
CONSTITUTION OF THE ZIMBABWE BANKS AND ALLIED WORKERS UNION (ZIBAWU)

HARARE, JULY 2019



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ZIMBABWE BANKS AND ALLIED WORKERS UNION CONSTITUTION

PREAMBLE

We the employees of the financial services industry have come together to form a Union to protect and promote our interests and commit ourselves to abide by the rules and regulations of this constitution.

1. NAME AND STATUS OF THE UNION

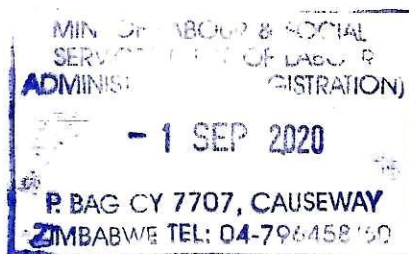
The name of the union shall be Zimbabwe Banks And Allied Workers Union (ZIBAWU)

- 1.1. The union shall have a legal personality separate from that of its members and specifically shall upon registration become a body corporate and shall in its corporate name be capable of suing and being sued, of purchasing or otherwise acquiring, holding or alienating property, movable or immovable, and of doing any other thing which its constitution requires or permits it to do, or which a body corporate may, by law, do.

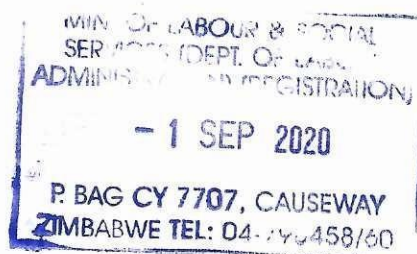
2. DEFINITIONS

In this constitution unless the context clearly indicates a contrary intention, the following expressions shall bear the following meanings:

- 2.1. **"Act"** means the Labour Act [Chapter 28:01] as amended from time to time.
- 2.2. **"Banking, Finance and Allied Industry"** means without in any way limiting the ordinary meaning of the expression, the industries or part thereof in which the employer and employees are associated for the purpose of providing banking, financial or related services. These shall include but shall not be limited to the following industries:
- 2.2.1. **Asset management services:** that is, Financial Institutions that are involved in investments of client's funds over a wide range of product offerings.
- 2.2.2. **Banks:** that is, Commercial banks, merchant banks and building societies.
- 2.2.3. **Finance houses:** that is, enterprises that are engaged in the lending of money to clients against collateral for instance, financing of hire purchase contracts.
- 2.2.4. **Securities services:** that is, institutions that are involved in securities trades, protection of financial assets and servicing of financial portfolios.
- 2.2.5. **Stock broking services:** that is, institutions which provide intermediary services between the public and providers of financial services/stock trading.



- 2.2.6. **Money transfer services:** that is, institutions that provide networks of financial institutions to enhance transfer of funds on behalf of clients through agents locally or internationally including mobile banking transfer services.
- 2.2.7. **Micro finance houses:** that is, type of bank services that are provided to the unemployed or low-income groups such as saving money, borrowing money and insurance.
- 2.2.8. **Bureau De Change:** that is, a business whose customers exchange one currency for another.
- 2.2.9. **Insurance:** that is life insurance, bancassurance, general insurance and any other protection against financial loss.
- 2.3. **"Branch Committee"** means a branch established in terms of Sections 11 and 12 of this constitution.
- 2.4. **"National Congress"** means a delegate's conference established in terms of Clause 26 of this constitution.
- 2.5. **"Day(s)"** shall refer to working day(s).
- 2.6. **"Institution"** means an institution registered in terms of the Laws of Zimbabwe to provide financial services.
- 2.7. **"Local Committee"** means a local committee established in terms of clause 10 of this constitution
- 2.8. **"Member"** means any member of the union admitted as such in terms of clause 5 of this constitution.
- 2.9. **"National Council"** means a national council established in terms of clause 23 of this constitution.
- 2.10. **"National Executive Committee (NEC)"** means a national executive committee established in terms of clause 17 of this constitution.
- 2.11. **"Sub-Committees"** means any sub committees which is established by the National Executive Committee or National Council and delegated to perform a special function.
- 2.12. **"Branch Shop Steward Committee"** means a committee established at every branch of each financial institution in terms of clause 8 of this Constitution.
- 2.13. **"Union"** means Zimbabwe Banks and Allied Workers Union.
- 2.14. **"National Shop Steward Committee (NSC)"** means a national committee established in every financial institution in terms of clause 9 of this Constitution.



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2.15. "Young Worker" means any worker below the age of 35 years.

3. HEAD OFFICE

3.1. The Head Office of the Union shall be located in any such place within Zimbabwe as shall be decided by the **National Council** from time to time.

4. AIMS AND OBJECTIVES

The aims and objectives of the Union shall be:

- 4.1. To improve the conditions of service and to protect the interests of its members, individually and collectively in relation to their employers, government and other Organisations.
- 4.2. To regulate the relationship between members and their employers and to represent members in all matters that may arise between them and stakeholders, including litigating on members' behalf in legal processes.
- 4.3. To provide legal assistance and advise its members on matters affecting their rights and interests, training and to act on behalf of such members in terms of section 29 of the Labour Act as amended from time to time.
- 4.4. To establish and administer a provident, benevolent or any other fund for the benefit of its members and staff and or their dependants.
- 4.5. To carry out research, obtain information and ensure dissemination of the information among its members.
- 4.6. To eradicate, in financial services industries, any form of discrimination based on race, colour, creed, political opinion, extraction, social origin, gender, health status, religion or age.
- 4.7. To use every legitimate means to persuade, influence or urge all persons who are eligible for membership to become members.
- 4.8. To encourage and promote gender activism with a view of establishing and maintaining gender balance in all union structures.
- 4.9. To do any other act that a body corporate may by law be permitted to do for the advancement of the foregoing.

5. MEMBERSHIP

- 5.1. Membership of the union shall be open to all employees in the financial services industry and related sectors as defined in clause 2 above.
- 5.2. Application for membership shall be made on the official application form and be lodged with the General Secretary. Provided that the General Secretary may reject any application for Membership and



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in the event, the applicant shall be informed of his or her right to appeal to the National Executive Committee whose decision shall be final. The Applicant shall be given reasons for the rejection of the Application.

5.3. A member shall cease to be entitled to any of the benefits and services of the Union if:

5.3.1. The subscriptions or other charges due by him or her to the Union are more than three months in arrears.

5.3.2. A member is under suspension in terms of this constitution.

5.4. Notwithstanding 5.3.1 and 5.3.2 a member shall continue to enjoy the benefits and services of the Union provided the Union is still seized with the member's case.

5.5. A member may resign from membership of the union by giving 2 months' written notice to the General Secretary.

5.6. A member who has been suspended in terms of section 30 has the right to appeal to the next authority in the order of Branch, National Executive Committee, National Council provided that the determination of an authority shall remain binding regardless of an appeal to the next authority .

5.7. The Union through its structures i.e. Branch, National Executive Committee or National Congress reserves the right to expel or terminate membership. Whenever an appeal is lodged in terms of clause 5.6 of this section, the applicant shall be afforded an opportunity to state his or her case personally through Union Structures.

5.8. The National Executive Committee, in consultation with the National Council, may admit as honorary members any persons, who, in the opinion of the National Executive Committee, are in sympathy with, and useful to the union. Such honorary members may be allowed to be present at National Congress meetings and make any meaningful contributions without a right to vote.

6. SUBSCRIPTIONS

6.1. Members shall pay subscriptions at the rate of 1.5% of basic salary per month subject to review by the National Congress from time to time.

6.2. A member who pays any cash to the General Secretary shall be given a receipt showing his name, date of payment and the amount of the subscriptions, fines or levies paid.

6.3. Subscriptions shall become due and payable in advance by stop order signed when application for membership is made.

6.4. A member shall be exempted from payment of subscriptions if he is elected as an honorary member or life member in terms of clause 5.8.



- 6.5. A member who is dismissed shall be obliged to update subscription upon reinstatement after representation by the Union.
- 6.6. A member shall be exempted from payment of the subscriptions in respect of any particular month during which he is on official unpaid leave or in other exceptional circumstances approved by the National Executive Committee.

7. VOTING

- 7.1. Voting shall be by ballot or show of hands. Each member shall in all cases be entitled to one vote. The Chairperson shall have a deliberative vote and in the event of a deadlock a casting vote.
- 7.2. Each position shall be voted for separately and losing candidates shall be eligible for any other post.

8. BRANCH SHOP STEWARD COMMITTEE

- 8.1. A branch shop steward committee shall be formed at each branch of each financial institution.
- 8.2. Members of the union shall be eligible to form this committee provided there are at least 5 employees at the branch.
- 8.3. The Committee shall have the following positions:
 - 8.3.1. Chairperson
 - 8.3.2. Secretary
 - 8.3.3. Two Committee Members
 - 8.3.4. Provided that where the branch has got more than twenty members, then a larger committee of up to eight members may be formed.
- 8.4. The committee shall be represented on the National Shop Steward Committee formation of the institution by the Chairperson and or Secretary.
- 8.5. The Chairperson and the Secretary shall be eligible for election at the formation of the Union Local or Branch Committee.
- 8.6. The operations of the Branch Shop Steward Committee shall be guided by the constitution of the respective National Shop Steward Committee to the extent that it is intra vires to this constitution.
- 8.7. In the absence of a National Shop Steward Committee Constitution, the Union's Constitution shall apply.

9. NATIONAL SHOP STEWARD COMMITTEE



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- 9.1. A National Shop Steward Committee shall be formed at each financial institution and presided over by a Union official.
- 9.2. Members of the Branch Shop Steward Committees shall be eligible for election into the National Shop Steward Committee.
- 9.3. The Committee shall have the following positions:
- 9.3.1. Chairperson
 - 9.3.2. Vice Chairperson
 - 9.3.3. Secretary
 - 9.3.4. Vice Secretary
 - 9.3.5. Organising Secretary
 - 9.3.6. Committee Members up to a maximum of ten. There shall be deliberate effort to ensure equitable gender and regional representation or at least one representative from each Branch Shop Steward Committee. The others can act as alternate members to the National Shop Steward Committee.
- 9.4. The National Shop Steward Committee shall elect from amongst itself representatives to be members of the respective Institutional Works Councils.
- 9.5. The Chairperson and the Secretary shall be members of the National Council.
- 9.6. Each National Shop Steward Committee shall have a constitution.
- 9.6.1. The constitution shall be constructed in line with the provisions of the Labour Act, CBA for the Banking Sector as amended from time to time and this constitution.
- 9.7. The operations of the National Shop Steward Committee shall be guided by its Constitution.

10. LOCAL COMMITTEE

- 10.1. A local Committee shall be formed in an area where a branch cannot be established in terms of clause 11.
- 10.2. It shall have the following positions:
- 10.2.1. Chairperson
 - 10.2.2. Vice Chairperson



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- 10.2.3. Secretary
- 10.2.4. Vice Secretary
- 10.2.5. Organising Secretary
- 10.2.6. A Committee member from each institution represented in that area not occupying any of the above positions.
- 10.3. The local committee shall operate under conditions similar to the ones which apply to a Branch Committee as provided for in clause 11 of this constitution.

11. BRANCHES

11.1. Establishment and control of branches

- 11.1.1. A branch of the union may be established in any area at the discretion of the National Executive Committee.
- 11.1.2. Application for the establishment of a branch shall be made in writing to the National Executive Committee by not less than ten members in the area concerned.
- 11.1.3. If the National Executive Committee approves of the establishment of a Branch the General Secretary shall notify the members from whom the application has been received and the National Executive Committee shall arrange for one of its members to attend the inaugural General Membership meeting of the branch.
- 11.1.4. At the said meeting a branch committee shall be elected by the members present and shall hold office for the duration of the unexpired term of office as prescribed by this constitution.
- 11.1.5. The National Council shall have the right to depute one or more of its members to investigate the affairs of any branch at any time without assigning a reason therefore and such member or members shall have access to all records of the branch, and have the power to take them into custody.

12. BRANCH COMMITTEES AND BRANCH OFFICERS

- 12.1. The management of the affairs of a Branch between general membership meetings shall be vested in a Branch Committee.



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- 12.2. The branch Committee shall consist of the
- 12.2.1. Chairperson
 - 12.2.2. Vice Chairperson
 - 12.2.3. Secretary
 - 12.2.4. Vice Secretary
 - 12.2.5. Organising secretary
 - 12.2.6. A Committee member from each institution represented in that area and not occupying any of the above positions.
- 12.3. Vacancies occurring in a Branch Committee shall be filled by the Branch Committee. A member appointed at that meeting shall hold office for the unexpired portion of the period of office of his or her predecessor.
- 12.4. A member who is more than three months in arrears with his or her subscriptions or who is under suspension in terms of this Constitution shall not be eligible for election to a Branch Committee provided that a member whose case is still being dealt with by the union can hold any office position and participate in any activities of the union.
- 12.5. Nominations for membership of a Branch Committee shall, subject to provisions of sub-clause 11.1.3, be lodged in writing with the Branch Secretary at least three days before the date of the General Membership Meeting of the Branch.
- 12.6. A member of a Branch Committee shall vacate his seat in any of the following circumstances:
- 12.6.1. On resignation, suspension or expulsion from membership of the Union.
 - 12.6.2. On absenting himself, without the permission of the Branch Committee, from any three consecutive meetings;
 - 12.6.3. On resigning by giving one month's notice in writing to the Secretary.
 - 12.6.4. On being elected to the position of President, Vice President or Treasurer General of the Union.
- 12.7. Any member of a Branch Committee may be removed from office on the decision of 75% majority of the Branch members present at such meeting.



12.8. A Branch Committee shall, subject to the general direction and control of the Branch General Membership Meetings and to the provisions of this Constitution, have power:

12.8.1. To appoint from time to time such sub-committees as it may deem fit in consultation with the National Council or the National Executive Committee;

12.8.2. To draft a budget and submit same to the National Executive Committee on a half yearly basis;

12.8.3. To do such other things as, in the opinion of the Branch Committee appear to be in the interests of the Union.

13. BRANCH MEETINGS

13.1. Each Branch Committee shall meet at least once every quarter.

13.2. Special meetings of a Branch Committee shall be called by the Chairperson whenever he or she deems it advisable or upon a requisition signed by not less than four members of the Committee.

13.3. Members of a Branch Committee shall be notified in writing by the Secretary of the time and place of any meeting of the Committee at least seven days before the date of such meeting, provided that shorter notice may, in the discretion of the Chairperson be given in respect of a special meeting.

13.4. An Agenda shall be attached to every notice of the meeting.

13.5. The quorum for any meeting of a Branch Committee shall be a simple majority of the members of the Committee. If within thirty minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned and a further meeting shall be called within seven days. At such adjourned meeting the members present shall form a quorum.

13.6. For the purpose of determining any matter at a meeting of the Branch Committee the decision of the Committee shall be the decision which is supported by a majority of the members present.

13.7. At every meeting of the Branch Committee the minutes of the last preceding meeting shall be read by the Secretary and signed by the Chairperson after confirmation.

13.8. Copies of minutes of every Branch Committee meeting shall, within fourteen days of the date of the meeting, be submitted to the General Secretary.

13.9. The proceedings of any meetings shall not be invalidated by reason of non-receipt by any member of the notice of that meeting.

14. BRANCH GENERAL MEMBERSHIP MEETINGS



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- 14.1. A General Membership Meeting of the Branch shall be called at least once biannually.
- 14.2. A Special General Membership Meeting shall be held whenever desired by a majority of the National Executive Committee or upon a requisition signed by not less than twenty-five percent, of the members of the Branch.
- 14.3. Notice of every General Membership Meeting showing the business to be transacted thereat shall be given to members not less than seven days before the date of such meeting, provided that in the case of a special general membership meeting such shorter notice as may be decided by the Chairperson may be given.
- 14.4. All motions at general membership meetings shall be reduced to writing and shall be delivered to the meeting. No motion shall be considered unless seconded.
- 14.5. The quorum for any general membership meeting shall be a simple majority of the Branch Committee.
- 14.6. If within thirty minutes of the time fixed for any meeting a quorum is not present the meeting shall stand adjourned and a further meeting shall be called within seven days and at such adjourned meeting the members present shall form a quorum.
- 14.7. At every general membership meeting the minutes of the last preceding general meeting shall be read by the Secretary and signed by the Chairperson after confirmation.
- 14.8. Copies of minutes of every branch shall within fourteen days of the date of the meeting be submitted to the General Secretary.
- 14.9. The proceedings of any meeting shall not be invalidated by reason of the non-receipt by any member of the notice of that meeting.
15. **BRANCH COMMITTEE ELECTIONS**
- 15.1. The term of office of a branch committee shall be four years.
- 15.2. A general membership meeting shall be called at the expiry of the term of office and its business shall proceed as follows:
- 15.2.1. The reading of the notice convening the meeting
- 15.2.2. The reading and confirmation of the minutes of the previous general membership meeting.
- 15.2.3. The Chairperson's End of term Report
- 15.2.4. The election of office-bearers and officials:-



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- 15.2.4.1. Chairperson
- 15.2.4.2. Vice-Chairperson
- 15.2.4.3. Secretary
- 15.2.4.4. Vice-Secretary
- 15.2.4.5. Members of Committee
- 15.2.4.6. Organising Secretary
- 15.2.4.7. Any Other Business

- 15.3. The Branch Secretary shall notify the General Secretary of the names of the elected officials immediately after the election.
- 15.4. Outgoing members of the branch committee shall be eligible for re-election subject to clause 28 of this constitution.

16. **BRANCH EXPENSES**

- 16.1. Each branch of the Union shall be authorised to incur a certain amount of expenses for the necessary conduct of the Branch. Such expenditure maybe applied to the payment of administrative expenses of the branch and to the furtherance of the objectives of the Union as maybe decided on by a general membership meeting of the branch, provided that such expenditure shall not in any case exceed the sum laid down by the National Executive Committee unless the special authority has been sought and obtained.
- 16.2. Statements of income and expenditure of the branch shall be prepared quarterly by the Branch Secretary and submitted to the General Secretary.
- 16.3. If any branch incurs expenditure except as provided for in this constitution, the members present at the meeting at which such expenditure was agreed to shall be jointly and severally liable for refunding the amount in question; provided that no liabilities shall rest on the members who at that time specifically requested that their protests against the incurring of such expenditure be recorded in the minutes of the meeting.
- 16.4. If any branch ceases to exist, its assets and liabilities shall devolve on the Union.
- 16.5. All accounts supporting vouchers shall be kept for period of three years from the close of the period concerned.

17. **NATIONAL EXECUTIVE COMMITTEE**

- 17.1. The management of the affairs of the union between National Congresses shall be vested in the National Executive Committee.



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- 17.2. The National Executive Committee shall be composed of twenty-six members made up of the President, Vice Presidents, Treasurer General, General Secretary, Assistant General Secretary and Committee members as follows :

17.2.1.	Harare	3
17.2.2.	Bulawayo	2
17.2.3.	Gweru	1
17.2.4.	Mutare	1
17.2.5.	Masvingo	1
17.2.6.	Kwekwe	1
17.2.7.	Chinhoyi	1
17.2.8.	Kadoma	1
17.2.9.	WAC (Elected top officials)	6
17.2.10.	YWC (Chairperson and Secretary)	2

- 17.3. Vacancies occurring on the National Executive Committee shall be filled by the National Executive Committee until the next National Congress. The member appointed at the meeting shall hold office for the unexpired portion of the period of office of his or her predecessor.
- 17.4. All matters on which this Constitution is silent shall be decided by a majority of the votes of the members present by secret ballot.
- 17.5. A member shall vacate his seat in any one of the following circumstances:
- 17.5.1. Upon expulsion, resignation or suspension from membership of the Union;
- 17.5.2. On absenting himself or herself without a reasonable excuse from any three consecutive meetings;
- 17.5.3. On allowing his subscriptions to fall three months in arrears without satisfactory explanations to the National Executive Committee.
- 17.6. The National Executive Committee shall meet at least once every quarter and the Assistant General Secretary shall take minutes of the meeting.
- 17.7. Members of the National Executive Committee shall be notified in writing by the General Secretary of the time and place of any meeting of the Committee at least seven days before the date of such meeting, provided that shorter notice, may, at the discretion of the Chairperson, be given in respect of a special meeting.
- 17.8. An Agenda shall be attached to every notice of a meeting.
- 17.9. The quorum for every meeting of the Committee shall be half of the executive committee members.
- 17.10. If within thirty minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned and a further meeting shall be called within seven days.
- 17.11. At such adjourned meeting the members present shall form a quorum.



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- 17.12. For the purpose of determining any matter at a meeting of the Committee the decision which is supported by a majority of the members present shall stand. All motions must be duly seconded and shall be decided by a show of hands.
- 17.13. At every meeting of the Committee the minutes on the last preceding meeting shall be read by the General Secretary and signed by the President after confirmation.
- 17.14. The proceedings of any meeting shall not be invalidated by reason of the non- receipt by any member of the notice of that meeting.
- 17.15. If between meetings of the committee any question arises which is of extreme urgency and can be answered by a plain "yes" or "no", the President may authorise a vote of the members of the committee to be taken by post, email or verbally.
- 17.16. The National Executive Committee shall have the power whenever it is deemed desirable or necessary, to invite any person or persons to attend its meetings. Such person(s) may attend only in an advisory capacity and shall not have the power to vote at the meeting.
- 17.17. Any outgoing member of the National executive shall be eligible for re-election at Congress, subject to clause 28 of this constitution.
- 17.18. Powers of the national Executive Committee
- 17.18.1. To supervise the secretariat and make necessary recommendations to the National Congress.
- 17.18.2. The National Executive Committee shall have the power whenever it is deemed desirable or necessary to form sub-committees, dealing with specific issues or areas necessary for the smooth running of the Union and to determine the terms of reference for such committees and the modus operandi thereof.
- 17.18.3. To invest or reinvest the proceeds of any income of the Union in movable or immovable property.
- 17.18.4. To make all apportionments in the accounts of the Union which may be necessary.
- 17.18.5. To review and approve annual budgets and workplans related to the activities of the Union.
- 17.18.6. To take action in a court of law for the recovery of any amounts due to the Union or to compel the fulfilment of obligations in its favour and to defend any proceedings that may be instituted against the union.



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17.18.7. To engage the services of accountants, lawyers, and other professionals as may be considered necessary to transact business of whatsoever nature that may be required pursuant to this constitution and to pay all such fees, charges and expenses so incurred provided that the National Executive Committee shall not be held responsible for the default of such accountant, lawyer or professionals for any loss occasioned by such employment or engagement.

17.18.8. Generally, to do all things which and to execute all such deeds, or other documents as they consider necessary or desirable for the purpose of carrying out the business of the Union.

18. FINANCES OF THE UNION

- 18.1. The National Executive Committee shall have the overall responsibility for the Union's finances. It shall appoint from among its members, signatories who shall operate the Union's bank accounts.
- 18.2. The signing arrangement shall be at least one signatory from Secretariat and one signatory from elected leadership.
- 18.3. A banking account shall be kept in any branch of any bank/or building society of any Zimbabwean bank or building society approved by the National Executive Committee.
- 18.4. All payments shall be made by cheque, Real Time Gross Settlement (RTGS) or other instructions signed in accordance with the signing arrangements as agreed by the Congress.
- 18.5. Statement of income and expenditure and the financial position of the Union shall be prepared monthly by the Treasurer General and submitted to the National Executive Committee.
- 18.6. A statement of income and expenditure of the Union shall be prepared by the Treasurer General in respect of each financial year and shall be audited within three months of the end of the financial year by an auditor appointed at the National Congress.
- 18.7. Certified copies of the audited accounts and any report there on shall be circulated to members.
- 18.8. Any member having interest in the funds of the Union shall upon identification, be permitted to inspect the Union's books and register of members at any time during office hours.
- 18.9. Any member who is on official Union business shall be granted an out of pocket allowance or any amount determined from time to time by National Executive Committee.
- 18.10. Except as allowed elsewhere in this constitution, no expenditure shall be incurred without the prior sanction of the National Executive Committee.



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- 18.11. The financial year of the Union shall be the calendar year.
- 18.12. A member who resigns or is expelled from membership shall have no claim on the funds of the union.

19. WOMEN ADVISORY COMMITTEE (WAC)

- 19.1. There shall be constituted a National Women's Advisory Committee to encourage and promote women activism with a view of maintaining gender balance.
- 19.2. The structure and composition of Women Advisory Committee shall be as follows:
- 19.2.1. Chairperson
 - 19.2.2. Vice Chairperson
 - 19.2.3. Secretary
 - 19.2.4. Vice Secretary
 - 19.2.5. Organising Secretary
 - 19.2.6. Treasurer
 - 19.2.7. Committee Members which constitute chairpersons and secretaries of Branch Woman Advisory Committee.
- 19.3. The top six leadership of the woman advisory committee shall sit in the in the National Executive Committee of ZIBAWU.
- 19.4. The Chairperson, Vice Chairperson, Secretary, Vice Secretary, Treasurer and Organising Secretary are elected at a Conference which is held after every four years.
- 19.5. Women Advisory Committee members shall attend the National Congress as delegates.
- 19.6. The Woman Advisory Committee shall have Branch Structures in line with the existing ZIBAWU Branches and Local Committees.
- 19.7. The Chairperson and Secretary of the WAC Branch or Local Committee as the case maybe shall sit in the respective ZIBAWU Branch Committee.
- 19.8. The National Executive Committee shall oversee the activities of the Women Advisory Committee through the Secretariat.
- 19.9. Women Advisory Committee Executive meetings are to be held twice a year. Provided that, vacancies occurring on the Women Advisory Committee shall be filled by the Women Advisory Committee until the next ensuing Women Advisory Committee General Conference. A member appointed at that meeting shall hold office for the unexpired portion of the period of office of her Predecessor. This provision applies to section 20.0 with necessary adjustments.

20. NATIONAL YOUNG WORKERS COMMITTEE



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- 20.1. There shall be constituted a National Young Workers Committee to encourage and promote young worker activism.
- 20.2. The structure and composition of the National Young Workers Committee shall be as follows:
- 20.2.1. Chairperson
 - 20.2.2. Vice Chairperson
 - 20.2.3. Secretary
 - 20.2.4. Vice Secretary
 - 20.2.5. Organising Secretary
 - 20.2.6. Treasurer
 - 20.2.7. Committee Members who constitute chairpersons and secretaries of Branch Young Workers Committees.
- 20.3. The Chairperson and Secretary of the National Young Workers Committee shall sit in the National Executive Committee of ZIBAWU.
- 20.4. The Chairperson, Vice Chairperson, Secretary, Vice Secretary, Treasurer and Organising Secretary are elected at a National Conference which is held after every four years.
- 20.5. The Chairperson, Vice Chairperson, Secretary, Vice Secretary, Treasurer and Organising Secretary shall attend the National Congress as delegates.
- 20.6. The National Young Workers Committee shall have Branch Young Workers Committees in line with the existing ZIBAWU Branches and Local Committees.
- 20.7. The Chairperson and Secretary of the Branch or Local Committee as the case maybe shall sit in the respective ZIBAWU Branch Committee.
- 20.8. The National Executive Committee shall oversee the activities of the National Young Workers Committee through the Secretariat.
- 20.9. The National Young Workers Committee meetings shall be held twice a year, provided that vacancies occurring in the Committee shall be filled by the National Young Workers Committee at the biannual meetings. A member appointed at that meeting shall hold office for the unexpired portion of the period of office of his or her predecessor and until the next ensuing Young Workers Committee National Conference

21. TRUSTEES

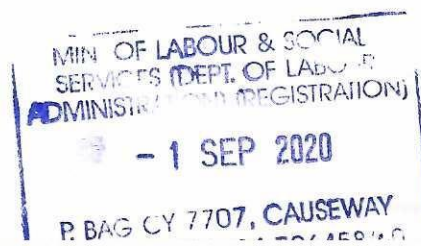
- 21.1. All assets of the Union shall be vested in three trustees appointed by the National Council. Any Trustee maybe removed from office at the discretion of the National Council.
- 21.2. It shall be the duty of the Trustees to safeguard the assets of the Union and have an asset register.
- 21.3. Should any Trustee vacate his or her office, the vacancy shall be filled by the National Council appointing another trustee in his stead who shall hold office until the next annual election of trustees.



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- 21.4. All property of the Union, movable or immovable, and all deeds, securities, mortgage bonds and leases pertaining to the Union shall be in the name of the Union and an asset inspection should be done once a year.
- 21.5. Subject to the provisions of this Constitution the Trustees shall be, and are hereby empowered to accept or release such deeds, securities, mortgage bonds and lease for and on behalf of the Union, all necessary documents on being instructed by resolutions of the majority of the members of the National Council.
- 22. ELECTION OF REPRESENTATIVES ON EMPLOYMENT COUNCILS.**
- 22.1. A meeting of the National Executive Committee may at any time decide the Union shall become a party to Employment Council in terms of the Act and may recommend a number of representatives to be appointed by the Union on such a body.
- 22.2. Candidates for election as representatives and alternates on any such council or board shall be nominated or elected at the National Executive Committee meeting.
- 22.3. Representatives may be removed by the National Executive Committee and may resign on giving one month's notice, to the Committee.
- 22.4. In the event of the removal of a representative by the National Executive Committee, the said committee shall fill the vacancy in terms of clause 21.2 of this constitution.
- 22.5. In the event of the resignation or death of a representative, the National Executive Committee shall appoint a member to fill the vacancy temporarily. The member so appointed shall fill the vacancy for the unexpired portion of the period of appointment of his or her predecessor.
- 23. GENERAL SECRETARY**
- 23.1. A General Secretary shall be appointed by the National Executive Committee. He may resign on giving three months' notice in writing to the National Executive Committee and maybe dismissed by the National Executive Committee for serious neglect of duty or misconduct in line with the applicable procedures.
- 23.2. In the event of the office becoming vacant the National Executive Committee may appoint a temporary incumbent.
- 23.3. The General Secretary shall be deputised by an Assistant General Secretary who shall also be appointed by the National Executive Committee and shall act in the capacity of the General Secretary in the absence of the Incumbent and to perform administrative duties of the union as directed by the General Secretary.
- 23.4. The General Secretary shall:



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- 23.4.1. Exercise supervision over the affairs of the Union;
- 23.4.2. Enforce observance of this Constitution;
- 23.4.3. Superintend the offices of the Union and oversee all matters lodged at them;
- 23.4.4. Litigate on behalf of the Union subject to National Committee Executive Resolution;
- 23.4.5. Make periodical visits to Union branches, or other centres, for such period purposes as he may deem fit;
- 23.4.6. Receive requisitions for meetings of the National Congress, National Council, National Executive Committee, Branch Committees and Local Committees and issue notice of all these meetings; to attend all these meetings where possible and to keep a proper record of proceedings thereof;
- 23.4.7. Receive requisitions for meetings of the National Executive Committee and Branch committee; (Clause repeats 23.4.6)
- 23.4.8. Conduct all Head Office correspondence of the union;
- 23.4.9. Keeping originals of all letters received and copies of those dispatched; and at each meeting of the National Executive Committee read the correspondence which has taken place since the previous meeting;
- 23.4.10. Attend all meetings of the National Executive Committee;
- 23.4.11. Keep register of members of the union, indicate therein the branch to which a member belongs, record therein every member's address, date of enrolment, entrance fee paid and, in respect of every year, the subscription, levies and fines paid by such members and in the event of the resignation or expulsion of a member, the date therefore.
- 23.4.12. Issue official receipts for all cash received and Bank all monies within two days of receipt,
- 23.4.13. Comply with all requirements of the Labour Act and regulations there under;
- 23.4.14. And perform such other duties as may be assigned by the National Council or Executive Committee;
- 23.4.15. The General Secretary to whom all correspondence of the Union shall be addressed to, in addition shall issue circulars to the membership dealing with matters of general interest.



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- 23.5. The General Secretary shall recommend to the National Executive Committee for the recruitment of staff.
- 23.6. The General Secretary shall run the affairs of the union in between Executive meetings and will be reporting to the President.

24. TREASURER GENERAL

- 24.1. The Treasurer-General Shall be elected at the National Congress by a ballot of the delegates attending and entitled to vote.
- 24.2. The main responsibilities of the Treasurer General include:
- 24.2.1. Maintaining accounts in accordance with the constitution;
 - 24.2.2. Preparing budgets in consultation with the Secretariat and Finance and Administration Committee for defined areas of activities as may be directed by the National Executive Committee.
 - 24.2.3. Prepare the statements of income and expenditure referred to in clauses 18.6 of this constitution;
 - 24.2.4. Provide reports on the financial performance of the Union to the National Executive Committee and National Congress;
 - 24.2.5.
 - 24.2.6. Overseeing the development and observation of the organisation's financial policies;
 - 24.2.7. Ensuring audits of the Union's books of accounts annually.

25. NATIONAL COUNCIL

- 25.1. The National Council shall be composed of Chairpersons and Secretaries of the National Shop Steward Committees of all institutions.
- 25.2. It shall oversee the functions of the National Executive Committee in between Congress and therefore no elected executive member shall be part of the National Council except the Secretariat and the President. For avoidance of doubt, where the Chairperson or Secretary is in the National Executive Committee then they have to second deputies or such other persons to represent their institutions in the National Council.
- 25.3. It shall review the annual work of the National Executive Committee ensuring implementation of National Congress resolutions.



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- 25.4. It shall hear appeals of suspended or dismissed members in terms of this Constitution.
- 25.5. All matters on which this Constitution is silent shall be decided by a majority of the votes of the members present by secret ballot.
- 25.6. The National Council shall meet at least once every year. An extraordinary meeting maybe called as and when necessary. The Council shall elect the following office bearers;
- 25.6.1. Chairperson (Union President)
 - 25.6.2. Vice Chairperson
 - 25.6.3. Secretary (General Secretary)
 - 25.6.4. Vice Secretary
 - 25.6.5. Organising Secretary
- 25.7. Members of the National Council shall be notified in writing by the General Secretary of the time and place of any meeting of the National Council at least seven days before the date of such meeting, provided that shorter notice, may, at the discretion of the Chairperson, be given in respect of a special meeting.
- 25.8. An Agenda shall be attached to every notice of a meeting.
- 25.9. The quorum for every meeting of the National Council shall be a simple majority.
- 25.10. If within thirty minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned and a further meeting shall be called within seven days.
- 25.11. At such adjourned meeting the members present shall form a quorum.
- 25.12. For the purpose of determining any matter at a meeting of the National Council the decision which is supported by a majority of the members present shall stand. All motions must be duly seconded and shall be decided by a show of hands.
- 25.13. At every meeting of the National Council the minutes on the last preceding meeting shall be read by the General Secretary and signed by the President after confirmation.
- 25.14. The proceedings of any meeting shall not be invalidated by reason of the non- receipt by any member of the notice of that meeting.
- 25.15. If between meetings of the National Council any question arises which is of extreme urgency and can be answered by a plain "yes" or "no", the President may authorise a vote of the members of the committee to be taken by post, electronically or verbally.
- 25.16. The National Council shall have the power whenever it is deemed desirable or necessary, to invite any person or persons to attend its meetings. Such person(s) may attend only in an advisory capacity and shall not have the power to vote at the meeting.



- 25.17. The National Council shall have the power whenever it is deemed desirable or necessary to form sub-committees, dealing with specific issues or areas.

26. THE NATIONAL CONGRESS

- 26.1. The National Congress of the Union shall be held once in every four years, the expenses of such meetings shall be borne by the General funds of the union;
- 26.2. The General Secretary shall give notice to all branches requesting for submission of motion items at least 3 months before Congress date and Nominations of Office Bearers at least 30 days before the date of Congress.
- 26.3. Motion items shall be received by the General Secretary within 60 days from date of notice.
- 26.4. The composition of the delegates and participants to the National Congress shall be determined by the National Executive Committee taking into account membership per given branch and bank branch density as follows:
- | | | |
|----------|----------------|----|
| 26.4.1. | Harare | 9 |
| 26.4.2. | Bulawayo | 7 |
| 26.4.3. | Gweru | 5 |
| 26.4.4. | Mutare | 5 |
| 26.4.5. | Masvingo | 5 |
| 26.4.6. | Kwekwe | 5 |
| 26.4.7. | Chinhoyi | 5 |
| 26.4.8. | Kadoma | 5 |
| 26.4.9. | Victoria falls | 1 |
| 26.4.10. | Hwange | 1 |
| 26.4.11. | Beitbridge | 1 |
| 26.4.12. | Chiredzi | 1 |
| 26.4.13. | Bindura | 1 |
| 26.4.14. | Marondera | 1 |
| 26.4.15. | Gwanda | 1 |
| 26.4.16. | Zvishavane | 1 |
| 26.4.17. | WAC | 22 |
| 26.4.18. | NYWC | 6 |
- 26.5. All outgoing National Executive Committee members
- 26.6. All chairpersons of National Shop Steward Committees
- 26.7. The National Executive Committee may at its discretion invite other trade unions, Federation Centre (Zimbabwe Congress of Trade Unions- ZCTU), international partners and other interest groups to attend the National Congress as observers.
- 26.8. The National Congress shall be overallly responsible for the strategies and policies of the Union, it shall be the supreme decision-making organ of the union;



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- 26.9. All materials pertaining to the business of the National Congress i.e. Agenda, audited financial reports, branch reports and General Secretary's reports shall be circulated 3 weeks before the Congress;
- 26.10. The business of the Congress shall proceed as follows:
- 26.10.1. Accreditation of delegates;
 - 26.10.2. Reading of the notice convening the Congress;
 - 26.10.3. Reading and confirmation of the minutes of the previous National Congress;
 - 26.10.4. Matters arising;
 - 26.10.5. The General Secretary's report to include branch reports;
 - 26.10.6. The President's report;
 - 26.10.7. The financial report and presentation of accounts;
 - 26.10.8. The election of office-bearers and officials;
 - 26.10.8.1. President;
 - 26.10.8.2. 1st Vice President;
 - 26.10.8.3. 2nd Vice President;
 - 26.10.8.4. 3rd Vice President;
 - 26.10.8.5. Treasurer General;
 - 26.10.8.6. Executive Committee Members as prescribed in clause 17.2 of this constitution. Provided that there shall not be more than two executive members from one financial institution. This exception does not affect members elected to hold positions in the Presidium and members who qualify into the National Executive Committee through structures of WAC and National Young Workers Committee.
- 26.11. Appointment of auditors.
- 26.12. Set date of next meeting.
- 26.13. President's closing remarks
- 26.14. The president shall call for a special National Congress upon request by not less than three quarters of the National Executive Committee members or if demanded by majority branches.
- 26.15. The composition of the delegates and participants to this Special National Congress shall be as per clause 26.3.

27. APPOINTMENT, POWERS AND DUTIES OF OFFICE BEARERS AND OFFICIALS

27.1. The President

- 27.1.1. The President shall be elected at the National Congress by a ballot of the delegates attending and entitled to vote.

27.2. The President shall:

- 27.2.1. Preside at all meetings at which he is present;



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- 27.2.2. Enforce observance of this constitution;
- 27.2.3. Sign minutes of meetings after confirmation;
- 27.2.4. And perform all other duties as delegated by the National Congress.
- 27.3. The President shall not have a deliberative vote but shall in the event of an equality of votes, have a casting vote.
- 27.4. The Vice Presidents
 - 27.4.1. The Vice Presidents shall be elected at the National Congress by a ballot of the delegates attending and entitled to vote.
 - 27.4.2. The vice-presidents shall perform duties of the president as and when delegated by the President.
 - 27.4.3. Each Vice President shall chair at least one Sub-Committee such as may be determined by the National Executive Committee from time to time.
 - 27.4.4. Should both the President and the Vice-Presidents be unable, either temporarily or permanently, to perform their duties the National Executive Committee shall appoint one of its members to act as President.

28. TERM OF OFFICE

- 28.1. All elective positions established by this constitution shall be served for a maximum of two consecutive terms per post, subject to the said official being re-nominated and elected for the second term.
- 28.2. Upon expiry of an elected officials' term of office, nothing shall bar such official from running for a different elective post.

29. CONSULTATIVE MEETING

- 29.1. It shall be a requirement that proper consultations between all structures of the Union take place before any major decisions are taken which have an effect on members and in particular the following:
 - 29.1.1. Collective bargaining and collective job action.
 - 29.1.2. Increase in fees and other dues payable by members.
- 29.2. The consultation shall take the form of consultative meetings and written submissions by members.



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30. DISCIPLINE

- 30.1. Any dispute which may arise between members and their branches in connection with the Union matters and which cannot be settled between themselves shall have the right of appeal to the National Executive Committee against the decision of a Branch Committee. Such appeal shall be dealt with by the National Executive Committee and its decision shall be binding regardless of an appeal to the National Congress.
- 30.2. A member maybe suspended, fined or expelled as determined by the Branch Committee if;
- 30.2.1. He fails, within fourteen days of demand in writing by the branch secretary, to pay subscriptions, fines or levies which are more than three months in arrears;
- 30.2.2. He infringes any of the terms of this constitution or acts in a manner which is detrimental to the interest of the Union, provided that there shall be a right of appeal against suspension, the imposition of a fine or expulsion to the first ensuing general meeting of the branch. Notice of any such appeal shall be given to the branch secretary in writing within ten days of which the decision of the Branch Committee was communicated to the person concerned.
- 30.3. No member maybe suspended, fined or expelled unless he has been afforded an opportunity to state his case personally at a meeting of the Branch Committee of which he has received not less than seven days' notice in writing. The matter with which the member is charged shall be set out in such notice.
- 30.4. A member who has appeared before the Branch Committee in accordance with sub-clause 29.5 of this clause shall, if he is dissatisfied with the decision of the branch committee and has lodged an appeal in the manner herein provided have the right to restate his case to the general meeting which will consider the matter
- 30.5. A member shall be entitled to call witnesses in support of his case when attending a meeting of the branch committee or a branch general membership meeting in terms of sub-clauses 29.5 and 29.6 of this clause, as the case maybe.
- 30.6. Any decision taken by the Branch Committee in terms of this section shall, when an appeal has been lodged, be subject to ratification or otherwise by a general membership meeting.
- 30.7. There shall be a right of appeal to the National Executive Committee against the decision of a branch general membership meeting. The National Executive Committee after making such investigation, as it may deem fit, may confirm, vary or reverse the decision of the branch concerned subject to the right to appeal the National Council. A member who is aggrieved by the decision of the National Council may appeal to the National Congress whose decision shall be final.



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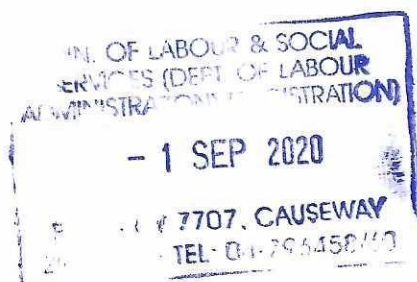
- 30.8. Anyone who is expelled from membership shall upon application be given written reasons for such expulsion. Upon expulsion of a member all monies due to the Union by such member shall become payable. If payment thereof is not made within seven days, the branch committee may take such steps, as it deems necessary to secure a settlement.
- 30.9. A member shall cease to be entitled to the benefits of membership including the right to vote:
- 30.9.1. If the subscription or other charges due by him to the Union are more than three months in arrears;
- 30.9.2. During any period while he is under suspension in terms of this constitution
- 30.9.3. In the event of the subscription or other charges due to the Union by a member being more than three months in arrears, he or she shall continue to be subject to disabilities imposed by clause 29.9.1 above until arrears have been paid. (This clause appears to be a duplication of 30.9.1 & 2 above)

31. INTERPRETATION OF CLAUSES

- 31.1. In case a dispute should arise as to the correct interpretation of any provisions of this constitution, or as to Union matters not covered by this constitution, the National Executive Committee shall determine this dispute, provided that appeals against the National Executive Committee's decisions may be made to the National Congress.

32. DISSOLUTION OF THE UNION

- 32.1. No resolution for the winding-up of the Union shall be of any effect so long as it has fifty (50) members in good financial standing. Should the membership fall below that number the Union shall be wound-up if, in a ballot conducted in terms of this Constitution, 90% of the members entitled to vote, vote in favour of a resolution that the Union be wound-up.
- 32.2. If a resolution for the winding-up of the Union has been passed as provided in sub clause 1 of this clause or, if for any reason the Union is unable to continue to function the following provisions shall apply:
- 32.2.1. The Chairperson of the National Executive Committee in office at the date on which the resolution was passed, or if he is not available, the members of the last-appointed National Executive Committee shall forthwith transmit to the Labour Relations Office in Zimbabwe a Statement signed by him or them setting forth the resolution adopted or the reasons for the Union's inability to continue to function, as the case may be, and the available members shall appoint a Trustee to carry out the winding-up.
- 32.2.2. The trustee shall not be a member of the Union and shall be paid such fees as may be agreed upon between him and the said members of the Union's last-appointed National Executive Committee. Should the parties fail to agree upon the fees to be paid, the Registrar will fix the basis on which the trustee shall be paid.



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- 32.2.3. The trustee so appointed shall call upon the last appointed office-bearers of the Union's books of accounts showing the Union's assets and liabilities, together with the Register of members showing for the twelve months prior to the date on which the resolution for winding-up was passed or the date as from which the Union was unable to continue to function as the case may be (hereinafter referred to as the date of dissolution), the subscriptions paid by such member and his or her address as at that date. The Trustee shall also call upon the said office bearers to hand over to him the Union's assets.
- 32.2.4. The Trustee shall take the necessary steps to liquidate the debts of the Union from its unexpended funds and any other monies realised from assets of the Union, and if the said funds and monies are insufficient to pay all creditors after the trustee's fees and the expense of winding-up have been met, the order in which the creditors shall be subject to the provisions of clause 32.2.7 and be the same as that prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate, and the Trustee's fees and the expenses of winding-up shall rank in order of preference as though there were the costs of sequestration of an insolvent estate, and the Trustee's fees and the expenses of the winding up.
- 32.2.5. Winding-up shall rank in order of preference as though he was a Trustee of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate.
- 32.2.6. After the payment of all debts in accordance with clause 32.2.4, the remaining funds, if any, shall be distributed by the Trustees amongst the members of the Union who were in good financial standing at the date of dissolution and each member shall be awarded a share in proportion to the subscription actually paid by him/her in respect of the twelve months immediately preceding the said date.
- 32.2.7. The liability of members shall, for the purpose of this Section, be limited to the amount of subscriptions due' by them to the Union in terms of this Constitution as at the date of dissolution.

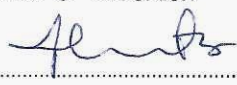
33. AMENDMENTS

- 33.1. Any proposal to repeal, amend or add to any of the provisions of this constitution shall be considered and approved by the National Congress.

PLACE: HARARE


.....
PRESIDENT OF THE UNION

DATE:


.....
GENERAL SECRETARY OF THE
UNION



