union in respect of the twelve months immediately preceding the date of dissolution.

18. AMENDMENTS TO CONSTITUTION.

- (a) Any of the provisions of this Constitution may be repealed, amended or added to, or new provisions inserted, in any manner by an Annual Conference of the Congress, provided:-
  - (i) That notice to repeal, amend, add to or insert any provision shall have been given in writing to the General Secretary of the Congress.
  - (ii) That such notice shall specify the proposed repeal, amendment, addition or new provision.
  - (iii) That such notice shall be circularised to all affiliated unions not less than six weeks prior to the date of the Annual Conference.
  - (iv) That such repeal, amendment, addition or insertion, if adopted by the Annual Conference, shall have force and effect at such Conference.
- (b) Delegates at Annual Conferences shall be entitled to move amendments to any proposed repeal, amendment, addition or new provision that may appear on the agenda paper of such conference.

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SIGNED AT JOHANNESBURG ON THE .....  
1955 IN ACCORDANCE WITH THE DECISION OF THE  
INAUGURAL CONFERENCE OF THE SOUTH AFRICAN  
CONGRESS OF TRADE UNIONS, HELD IN THE TRADES  
HALL, JOHANNESBURG, ON 5TH AND 6TH MARCH,  
1955.

- - - - -  
P. BEYLEVELD (PRESIDENT)

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L. MASINA (GENERAL SECRETARY)

PROPOSED AMENDMENTS T TO THE CONSTITUTION OF THE  
S.A. CONGRESS OF TRADE UNIONS.

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AMEND CLAUSE 7:

Delete this clause in its entirety, including the heading, and insert in its place the following new heading and clause:-

7. ADMINISTRATION AND POLICY MAKING - N.E.C. AND MANAGEMENT COMMITTEE:

- (a) The highest authority of the Congress shall be a Conference of delegates from affiliated unions, held in accordance with the provisions of this Constitution.
- (b) Between Conferences of the Congress, the affairs of the organisation shall be conducted and administered by a National Executive Committee (hereinafter called the N.E.C.), consisting of a President, and 1 or 2 Vice-Presidents, (as may be deemed necessary by Conference from year to year,) Treasurer, General Secretary and one N.E.C. member for each two thousand affiliated members or any terminal part thereof of not less than 1,000 members.

Between meetings of the N.E.C., the affairs of the Congress shall be conducted and administered by a Management Committee, subject to the provisions set out in Clause 9 (a) of this Constitution, consisting of the President and one or two Vice-Presidents, Treasurer, General Secretary and six members elected by the Annual Conference in terms of Clause 8 (c).

AMEND CLAUSE 8:

Delete this clause in its entirety, including the heading, and insert in its place the following new heading and clause:-

8. ELECTION OF OFFICERS AND MANAGEMENT COMMITTEE:

- (a) The President, and one or two Vice-Presidents and Treasurer shall be nominated and elected annually at the Annual Conference of the Congress.
- (b) The General Secretary shall be nominated and elected bi-annually at the Annual Conference.
- (c) The N.E.C. and Management Committee shall be nominated and elected annually at the Annual Conference. Conference shall first elect six members of the Management Committee, who shall form the nucleus of the N.E.C. and thereafter proceed to elect the remaining N.E.C. members, on the basis of the formula set out in clause 7 (b).
- (d) The President and one or two Vice-Presidents, Treasurer, General Secretary and six ordinary members of the Management Committee shall be resident within fifty miles of the Congress head office.
- (e) A member of the N.E.C. whose normal place of residence is in a province other than the one in which the Head Office of the Congress is situated, may appoint an alternate who is resident within fifty miles of Head Office, to represent him or her at those meetings of the N.E.C. which he or she are unable to attend. Such alternate shall, in the absence of the principal member, have the same powers as a member of the N.E.C.

AMEND CLAUSE 9:

Delete the heading of this clause and the whole of sub-clauses (a) (c) (d) and (e) and insert the following new heading and new sub-clauses (a) (c) (d) and (e).

9. DUTIES AND POWERS OF THE N.E.C. AND MANAGEMENT COMMITTEE:

- (a) In managing the affairs of the Congress, the N.E.C. shall be bound by the directives and policy decisions and be subject to the general control of Conferences of the Congress, and shall also observe the provisions of this Constitution. The authority of the Management Committee shall be derived from Conferences, and, between Conferences, from the N.E.C. The N.E.C. may delegate to or confer upon the Management Committee such of its own powers and authority, either in full or in part, as it may deem expedient. Any action, decision or resolution of the Management Committee taken or adopted within the limits of the powers, thus delegated to or conferred upon it, shall have the same force and effect as if it were an act, decision or resolution of the N.E.C.
- (c) Meetings of the N.E.C. shall be held at least once every six months and of the Management Committee at least once a month. The quorum for meetings shall be 50% of the members of the respective committees. If within thirty minutes from the time shown on the notice of any meeting of the N.E.C. or Management Committee, or any Committee appointed by the N.E.C. or Management Committee, a quorum is not present, such meeting shall stand adjourned for at least seven days but not more than one month and at such adjourned meeting, of which notice shall be given in the usual way, the members present shall constitute a quorum and shall conduct the business of the meeting.
- (d) Members of the N.E.C. shall be given not less than 14 days notice of any meeting of the N.E.C. and members of the Management Committee, or of any other committees, shall be given not less than 4 days notice of any meeting of their respective committees. Provided that in a case of emergency, the General Secretary may, in consultation with the President, give such shorter notice as may be necessary.
- (e) Should any member of the N.E.C. or Management Committee fail to attend three consecutive ordinary meetings without a reasonable excuse acceptable to the N.E.C. or Management Committee, as the case may be, he shall vacate his seat on the respective committee. Any vacancies on the N.E.C. between Conferences shall be filled by the N.E.C. by successively inviting the unsuccessful candidates at the previous annual election of the N.E.C. in the order of the votes then received by such candidates. Any vacancies on the Management Committee shall be similarly filled by the Management Committee by successively inviting the unsuccessful candidates at the previous annual election of the Management Committee, in the order of the votes received by them. Any vacancy that cannot be filled in that manner shall be filled in accordance with the decision of the N.E.C. and Management Committee respectively.

AMEND SUB-CLAUSE (f) OF CLAUSE 9:

by adding the words "OR MANAGEMENT COMMITTEE" after N.E.C., wherever the latter appears.

/AMEND SUB-CLAUSE (b).....

AMEND SUB-CLAUSE (b) of CLAUSE 9:

by adding an additional paragraph, to become paragraph (vi):-

- (vi) To institute, conduct, defend, compound or abandon any legal proceedings by and against Congress or its officers or otherwise, concerning the affairs of the Congress.

AMEND CLAUSE 10:

Add to Clause 10 two additional sub-clauses, to become sub-clauses (j) and (k):-

- (j) A Banking account or building society deposit account of the Congress shall be opened by the N.E.C. with a bank or building society determined by it. Cheques or withdrawal forms shall be signed by not less than two persons to be appointed by the N.E.C., who shall also appoint an alternative or alternates for such signatories. All monies received by the Congress shall be receipted on the official receipt form and deposited in the bank or building society within three days.
- (k) All movable and immovable property, finance, equipment, etc. of the Congress shall be vested in the N.E.C., who shall stand possessed of the same and shall apply and dispose of the same for the benefit of the Congress in conformity with this Constitution.

AMEND SUB-CLAUSE (c) of CLAUSE 11:

by deleting the words "AT THE END OF EACH MONTH" and inserting in its place the words "AT EACH ORDINARY MEETING".

<u>UNION:</u>	<u>MEMBERSHIP.</u>	<u>DELEGATES.</u>	<u>OBSERVERS.</u>
Howick Rubber Workers' Union)	200.		
Chemical & Allied Workers' ) Union (Durban). )	210.	1.	-
Tea & Coffee Workers' Union.)	78.		
African Commercial & Distribu- tive Workers' Union (Cape Town)	161.	1.	-



LOCAL COMMITTEE BY-LAWS

1. NAME

The name of the Local Committee shall be :-

".....Local Committee" of the S.A. Congress of Trade Unions, hereinafter referred to as the "Local Committee."

2. OBJECTS

- (a) To co-ordinate the activities and interests of organised labour within the following areas:-..... subject to the provisions of Section 15 of the Constitution.
- (b) The Local Committee shall conduct local activities in accordance with the aims, objects and decisions of the S.A. Congress of Trade Unions, and shall be responsible in its area for the carrying into effect of the objects of the Congress.

3. POWERS AND FUNCTIONS

- (a) The Local Committee shall not usurp any of the functions or authority of any of its associate unions or branches of unions, nor interfere in the domestic affairs of such unions or branches of unions, but shall confine itself to work of a consultative, organising and co-ordinating nature, and shall enjoy only such powers in respect of any associate union or branch of union as may be specially delegated to and conferred upon it by such union.
- (b) The Local Committee shall have the power to discuss but not to decide matters of national importance; all such matters shall be submitted to the N.E.C. for its final decision. The N.E.C. shall decide the question whether matters are of national importance or otherwise. The provisions of this section shall not prohibit representations to local or government bodies on matters of purely local significance in accordance with the policy of the S.A. Congress of Trade Unions.
- (c) The provisions of sub-section (b) of this section shall not prohibit Local Committees from carrying out propaganda work or making such public pronouncements as may be deemed necessary, provided that such propaganda and/or public pronouncements are in accordance with the policy of the Congress.
- (d) The National Executive Committee shall decide the question whether matters are of national consequence or otherwise.
- (e) The Local Committee shall act as the official voice of the Trade Union Movement in the area of jurisdiction referred to in Section 2 hereof.
- (f) The Local Committeeshall co-operate with the N.E.C. and keep it informed on all matters dealt with by them, and shall submit a report to the N.E.C. at least four times each year.

4. MEMBERSHIP

Membership of the Local Committee shall consist of Unions or branches of unions which have been accepted by the National Executive Committee as affiliated bodies of the S.A. Congress of Trade Unions, provided that any Union whose affiliation fees to the National Executive Committee are more than 3 months in arrears shall not be entitled to representation on the Local Committee. Subject to the above, all affiliated unions or their branches or sections shall ipso facto be members of the Local Committee. ~~if any, in the area in which the office of such union, branch or section is situated.~~ Unions not affiliated shall not participate in the proceedings of the Local Committee except with the approval of the N.E.C.

5. REPRESENTATION ON THE LOCAL COMMITTEE

(a) (i) Each affiliated union or branch of an affiliated union shall be entitled to be represented on the Local Committee by one delegate for every 200 members or part thereof, with a maximum of seven delegates. Delegates must be members or officials of the affiliated union or branch of union they represent. Unions may appoint alternates to take the place of any delegates.

(ii) Notwithstanding anything to the contrary contained here-in the local committee may, subject to the provisions of Section 9 (f) hereof, appoint a secretary who need not be a member of an affiliated union and who shall be a member of the local committee without the power to vote.

(b) Membership of local unions and/or branches of unions shall, in the case of the former, be the membership upon which the Union is affiliated, and on which affiliation fees are paid to the S.A. Congress of Trade Unions, and in the case of branches of unions, the affiliation to the Local Committee shall be determined by the Head Office of the Union concerned which shall advise the National Executive Committee of the number of its members in the area of jurisdiction of the Local Committee.

(c) In the event of any union failing within 30 days of a written request, to advise the National Executive Committee of the number of its local membership, the National Executive Committee shall determine its local representation.

6. GENERAL MEETINGS

(a) General Meetings of the Local Committee shall be held at least once every six months. The quorum for General Meetings shall not be less than one-third of the total number of delegates appointed by associate unions, provided that should the delegates present represent not less than one-third of the number of unions affiliated a quorum shall be regarded as constituted. If within thirty minutes from the time shown on the notice of any meeting a quorum is not present, such meeting shall stand adjourned for at least seven days but not more than fourteen days, and at such adjourned meeting of which notice shall be given in the usual way, the members present shall constitute a quorum and shall conduct the business of the meeting.

(b) Special General Meetings of the Local Committee may be convened at the discretion of the Chairman or on receipt of a requisition signed on behalf of not less than three affiliated unions.

(c) On receipt of a requisition referred to in sub-section (b) of this Section, the meeting shall be convened within a period of fourteen days.

(d) Notice of ordinary General Meetings shall be given to all delegates not less than seven days prior to the date of such meeting, and such notice as may be convenient shall be given in the case of Special General Meetings.

7. EXECUTIVE COMMITTEE

(a) The affairs of the Local Committee shall, between General Meetings, be conducted by an Executive Committee (hereinafter referred to as the "E.C.") which shall consist of the Chairman, Vice-Chairman, Treasurer, Secretary and as many other members as the General Meeting may from time to time determine.

(b) A meeting of the E.C. shall be held each month.

(c) Not less than four days notice shall be given of E.C. Meetings.

(d) The quorum for E.C. Meetings shall be not less than half of the

/number

number of members of the E.C. If, within thirty minutes from the time shown on the notice of any meeting, a quorum is not present, such meeting shall stand adjourned for at least seven days but not more than fourteen days, and at such adjourned meeting of which notice shall be given in the usual way, the members present shall constitute a quorum and shall conduct the business of the meeting.

(e) Should any member of the E.C. fail to attend three consecutive ordinary meetings without a reasonable excuse acceptable to the E.C., he shall vacate his seat on the E.C. Should any vacancies occur between General Meetings, the E.C. shall have power to fill such vacancies, subject to confirmation by the next General Meeting.

## 8. RULES OF PROCEDURE AND STANDING ORDERS

Rules of procedure at all meetings shall be as follows :-

(a) The Chair shall be taken by the Chairman or in his absence by the Vice-Chairman or, in the absence of both such officers, by such member as the meeting may decide.

(b) Business shall be proceeded with in accordance with the agenda except by consent of the meeting.

(c) No question other than those appearing on the agenda shall be debated, provided, however, that in the event of any urgent question arising the Committee may, upon a majority vote, agree to discuss a matter not included on the agenda.

(d) Except where otherwise stated, all questions and elections shall be decided by the highest vote cast on a show of hands. The Chairman shall have a deliberative vote only and, in the event of equality of votes, the question shall lapse.

(e) No question which has been debated and determined shall be reopened in the same meeting, except on a motion carried by a two-thirds majority.

(f) A member, with the consent of the meeting, shall be allowed to withdraw any motion or amendment submitted by him.

(g) A ruling given by the Chairman shall be final, provided that it shall be in order to move and second a motion to overrule and rescind a ruling from the Chairman, and a majority of the members present shall be sufficient to carry such a motion; provided further, that there shall be no discussion of any such motion to overrule or rescind the Chairman's ruling at any meeting, save that the mover of such motion shall have the right to state his grounds and the Chairman to reply.

(h) No delegate shall be entitled to more than one vote notwithstanding the fact that such delegate may be representing more than one union.

## 9. FINANCE

(a) All monies, including any allocations made to the Local Committee by the National Executive Committee, shall be deposited in an approved bank or savings account determined by the Executive Committee, and all withdrawals shall be made by cheque or withdrawal form signed by any two of the four officials (Chairman, Vice-Chairman, Treasurer and Secretary).

(b) All accounts other than monthly recurring expenditure, e.g. rent, salaries, telephone and petty cash, shall be submitted to the Executive Committee for approval prior to payment.

(c) An amount not exceeding £5.0.0. (Five Pounds) may be granted by the Executive Committee as petty cash and dealt with on the Imprest System.

/(d) Local

(d) <sup>The</sup> Local Committee shall be financed by the N.E.C. on the principle of the Imprest System.

(e) The Treasurer shall prepare a monthly statement showing all expenditure of imprest money which shall be submitted to the National Executive Committee together with supporting documents and receipts, not later than the second week of each month. He shall further keep a proper set of books for all funds raised by the Local Committee, shall keep all official receipts for inspection by the Local Committee, and shall prepare quarterly financial statements and an Annual Income and Expenditure Account and Balance Sheet which shall be submitted to the Local Committee at the Annual General Meeting. The books shall be audited annually by a Chartered Accountant and the Auditor's Report also submitted to the Annual General Meeting of the Local Committee.

(f) Where in the opinion of the Local Committee it is necessary to appoint paid officials, such appointments shall be made by the Local Committee which shall determine salaries and other conditions of service, subject to confirmation by the National Executive Committee.

(g) Where the Local Committee does not employ paid officials, but from time to time desires to vote honoraria to honorary officials, such votes must receive the prior sanction of the National Executive Committee who shall be responsible for payment thereof.

(h) Paid Officials of the Local Committee shall be employees of the National Executive Committee.

(i) For any special local purpose it shall be competent for the Local Committee to raise funds in any manner determined by it, but in no case shall funds supplied by the N.E.C. be utilised for other than normal routine purposes, without the prior sanction of the National Executive Committee.

(j) In the event of the Local Committee becoming defunct or being dealt with under the provisions of Section 15 (a) of the Constitution, all unexpended funds and/or other assets shall be returned to the N.E.C.

10. INTERPRETATION

Where the by-laws of the Local Committee are silent on any question or where a question of interpretation arises, the National Executive Committee shall determine the question.

11. AMENDMENT OF BY-LAWS

(a) These by-laws shall not be amended unless notice of the proposed amendment has been submitted to the E.C. not less than 2 weeks prior to a General Meeting, and the proposed alteration or amendment shall appear on the agenda for such General Meeting, which shall determine its policy by a majority vote.

(b) No amendment and/or alteration to these By-laws shall be of force and effect unless and until approved by the National Executive Committee.

SIGNED AT JOHANNESBURG ON.....19

.....  
P. Beyleveld (PRESIDENT)

.....  
L. Masina (GENERAL SECRETARY)

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**RECORDS RELATING TO THE 'TREASON TRIAL' (REGINA vs F. ADAMS AND OTHERS ON CHARGE OF HIGH TREASON, ETC.), 1956 1961**

**TREASON TRIAL, 1956 1961**

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