



## employment & labour

Department:  
Employment and Labour  
REPUBLIC OF SOUTH AFRICA

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The Secretary  
Security Association of South Africa (SASA)  
Suite 147, POSTNET X2  
HELDERKRUIN  
1733

Dear Sir/Madam

### LABOUR RELATIONS ACT, 1995: AMENDMENT TO THE CONSTITUTION

With reference to your application received on 05 December 2024 please be advised that the organisation's amendment to the constitution has been approved with effect from  
15 January 2025

Attached for your attention is a copy of the approved amendments.

Yours faithfully

DEPUTY REGISTRAR OF LABOUR RELATIONS

DATE: 15/01/2025



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## CERTIFICATE

This is to certify that at an Annual General Meeting of the organisation, held on 13 November 2024, it was resolved to amend/replace the constitution as per the attached amendments/new constitution.

It is further certified that all the provisions of the constitution relating to the adoption of the amendments/new constitution have been complied with.

.....  
**SECRETARY**

**13 January 2025**  
.....

**DATE**

I HEREBY CERTIFY IN TERMS OF SECTION 101 (3) (a) OF THE ACT THAT THE AMENDMENT TO/ REPLACEMENT OF THE CONSTITUTION HAS BEEN REGISTERED ON:- DATE: 15 January 2025 ..... REGISTRAR OF LABOUR RELATIONS
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*Registered as an employers' organisation with the Registrar of Labour Relations  
Registration number LR 2/6/3/831*

**CONSTITUTION**

**of the**

**SECURITY ASSOCIATION  
OF SOUTH AFRICA**

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# **MISSION STATEMENT**

TO BE THE PREFERRED EMPLOYERS  
ASSOCIATION IN THE SECURITY SECTOR  
THROUGH SUSTAINED DILIGENCE, INTEGRITY  
AND EFFORT TOWARDS PROFESSIONAL AND  
MEASURABLE SERVICE LEVELS AND  
STANDARDS THAT WOULD BENEFIT THE  
EMPLOYER, THE EMPLOYEE AND,  
ULTIMATELY, THE CUSTOMER.

# **CODE OF ETHICS**

## **PREAMBLE**

**With the knowledge that the supply of a quality professional security service is dependent upon the integrity of companies, directors and members, the Security Association of South Africa adopts the following Code of Ethics and mandates its total compliance, as a condition of membership of the ASSOCIATION.**

**1.**

**All members will discharge their duties in accordance with the laws of the country.**

**2.**

**All members will maintain the highest standards of honesty and integrity towards their clients, employees and each other.**

**3.**

**All members will discharge their professional responsibilities diligently and in good faith.**

**4.**

**All members must be competent to discharge their professional responsibilities.**

**5.**

**All members will maintain confidentiality and exercise due care to prevent unauthorised disclosure of confidential matters.**

**6.**

**A member shall not maliciously injure the reputation of his colleagues.**

**1. NAME**

The name of the ASSOCIATION shall be the **Security Association of South Africa (SASA)**.

**2. DEFINITIONS**

Any word or expression used in this CONSTITUTION shall have the meaning as herein defined, unless the context clearly indicates otherwise and, unless contrary to the definition as defined in the Labour Relations Act No 66 of 1995 as amended, in which case the meaning as defined in the aforesaid Act shall apply.

- 2.1 ASSOCIATION means the Security Association of South Africa
- 2.2 MEMBER means any sole trader, partnership, company, close corporation or association, in-house security operation, or other security professional persons who have been accepted as a member of the ASSOCIATION and is in good standing.
- 2.3 EMPLOYEES shall mean those persons who are employed by any MEMBER.
- 2.4 SECURITY PROFESSION means the trade or work in which employers and EMPLOYEES are associated for the purposes of guarding or protecting premises, buildings, structures, any property, vehicles, vessels, boats, watercraft, persons or employees, and includes the depositing, withdrawal and cashing or transportation of money or negotiable instruments of any sort for and on behalf of any client, the making up thereof in specified amounts, the placing of specified envelopes or other packages and the handing over of such envelopes or packages to persons as instructed by the client, or the transportation of any other goods that are to be guarded or protected while in transit pursuant to any instruction given and any investigations or services carried out of a security or sensitive nature for or on behalf of any client, or the training of Security Personnel in accordance with the minimum standards as laid down by the Private Security Industry Regulation Act No 56 of 2001 or any amendments thereto.
- 2.5 SECRETARY shall mean the SECRETARY of the ASSOCIATION, which duties, if so decided by the NATIONAL EXECUTIVE COMMITTEE, may be contracted out.
  - 2.5.1 The NATIONAL EXECUTIVE COMMITTEE may appoint additional officials and/or support personnel, as required to fulfill the aims and objectives of the ASSOCIATION.
- 2.6 NATIONAL EXECUTIVE COMMITTEE shall mean the duly elected EXECUTIVE COMMITTEE of the ASSOCIATION.
- 2.7 NATIONAL PRESIDENT shall mean the PRESIDENT of the ASSOCIATION. This shall be an honorary post appointment being at the discretion of the NATIONAL EXECUTIVE COMMITTEE each year, which may if it so wishes, reappoint such National President who will have no voting power at the NATIONAL EXECUTIVE COMMITTEE. Unless the majority of NATIONAL EXECUTIVE COMMITTEE votes otherwise, this position will automatically be held by the NATIONAL CHAIRPERSON immediate past.
- 2.8 NATIONAL CHAIRPERSON shall mean the CHAIRPERSON of the ASSOCIATION.
- 2.9 TREASURER shall mean the TREASURER of the ASSOCIATION, which duties, if so decided by the NATIONAL EXECUTIVE COMMITTEE, may be contracted out.
- 2.10 The masculine gender may include the feminine and neuter genders.
- 2.11 The singular may include the plural and vice versa.
- 2.12 Any reference to a numbered paragraph shall mean a reference to the paragraph of that number in this constitution.

**3. OBJECTS**

The objects of the ASSOCIATION shall be:

- 3.1 to plan and organise its administration and lawful activities;
- 3.2 to regulate relations between MEMBERS and their EMPLOYEES and to protect, further and promote the interests of MEMBERS in relation to their EMPLOYEES;
- 3.3 to promote the interests of MEMBERS;
- 3.4 to encourage the settlement of disputes between MEMBERS and their EMPLOYEES or Trade Unions by Conciliation, Mediation or Arbitration;
- 3.5 to promote compliance in respect of all legal requirements within the ASSOCIATION and the private security industry as a whole;
- 3.6 to promote, support or oppose or suggest amendments, additions or deletions as deemed expedient or reasonable to any proposed legislative measure affecting the interests of MEMBERS;
- 3.7 to provide and when necessary charge for such assistance to MEMBERS on any matter affecting the relationship between MEMBERS and their EMPLOYEES or Trade Unions, including without limiting the generality of same, with any legal assistance as might be necessary;

- 3.8 to negotiate with other associations of employers and EMPLOYEES or with the CCMA, ECC, Bargaining Council Trade Union, Labour Court, Private Security Industry Regulating Authority or any other Government or Quasi-Government body or any other body whatsoever which may be established to deal with any matter which might affect MEMBERS;
- 3.9 to co-operate and affiliate with and participate in the affairs of any South African or international association, the International Labour Association or any other association or organisation, for the benefit of the Association;
- 3.10 to acquire, by purchase, lease or otherwise, any movable or immovable property and to sell, let or otherwise deal with or dispose of any movable or immovable property or other assets belonging to the ASSOCIATION or use such property for such other purposes as the MEMBERS may decide on;
- 3.11 to borrow, invest, lend, subscribe or donate money for the furtherance of any of the objects of the ASSOCIATION;
- 3.12 to promote and use every legitimate means to induce employers to become members of the ASSOCIATION;
- 3.13 to establish, promote and encourage the science and professional practice of security and all operations and matters connected therewith;
- 3.14 to promote and make more effective security measures and to improve the status of MEMBERS and to provide for the exchange, collection, collation, co-ordination and distribution of any knowledge, information, experience, and ideas in all matters of common interest and mutual concern;
- 3.15 to foster and encourage ethical and professional standards of work and conduct of MEMBERS;
- 3.16 to carry out any survey or study, hold conferences, forums, training courses and seminars, and to arrange for the presentation of lectures and the reading of papers on matters of interest to MEMBERS and to foster, promote, encourage and facilitate discussion, study and research on matters of interest to MEMBERS or connected with security and to represent the MEMBERS of the ASSOCIATION in negotiations with any Government, Local or other authority, Committee, Board or any other body where now in existence or hereafter established;
- 3.17 to canvas, collect, and accept subscriptions, donations, bequests of any kind from any source whatsoever and to utilise such funds for the benefit of the ASSOCIATION and its MEMBERS;
- 3.18 to acquire any rights or privileges which may be necessary or reasonably required for the ASSOCIATION;
- 3.19 to establish and administer funds for the benefit of its MEMBERS, their EMPLOYEES and or dependents;
- 3.20 to do such other things as might be in the interests of MEMBERS of the ASSOCIATION which are not inconsistent with any of the objects set out herein;
- 3.21 to institute or defend any action at law as deemed necessary by the NATIONAL EXECUTIVE COMMITTEE;
- 3.22 the ASSOCIATION is not established for the purpose of gain and, accordingly, the ASSOCIATION's income and assets, however derived, shall be applied only towards the promotion of its objects and no part thereof shall be paid or transferred under any circumstances to any of its members, other than in respect of expenses incurred in the performance of any duties delegated to the MEMBER.

#### 4. STATUS OF THE EMPLOYER'S ASSOCIATION

This employer's association shall be a body corporate with perpetual succession, capable of entering into contractual and other relations and of suing and being sued in its own name and shall be an ASSOCIATION not for gain.

#### 5. MEMBERSHIP

5.1 The following shall qualify as a member of the ASSOCIATION, provided that they can show documentary proof of Registration in terms of the Private Security Industry Regulation Act No 56 of 2001 or any amendment thereto:

##### 5.1.1 GOLD MEMBERSHIP -

Any sole trader, firm, partnership, company, close corporation or in-house security entity which is engaged in the Private Security Profession in South Africa shall be eligible as a GOLD MEMBER, provided that the member is able to provide proof of compliance in respect of all legislative requirements upon joining the ASSOCIATION, as well as annually thereafter, upon renewal and/or upon being randomly requested.

Membership criteria is as follows –

- Valid CIPC registration
- PSIRA registration
- Valid proof of good standing with PSIRA
- Valid SARS PIN document
- Valid UIF letter of good standing, or proof of good standing by the submission of the latest 3 (three) months of submission and proof of payment thereof
- Valid COID letter of good standing
- Valid NBCPSS letter of registration and paid-up levies
- Valid PSSPF 13A compliance letter
- Valid Medical Insurance Health letter of good standing
- Proof of submission of their Workplace Skills Plan

- Proof of submission of their Employment Equity Plan (only applicable to members with 50 (fifty) or more employees)
- Valid BB-BEE certificate
- Signed declaration by the MEMBER that they do not make use of any disguised employment relationships, such as co-operatives, unregistered learnerships or independent contractors, the latter also referred to as self-employed security officers.

#### 5.1.2 ORDINARY MEMBERSHIP –

Any sole trader, firm, partnership, close corporation, in-house security entity which is engaged in the Private Security profession in South Africa shall be eligible as an ORDINARY MEMBER, provided that the MEMBER is able to provide proof of compliance in respect of the following legislative requirements upon joining the ASSOCIATION.

Membership criteria is as follows –

- Valid CIPC registration
- PSIRA registration
- Valid PSIRA letter of good standing
- Valid NBCPSS letter of registration and paid-up levies;
- Signed declaration by the MEMBER that they do not make use of any disguised employment relationships, such as co-operatives, unregistered learnerships or independent contractors, the latter also referred to as self-employed security officers.

ORDINARY MEMBERSHIP will be valid for a maximum of 6 (six) months and shall automatically terminate thereafter, if the member is not able to qualify for GOLD MEMBERSHIP within that period.

Promotion to GOLD MEMBERSHIP will require an annual fee payment for one year..

#### 5.1.3 CANDIDATE MEMBERSHIP -

Any sole trader, firm, partnership, close corporation, in-house security entity which is engaged in the Private Security profession in South Africa shall be eligible as a CANDIDATE MEMBER, provided that the MEMBER is able to provide proof of compliance in respect of the following legislative requirements upon joining the ASSOCIATION, as well as annually thereafter, upon renewal.

Membership criteria is as follows –

- Valid CIPC registration
- PSIRA registration

The association will, to the best of their abilities and, as far as practically possible, assist such members in qualifying for a higher level of membership, as per 5.1.1 or 5.1.2 above.

CANDIDATE MEMBERS shall have no vote.

CANDIDATE MEMBERSHIP will be valid for a maximum of 6 (six) months and shall automatically terminate thereafter, if the member is not able to qualify for ORDINARY or GOLD MEMBERSHIP within that period.

Promotion to GOLD MEMBERSHIP will require a *pro rata* annual fee payment for one year.

#### 5.1.4 GOLD AFFILIATE MEMBERSHIP –

Any sole trader, firm, partnership, company or close corporation or ASSOCIATION which is a consumer of private security services or which performs non-guarding services or provides goods or services associated with the Security Profession in Southern Africa shall be eligible for acceptance as an AFFILIATE MEMBER, but shall have no vote. For the purpose of representation, a non-voting member shall not be regarded as a member of the ASSOCIATION.

#### 5.1.5 INDIVIDUAL MEMBERSHIP –

Any individual person who is active, in a managerial role, in the private security industry, either employed by a security service provider or a consumer of private security services, as well as those related or affiliated to the private security industry, shall be eligible for membership of the ASSOCIATION, but shall have no vote. For the purposes of representation, a non-voting member shall not be regarded as a member of the ASSOCIATION. These members' numbers shall not form part of the ASSOCIATION's numbers for purposes of representivity.

5.1.6 HONORARY LIFE MEMBERSHIP -

Any person whom the ASSOCIATION wishes to honour may be appointed as an HONORARY LIFE MEMBER by a majority vote at an ANNUAL GENERAL MEETING of the ASSOCIATION or the NATIONAL EXECUTIVE COMMITTEE. HONORARY LIFE MEMBERSHIP shall be considered the highest mark of esteem the ASSOCIATION can bestow and shall be given only to those who have rendered special and distinguished service to the country or to the Security Profession or to the ASSOCIATION.

HONORARY LIFE MEMBERS may attend all meetings of the ASSOCIATION and enjoy all other ASSOCIATION privileges but shall have no vote. This honour may be removed by the NATIONAL EXECUTIVE COMMITTEE from any person on whom it was bestowed should it be found they have committed any act which brings the ASSOCIATION or the profession into disrepute. This includes any action which by such action and their status in the ASSOCIATION conflicts with its objective or code of ethics;

5.1.7 RECIPROCAL MEMBERSHIP-

The NATIONAL EXECUTIVE COMMITTEE may conclude agreements with organisations who share similar aims and objectives with the ASSOCIATION, with mutual benefits to both parties, which membership shall cease and be withdrawn without notice.

- 5.2 Application for admission or re-admission to membership, together with the Entrance Fee and yearly membership fee, shall be lodged in writing, on the forms prescribed, with the SECRETARY of the ASSOCIATION.
- 5.2.1 Compliance documentation shall be required on an annual basis, prior to the commencement of each membership year, before reconfirmation of membership will be approved.
- 5.2.2 MEMBERS' compliance documentation will be verified and will be deemed to be confidential.
- 5.2.3 The NATIONAL EXECUTIVE COMMITTEE shall have the right, without having to furnish reasons, to request any member(s) to resubmit new compliance documentation at any stage.
- 5.2.4 All compliance documentation is required to be without qualification or any contrary endorsement.
- 5.3 Every application for membership shall be considered by the MEMBERSHIP COMMITTEE, which shall consist of two members of the NATIONAL EXECUTIVE COMMITTEE, one of whom may be a co-opted member, within six weeks of receipt thereof by the NATIONAL SECRETARY;
- 5.4 An applicant to whom admission is refused shall be provided with reasons for such refusal but is entitled to a refund of any membership fee paid, but not the entrance fee, which shall be forfeited to the Association.
- 5.5 If admission to membership is refused by the MEMBERSHIP COMMITTEE, the applicant shall be notified in writing of such fact by the NATIONAL SECRETARY and shall be informed that he has the right of appeal to the NATIONAL EXECUTIVE COMMITTEE. An applicant wishing to appeal shall lodge in writing with the NATIONAL SECRETARY such appeal and forward his application, together with all payments required in terms hereof, to the NATIONAL SECRETARY.
- 5.5.1 Such an appeal shall be lodged by the prospective member within 21 (twenty one) days of being notified of the refusal for membership. A prospective MEMBER lodging an appeal with the NATIONAL EXECUTIVE COMMITTEE shall be afforded an opportunity to state his case personally should he so wish and to call any witnesses in support of any statement made by him in support of his application, should he so desire.
- 5.5.2 The decision of the NATIONAL EXECUTIVE COMMITTEE, in regard to any appeal by a prospective MEMBER, shall be final and binding and the NATIONAL SECRETARY shall notify the prospective MEMBER of the outcome of the appeal.
- 5.5.3 The APPLICANT MEMBER, once all requirements are met, reapply for membership in the relevant category.
- 5.7 With the exception of the Entrance Fee, which shall be forfeited in the case of a rejected membership application, all remaining monies shall be refunded to the unsuccessful applicant without unnecessary delay.
- 5.7 Every MEMBER shall notify the SECRETARY, in writing, of his/her postal address and any change thereof within four weeks of the date on which the change had occurred, as well as any change in the name, interest or shareholding of the MEMBER.
- 5.8 An employer who has resigned or been expelled from the ASSOCIATION may be re-admitted to membership on such conditions as the NATIONAL EXECUTIVE COMMITTEE may determine.

- 5.9 No member may also hold membership of any other employers' organisation in the private security sector, without prior authority from the NATIONAL EXECUTIVE COMMITTEE, with the following exceptions only:
- 5.9.1 SAIDSA, South African Intruder Detection Services Association, which deals with matters related to the alarm monitoring and armed reaction sectors only; and
  - 5.9.2 NBCRFLI, National Bargaining Council for the Road Freight and Logistics Industry, which deals with matters related to the Assets-in-Transit sector.

## 6. TERMINATION OF MEMBERSHIP.

- 6.1 A member may resign by giving one month's notice in writing to the SECRETARY, provided that no resignation shall take effect until all amounts due to the ASSOCIATION by the MEMBER concerned have been paid.
- 6.2 A MEMBER whose membership fees and/or special levies are more than three months in arrears shall automatically cease to be a member of the ASSOCIATION. Such person shall, however, be liable for all monies due to the ASSOCIATION as at the date on which he/she ceases to be a MEMBER of the ASSOCIATION.
- 6.3 Any MEMBER who, within 30 (days) of the commencement of any financial year, has failed to provide the specified compliance documentation shall cease to be a member of the ASSOCIATION.
- 6.4 Any MEMBER who has resigned or has been expelled from the ASSOCIATION in terms of this CONSTITUTION shall be entitled to apply for re-admission to MEMBERSHIP, upon payment of the relevant Entrance Fee and submission of the membership application form and all valid compliance documentation.
- 6.5 Any member who has resigned or who has been expelled shall be, in terms of 6.1 above, liable for all outstanding amounts, as well as legal and tracing costs, plus interest accrued.

## 7. CONDUCT AND DISCIPLINE

- 7.1 A MEMBER may be suspended or expelled as may be determined by the NATIONAL EXECUTIVE COMMITTEE -
  - 7.1.1 if he/she fails, within fourteen days of demand, in writing, to the MEMBER'S last known address by the NATIONAL SECRETARY, to pay membership fees or levies which are more than two months in arrears;
  - 7.1.2 If he/she infringes any of the terms of this CONSTITUTION or acts in a manner which is detrimental to the interests of the ASSOCIATION or of the Private Security Industry; or
  - 7.1.3 If he/she or the company has acted illegally or in any other manner that brings the ASSOCIATION or the private security industry into disrepute.

Provided that there shall be a right of appeal against suspension or expulsion to the next meeting of the NATIONAL EXECUTIVE COMMITTEE. Notice of any intention to such appeal shall be given to the SECRETARY in writing within fourteen days of the date on which the decision of the NATIONAL EXECUTIVE COMMITTEE was communicated to the MEMBER concerned. The decision of the NATIONAL EXECUTIVE COMMITTEE shall be final and binding, and

Provided that the member who has been suspended or expelled shall bear all costs related to the appeal process.

- 7.2 No MEMBER may be suspended or expelled unless he/she has been afforded an opportunity to state his/her case personally at a meeting of the DISCIPLINARY COMMITTEE, which shall consist of two members of the NATIONAL EXECUTIVE COMMITTEE, of whom one may be a co-opted member, of which he/she has received not less than seven days' notice in writing from the SECRETARY. The matter with which the MEMBER is charged shall be set out in such notice. This does not apply to a MEMBER in default in terms of 6.2 (a).
- 7.3 A MEMBER who has appeared before the DISCIPLINARY COMMITTEE in accordance with sub-clause 7.2 shall, if he/she is dissatisfied with the decision of the committee and has lodged an appeal in the manner herein provided, have the right to state his/her case personally or virtually to the NATIONAL EXECUTIVE COMMITTEE, which shall consider the matter.
- 7.4 A MEMBER shall be entitled to call witnesses in support of his/her case when attending a meeting of the DISCIPLINARY COMMITTEE or NATIONAL EXECUTIVE COMMITTEE in terms of sub-clause 7.2 or 7.3, as the case may be.
- 7.5 Any decision taken by the NATIONAL EXECUTIVE COMMITTEE in terms of clause 7.3 shall, after an appeal has been considered, be final and binding.
- 7.6 Upon expulsion of a MEMBER, all moneys due to the ASSOCIATION by such MEMBER shall become payable. If payment thereof is not made within fourteen days the EXECUTIVE COMMITTEE may take such steps as it deems necessary to secure settlement.
- 7.7 A member shall cease to be entitled to any of the benefits of membership, including the right to vote -
  - 7.7.1 if the membership fees or other charges due by him/her to the ASSOCIATION are more than one month in arrears;
  - 7.7.2 during any period while he/she is under suspension in terms of this CONSTITUTION.

## 8. MEMBERSHIP FEES.

- 8.1 An Entrance Fee shall be payable by a MEMBER upon application for membership as per the schedule hereto.
- 8.2 Annual subscriptions shall be determined by the National Executive Committee on an annual basis, as per the schedule hereto.
- 8.3 Subscriptions shall be payable annually in advance to the NATIONAL TREASURER, with a fixed payment schedule, which shall be at the discretion of the NATIONAL EXECUTIVE COMMITTEE.
- 8.4 The annual subscriptions shall become payable as determined by the NATIONAL EXECUTIVE COMMITTEE from time to time and statements in respect thereof shall be dispatched by the NATIONAL TREASURER.
- 8.5 The NATIONAL EXECUTIVE COMMITTEE may at any time, with a view to securing funds for any particular purpose falling within the objects specified in clause 3, impose a special levy on each MEMBER, as follows:
- R1.00 (one rand) per employee per month for three months, invoiced and payable quarterly in advance.
- 8.5.1 In addition, should additional funds be required, the NATIONAL CHAIRMAN shall convene a Special General meeting, at which the additional funding shall be motivated and be subject to a ballot, requiring a simple majority for adoption.
- 8.5 Should subscriptions, levies, fines or dues not have been paid by any MEMBER before any annual general meeting or special general meeting of the ASSOCIATION such MEMBER shall not be entitled to vote at the annual general meeting or at any subsequent meeting until such subscriptions, levies, fines or dues have been paid.
- 8.6 No entrance and subscription fees shall be payable by an HONORARY LIFE MEMBER or RECIPROCAL MEMBER.

## 9. REGIONAL BRANCHES

- 9.1 The NATIONAL EXECUTIVE COMMITTEE shall have the power from time to time to consent to the formation of further REGIONAL BRANCHES on such terms and conditions as it deems fit.
- 9.2 REGIONAL BRANCHES shall not make representations to any Government or Quasi Government Body or to any CCMA, Private Security Industry Regulatory Authority or Bargaining Council Forum without the express permission of the NATIONAL EXECUTIVE COMMITTEE. Should any REGIONAL BRANCH desire to make any representations to any such body, same shall be forwarded to the NATIONAL EXECUTIVE COMMITTEE for the consideration of such committee and possible onward transmission.

## 10. NATIONAL EXECUTIVE COMMITTEE

- 10.1 The affairs of the ASSOCIATION on a national basis shall be dealt with, coordinated, and managed by the NATIONAL EXECUTIVE COMMITTEE, who shall determine matters of national interest, deal with negotiations with any CCMA, ECC, Private Security Industry Regulatory Authority, Bargaining Council, Government departments or Quasi Government ASSOCIATION and any other matter of common interest to MEMBERS as they might deem fit and to co-ordinate the activities of the REGIONAL BRANCHES, should BRANCHES have been established as envisaged in 9.1.
- 10.2 The NATIONAL EXECUTIVE COMMITTEE shall have the power to co-opt further executives, and appoint a NATIONAL SECRETARY and a NATIONAL TREASURER, or any other employee or contractor, as they may deem fit or necessary, but such co-opted or appointed individuals shall have no vote at meetings of the ASSOCIATION.
- 10.2.1 The position of SECRETARY and TREASURER may be combined and given to one person or ASSOCIATION.
- 10.2.2 The following additional persons may be co-opted to the National Committee, but shall have no vote:
- A representative of the publishers of the official magazine for the ASSOCIATION
  - The Chairman of the South African Institute of Security (SAIS)
- 10.3 A minimum of 7 (seven) and a maximum of 15 (fifteen) members of the NATIONAL EXECUTIVE COMMITTEE shall be elected by ballot by members of the EMPLOYER'S ASSOCIATION at the ANNUAL GENERAL MEETING and they shall hold office for two years and thereafter, until the next election, and they shall be eligible for re-election on termination of their period of office, provided that the chairpersons of the Regional Divisions shall automatically qualify for seats on the NATIONAL EXECUTIVE COMMITTEE.
- 10.3.1 The elected members of the NATIONAL EXECUTIVE COMMITTEE may nominate a competent alternate to act in their stead, should they be unable to personally attend any scheduled or special meeting.
- 10.3.2 The NATIONAL EXECUTIVE COMMITTEE shall, as soon as possible after the ANNUAL GENERAL MEETING or SPECIAL GENERAL MEETING at which they were elected, appoint a CHAIRPERSON and VICE-PERSON from amongst their own ranks.
- 10.4 The NATIONAL CHAIRPERSON may not serve more than 1 (one) term of two years in office. The NATIONAL CHAIRPERSON and VICE CHAIRPERSON of the NATIONAL EXECUTIVE COMMITTEE shall be CHAIRPERSON and VICE CHAIRPERSON of the ASSOCIATION.
- 10.5 The NATIONAL CHAIRPERSON shall be chairman of all NATIONAL EXECUTIVE MEETINGS. In the absence of the NATIONAL CHAIRPERSON the VICE-CHAIRPERSON shall be chairperson. If both are absent the MEMBERS then present shall elect a chairperson for that meeting.

- 10.6 The NATIONAL CHAIRPERSON shall, after his term of office has been completed, be appointed as the NATIONAL PRESIDENT of the ASSOCIATION, which shall be an honorary position, without voting powers, for a two year term, until the appointment of the next NATIONAL PRESIDENT.
- 10.7 The NATIONAL EXECUTIVE COMMITTEE shall, subject to this Constitution, have the power to:
- 10.7.1 recommend the ASSOCIATION's participation in the establishment of any Bargaining Council Forum under the provisions of the Labour Relations Act of 1995 as amended;
  - 10.7.2 appoint from time to time such committees as it may deem fit for the purposes of investigating and reporting on any matter, including but not limited to, a DISCIPLINARY COMMITTEE and MEMBERSHIP COMMITTEE;
  - 10.7.3 hear any appeal by any proposed MEMBER as provided for herein;
  - 10.7.4 engage and dismiss, except where otherwise provided in this CONSTITUTION, any employees of the employer's ASSOCIATION including the NATIONAL SECRETARY, to fix their remuneration and to define their duties;
  - 10.7.5 fix conditions under which any former member shall be readmitted and to suspend or expel any MEMBER for cause appearing sufficient in the sole discretion of the NATIONAL EXECUTIVE COMMITTEE;
  - 10.7.6 institute or defend legal proceedings on behalf of or against the ASSOCIATION;
  - 10.7.7 acquire by purchase, lease or otherwise any movable or immovable property on behalf of the ASSOCIATION to sell, let or otherwise deal with or dispose of any movable or immovable property belonging to the ASSOCIATION;
  - 10.7.8 make and enforce any bye-law relating to procedural administrative and disciplinary matters not inconsistent with the provisions of this Constitution, the Labour Relations Act No. 66 of 1995 as amended, or any other law;
  - 10.7.9 open and operate banking accounts in the name of the ASSOCIATION;
  - 10.7.10 institute legal proceedings on behalf of MEMBERS and provide assistance to MEMBERS on matters affecting relationship between themselves and their EMPLOYEES and to institute legal proceedings against individual MEMBERS;
  - 10.7.11 other lawful things as, in the opinion of the NATIONAL EXECUTIVE COMMITTEE, appear to be in the interests of the ASSOCIATION which are not inconsistent with the objects as set out in clause 3 hereof or provided elsewhere herein.

## 11. DUTIES OF OFFICE BEARERS AND OFFICIALS OF THE ASSOCIATION

The duties of office bearers and officials of the ASSOCIATION shall be as set out hereunder:

### 11.1 CHAIRPERSON

The Chairperson shall preside over all meetings at which he is present, and enforce observance of the CONSTITUTION of the ASSOCIATION, and shall sign minutes of any meetings after confirmation and endorse all accounts for payment after approval by the NATIONAL EXECUTIVE COMMITTEE, generally exercise supervision over the affairs of the ASSOCIATION and perform such other duties as by usage and custom pertain to the office. The CHAIRPERSON shall have, in the event of deadlock or equality of voting, a casting vote.

### 11.2 VICE-CHAIRPERSON

The VICE-CHAIRPERSON shall exercise the powers and perform the duties of the CHAIRPERSON in the absence of the latter.

### 11.3 ACTING CHAIRPERSON

In the event of both the CHAIRPERSON and VICE-CHAIRPERSON being unable, either temporarily or permanently, to perform their duties, the EXECUTIVE COMMITTEE shall appoint a MEMBER of the ASSOCIATION to act as CHAIRPERSON or VICE-CHAIRPERSON until the CHAIRPERSON or VICE-CHAIRPERSON is able to resume his/her duties or until the next election, as the case may be.

### 11.4 NATIONAL SECRETARY

The NATIONAL SECRETARY shall keep proper records in such form as may be prescribed by the NATIONAL EXECUTIVE COMMITTEE and see to the proper recording of minutes, the relevant issue of notices of meetings, the conduct of all correspondence for and on behalf of the ASSOCIATION, shall keep originals of all letters received and copies of all letters dispatched and report on all correspondence entered into since the previous meeting, for a period of 3 (three) years.

The NATIONAL SECRETARY shall keep a register of MEMBERS, and record therein, inter alia every MEMBER's registered name, trading name, address, date of enrolment and whether or not the annual subscription and other amounts levied has been paid.

The NATIONAL SECRETARY shall take the necessary steps to ensure that the requirements of Sections 98, 99, 100 of the Labour Relations Act No. 66 of 1995 as amended are complied with.

11.5 NATIONAL TREASURER

The NATIONAL TREASURER shall keep proper books in such form as may be prescribed by the NATIONAL EXECUTIVE COMMITTEE of accounts in accordance with normally accepted bookkeeping practice, shall issue receipts, bank all monies like received, see to the proper preparation of budgets, balance sheet and statement of income and expenditure, keep a register of all assets of the ASSOCIATION, record subscriptions received from MEMBERS and table at each and every GENERAL or EXECUTIVE MEETING a monthly statement of income and expenditure. Monthly accounts shall be submitted to the NATIONAL EXECUTIVE COMMITTEE at least once per quarter.

11.6 OTHER EXECUTIVE COMMITTEE MEMBERS

The remaining members of the NATIONAL EXECUTIVE COMMITTEE shall perform duties as delegated by the CHAIRPERSON, but shall consist of duties and responsibilities relating to the management of the ASSOCIATION.

12. VACATION OR REMOVAL OF OFFICE BEARERS AND OFFICIALS FROM OFFICE.

12.1 Any MEMBER of the NATIONAL EXECUTIVE COMMITTEE shall vacate his seat in any one of the following circumstances:

12.1.1 Upon his/her company's resignation, suspension or expulsion from membership of the ASSOCIATION;

12.1.2 Upon absenting himself without permission from 3 (three) consecutive committee meetings;

12.1.3 Upon ceasing to be in good standing;

12.1.4 Upon any written resignation being filed by such office bearer and accepted by the next meeting of the NATIONAL EXECUTIVE COMMITTEE.

12.2 An office bearer or official may be removed from office:

12.2.1 if he/she infringes any of the provisions of the CONSTITUTION; or

12.2.2 if he/she acts in a manner which is detrimental to the interests of the ASSOCIATION.

12.3 No office bearer or official may be removed from office unless he/she has been afforded a chance to state his/her case personally at a meeting of the DISCIPLINARY COMMITTEE.

12.4 Any office bearer or official who has appeared before the DISCIPLINARY COMMITTEE and who is dissatisfied with the decision of that COMMITTEE, shall have the right to appeal to the NATIONAL EXECUTIVE COMMITTEE. Notice of appeal shall be given to the NATIONAL SECRETARY, in writing, within seven days of the date on which the decision of the DISCIPLINARY COMMITTEE was communicated to the person concerned. The NATIONAL EXECUTIVE COMMITTEE may confirm or reverse the decision of the DISCIPLINARY COMMITTEE and the decision of the NATIONAL EXECUTIVE COMMITTEE shall be final.

13. MEETINGS OF THE ASSOCIATION

13.1 ANNUAL GENERAL MEETINGS AND SPECIAL GENERAL MEETINGS

13.1.1 The supreme governing body of the employers' ASSOCIATION shall be the ANNUAL GENERAL MEETING, which shall consist of the NATIONAL EXECUTIVE COMMITTEE, as well as any other member of the ASSOCIATION.

13.1.2 The ASSOCIATION shall hold an ANNUAL GENERAL MEETING, which shall, as far as is possible, be held in the month of August of each year.

The Annual General Meeting shall be held not later than six months after the end of each financial year of the Association and provided that not more than 15 months shall lapse between the date of one Annual General Meeting of the Association and that of the next.

13.1.3 The NATIONAL CHAIRPERSON shall be chairman and, in his/her absence, the NATIONAL VICE-CHAIRPERSON shall be chairperson of the ASSOCIATION'S GENERAL or ANNUAL GENERAL MEETINGS. If both are absent, the meeting shall elect a MEMBER to be chairperson of the ANNUAL GENERAL MEETING or of any SPECIAL GENERAL MEETING.

13.1.4 The business of the ANNUAL GENERAL MEETING shall primarily be –

- (i) the bi-annual nomination and election by ballot of members of the NATIONAL EXECUTIVE COMMITTEE;
- (ii) the consideration of reports from the CHAIRPERSON, NATIONAL SECRETARY, NATIONAL TREASURER and other special reports;
- (iii) the formulation of policy; and
- (iv) discussion of matters as per the agenda.

13.1.5 Resolutions of the ANNUAL GENERAL MEETING shall be adopted by majority vote of members in attendance and, where applicable, proxies. Voting on a resolution shall be by show of hands unless the ANNUAL GENERAL MEETING decides otherwise and the CHAIRPERSON or other presiding person shall have a casting vote, in addition to his/her deliberative vote.

- 13.1.6 Candidates for the positions on the NATIONAL EXECUTIVE COMMITTEE shall be nominated by members in good standing.. Written nominations, duly signed by the proposer and the seconder, and by the nominee in token of his/her acceptance, must be handed/faxed/mailed to the Secretary no later than 7 (seven) days prior to the ANNUAL GENERAL MEETING or SPECIAL GENERAL MEETING called for the election of the NATIONAL EXECUTIVE COMMITTEE.

In the event that more than 7 (seven) nominations, conforming to the format as set out herein, being received for the 7 (seven) NATIONAL EXECUTIVE COMMITTEE posts by the SECRETARY, the following shall apply:

- The NATIONAL PRESIDENT or in his/her absence any other person not nominated shall be appointed as an electoral officer.
  - Voting for the NATIONAL EXECUTIVE COMMITTEE member posts shall be by ballot.
  - The Electoral officer shall appoint a polling officer to assist him/her with the gathering and counting of votes.
  - The polling officer shall hand to each member entitled to vote, a ballot form on which the member shall record the names of the candidates for whom he/she is voting.
  - The polling officer shall then collect the ballot forms and hand them to the electoral officer, the electoral officer and the polling officer shall count them and announce the result.
  - The candidates with the highest votes shall be declared elected.
  - Subject to approval by the members present, all those nominated may be elected to the NATIONAL EXECUTIVE COMMITTEE, thus not requiring a vote.
- 13.1.7 A SPECIAL GENERAL MEETING shall be convened by the chairperson whenever at least 25% (twenty five percent) of the MEMBERS in good standing request so in writing, clearly setting out their reasons for such request. Such written requests are to be forwarded to the SECRETARY who shall convey these to the NATIONAL CHAIRPERSON for his/her consideration as soon as possible.
- 13.1.8 Should reasons of urgency be given in the notice the CHAIRPERSON may authorise the calling of a SPECIAL GENERAL MEETING at short notice.
- 13.1.9 The quorum for all ANNUAL GENERAL MEETINGS and SPECIAL GENERAL MEETINGS shall be at least half of the GOLD MEMBERS in good standing of the ASSOCIATION, in person or by proxy.
- 13.1.9.1 If a quorum is not attained within 30 (thirty) minutes of the scheduled commencement time of the meeting, the meeting shall be adjourned until the same time exactly a week later, at the same venue if possible. Should the minimum 50% (fifty per cent) of the members in good standing still not be reached, then those present at the postponed meeting shall constitute a quorum.

## 13.2 NATIONAL EXECUTIVE COMMITTEE MEETINGS

- 13.2.1 The NATIONAL EXECUTIVE COMMITTEE shall hold meetings at least once every quarter.
- 13.2.2 The NATIONAL CHAIRPERSON shall be chairman and, in his absence the NATIONAL VICE-CHAIRPERSON shall be chairperson of the ASSOCIATION's NATIONAL EXECUTIVE COMMITTEE meeting. If both are absent the meeting shall elect a MEMBER to be chairperson of the NATIONAL EXECUTIVE COMMITTEE meeting.
- 13.2.3 The business of the NATIONAL EXECUTIVE COMMITTEE shall primarily be any business which is consistent with its aims, objectives and duties, but shall also include, inter alia, the day to day running of the affairs of the ASSOCIATION.
- 13.2.4 An extraordinary meeting of the NATIONAL EXECUTIVE COMMITTEE shall be convened by the NATIONAL CHAIRPERSON whenever at least 25% (twenty five percent) of the NATIONAL EXECUTIVE COMMITTEE request so in writing, clearly setting out their reasons for such requisition. Such written requests are to be forwarded to the SECRETARY, who shall convey these to the NATIONAL CHAIRPERSON for his/her consideration as soon as possible.
- 13.2.5 Should reasons of urgency be given in the notice the CHAIRPERSON may authorise the calling of an extraordinary meeting of the NATIONAL EXECUTIVE COMMITTEE at short notice.
- 13.2.6 The quorum for all meetings of the NATIONAL EXECUTIVE COMMITTEE shall be at least 50% plus 1 of the elected members of the NATIONAL EXECUTIVE COMMITTEE.
- 13.2.7 If a quorum is not attained within 30 (thirty) minutes of the scheduled commencement time of the meeting, the meeting shall be adjourned until the same time exactly a week later, at the same venue if possible. Should the minimum 50% (fifty per cent) of the NATIONAL EXECUTIVE COMMITTEE members still not be reached, then those present at the postponed meeting shall constitute a quorum.

- 13.2.7 In the event of a NATIONAL EXECUTIVE COMMITTEE meeting, should any co-opted NATIONAL EXECUTIVE COMMITTEE member exist, then and in such an instance such co-opted NATIONAL EXECUTIVE COMMITTEE members shall not form part of any quorum.
- 13.2.8 Any MEMBER of the ASSOCIATION shall be permitted to attend any meeting of the NATIONAL EXECUTIVE COMMITTEE as an observer, by prior arrangement with the SECRETARY.

#### 14. FINANCES OF THE ASSOCIATION

- 14.1 All amounts due to or collected on behalf of the ASSOCIATION shall be paid to the NATIONAL TREASURER who shall deposit them in such bank as may be decided upon by the NATIONAL EXECUTIVE COMMITTEE. Receipts shall be issued for all cash monies received. All monies receivable shall be deposited within 4 (four) days of receipt thereof.
- 14.2 The funds of the ASSOCIATION shall be applied to the payment of expenses, the acquisition of property, the attainment of the objectives set forth in clause 3 and such other purposes as may be decided upon by the NATIONAL EXECUTIVE COMMITTEE or by MEMBERS voting by ballot for the attainment of any of the said objects.
- 14.3 Payments shall require the prior approval of the NATIONAL EXECUTIVE COMMITTEE and shall be made by bank transfer, approved by the CHAIRPERSON and the SECRETARY, except when the amount in question is less than R50.00 (fifty rand), when payment may be made from petty cash.
- 14.4 A NATIONAL EXECUTIVE COMMITTEE member, or any other member who resigns or is expelled from membership shall have no claim on the funds of the ASSOCIATION as from the date on which the resignation or expulsion takes place.
- 14.5 The financial situation, such as cash flow, state of debtors and details of creditors, shall be submitted at every meeting of the NATIONAL EXECUTIVE COMMITTEE, as well as on a monthly basis during intervening months.
- 14.6 In accordance with the provisions of the Labour Relations Act, 1995, the TREASURER shall prepare a statement of income and expenditure and a balance sheet in respect of each financial year ending on the 28<sup>th</sup> February each year. Such statements and balance sheets shall be submitted for audit within 30 days of the financial year end.
- 14.7. Such auditor shall not be a member of the ASSOCIATION.
- 14.8 The NATIONAL SECRETARY shall provide the Registrar of Labour Relations with a certified copy of the auditor's report and the financial statements, as well as any other information required.
- 14.9 Such accounts shall be made available to all MEMBERS at the next ANNUAL GENERAL MEETING of the ASSOCIATION.

#### 15. REPRESENTATION ON BARGAINING OR STATUTORY COUNCIL

- 15.1 A SPECIAL GENERAL MEETING or ANNUAL GENERAL MEETING of the ASSOCIATION may, at any time, decide that the ASSOCIATION shall become a party to Bargaining or Statutory Council or refer any matter in dispute to the Council for Conciliation, Mediation and Arbitration for resolution.
- 15.2 Candidates for election as representatives on any such council or committee shall be nominated at the meeting and the election shall take place by ballot as provided for in terms of this Constitution. Only MEMBERS present, or their proxies, and entitled to vote at such meeting or cast ballots. This procedure shall also apply if the council is established at the request of some other party.
- 15.3 ASSOCIATION representatives on such Councils may be removed by resolution taken at any SPECIAL GENERAL MEETING or ANNUAL GENERAL MEETING of the ASSOCIATION. Representatives may resign on giving 2 (two) months' notice to the NATIONAL SECRETARY or such notice as may be prescribed in the Constitution of the Council concerned.
- 15.4 In the event of the resignation or death of a representative on any Council or his removal by general meeting, the vacancy shall be filled by a member of the NATIONAL EXECUTIVE COMMITTEE pending the next SPECIAL GENERAL MEETING or ANNUAL GENERAL MEETING and pending election of a new representative.
- 15.5 Representatives shall have full power, subject to prior ratification by the NATIONAL EXECUTIVE COMMITTEE or by any SPECIAL GENERAL MEETING or ANNUAL GENERAL MEETING, to enter into agreements on behalf of the ASSOCIATION relating to the business for which they have been elected.

#### 16. BALLOTS

- 16.1 In addition to those cases in respect of which the taking of a ballot of MEMBERS of the whole ASSOCIATION is compulsory in terms of this CONSTITUTION, a ballot on any question shall be taken if the NATIONAL EXECUTIVE COMMITTEE so decides, and shall also be taken -
- 16.1.1 if demanded in writing by at least 25% (twenty five percent) of the MEMBERS in good standing present of the ASSOCIATION; and
- 16.1.2 on any proposal to call a lock-out.

- 16.2 Such ballots shall be conducted in the following manner:
- 16.2.1 Notice of ballot shall be given to each MEMBER of the ASSOCIATION in writing at least 3 (three) days before the ballot is to be taken, provided that a ballot may be taken without notice at any general meeting of the ASSOCIATION on the decision of a majority of the MEMBERS present.
  - 16.2.2 Two scrutineers shall be appointed by the EXECUTIVE COMMITTEE at a SPECIAL GENERAL MEETING or ANNUAL GENERAL MEETING of the ASSOCIATION at which such ballot is being taken to supervise any ballot and to ascertain the result thereof.
  - 16.2.3 Except in the case of postal ballots and ballots taken at SPECIAL GENERAL MEETINGS on the decision of a majority of MEMBERS present, ballots shall be conducted at the place on the date and during the hours as may be specified in the said notice.
  - 16.2.4 Ballot papers shall be provided by the SECRETARY. The issue to be voted upon shall be set forth clearly on the ballot paper and such paper shall not contain any information by means of which the identity of any voter can be ascertained.
  - 16.2.5 One ballot paper only shall be issued on demand at the place during the hours fixed for the taking of the ballot to each MEMBER who is entitled to vote.
  - 16.2.6 Each voter shall in the presence of the scrutineers be issued with one ballot paper which shall be completed, folded and deposited in a ballot box provided for the purpose.
  - 16.2.7 Ballot boxes shall be inspected by the scrutineers and sealed by the SECRETARY in their presence prior to the issuing of ballot papers. Ballot papers bearing marks other than the marks required in recording the vote shall be regarded as spoilt and shall not be counted.
  - 16.2.8 On completion of the ballot or so soon thereafter as possible the result shall be ascertained by the scrutineers in the presence of the SECRETARY and made known to the NATIONAL EXECUTIVE COMMITTEE.
  - 16.2.9 Ballot papers, including spoilt papers, shall be placed in a container, which shall be sealed after they have been counted, and retained by the SECRETARY for not less than three years unless all of those present agree the ballot papers be destroyed.
  - 16.2.10 In the event that the meeting is held virtually, such ballot shall be conducted by a show of hands, but there shall be no record kept of who voted in favour of or against the motion concerned.
- 16.3 The NATIONAL EXECUTIVE COMMITTEE may decide that a postal ballot of MEMBERS shall be taken, in which event the ballot shall be conducted in the following manner:
- 16.3.1 The SECRETARY shall send by registered post, to each MEMBER of the ASSOCIATION, a ballot paper and a stamped and addressed envelope marked "Ballot". The ballot paper shall, on completion, be inserted in the envelope provided for the purpose, shall be sealed and posted so as to reach the SECRETARY within 14 days from date of dispatch from head office to such MEMBER. On receipt of such envelopes, the SECRETARY shall immediately place such envelopes in a sealed ballot box.
    - 16.3.1 In the case of an urgent matter, the NATIONAL CHAIRMAN may authorise the use of electronic means for the distribution and casting of postal ballots.
  - 16.3.2 Two scrutineers shall be appointed by the NATIONAL EXECUTIVE COMMITTEE to ascertain the result of the ballot. The ballot box shall be opened and the ballot papers counted by scrutineers in the presence of the SECRETARY, who shall immediately advise the NATIONAL EXECUTIVE COMMITTEE of the result of the ballot.
- 16.4 The same procedure shall *mutatis mutandis* apply to a postal ballot confined to MEMBERS of the NATIONAL EXECUTIVE COMMITTEE.
- 16.5 In any ballot conducted in connection with any election, the candidates, up to the required number, receiving the highest number of votes shall be declared elected.
- 16.6 The NATIONAL EXECUTIVE COMMITTEE shall be bound to take action according to the decision of a majority of the MEMBERS voting in a ballot.
- 16.7 The ASSOCIATION shall, before calling a lock-out, conduct a ballot of those of its MEMBERS in respect of whom it intends to call the lock-out.
- 16.8 Notwithstanding anything to the contrary contained in the CONSTITUTION, MEMBERS of the ASSOCIATION shall not be disciplined or have their membership terminated for failure or refusal to participate in the lock-out if -
- 16.8.1 no ballot was held about the lock-out; or
  - 16.8.2 a ballot was held, but a majority of the MEMBERS who voted did not vote in favour of the lock-out.
- 16.9 No ballot involving the declaration of or participation in a lock out shall be taken until the matter has been dealt with as provided for in The Labour Relations Act No. 66 of 1995 as amended.

## 17. NOTICES

- 17.1 All notices to be forwarded in terms hereof shall be forwarded by, electronic mail, by post and shall be presumed to have been received on the third business day after posting, or in the case of electronic mail, the day of transmission.
- 17.2 All notices posted shall be forwarded to the last known address of the MEMBER.

## 18. RESIGNATION

Any MEMBER of the ASSOCIATION may resign by giving 1 (one) month notice in writing to the NATIONAL SECRETARY, subject to all financial commitments towards the ASSOCIATION having been met.

## 19. WINDING UP

- 19.1 The ASSOCIATION shall be wound up if a ballot conducted in the manner prescribed in this CONSTITUTION indicates that not less than seventy five percent of the total number of MEMBERS of the ASSOCIATION entitled to vote, vote in favour of a resolution that the ASSOCIATION be wound up in terms of the provisions of The Labour Relations Act No 66 of 1995 as amended or if for any reason the ASSOCIATION is unable to continue to function.
- 19.2 The last-appointed NATIONAL CHAIRPERSON of the ASSOCIATION, or if he/she is not available, the available MEMBERS of the last-appointed EXECUTIVE COMMITTEE of the ASSOCIATION, shall forthwith transmit to the Labour Court a statement signed by him/her or them setting forth the resolution adopted of the reasons for the ASSOCIATION's inability to continue to function, as the case may be, and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act, 1995.
- 19.2.1 The liquidator appointed by the Labour Court shall call upon the last appointed office bearers of the ASSOCIATION to deliver to him/her the ASSOCIATION's books of accounts showing the assets and liabilities together with the register of MEMBERS for the 12 months prior to the date on which the resolution for winding-up was passed or to the date as from which the ASSOCIATION was unable to continue to function, as the case may be (hereinafter referred to as the date of dissolution), showing the membership fees paid by each MEMBER and his/her address as at said date.
- 19.2.2 The liquidator shall also call upon the said office bearers to hand over to him/her all unexpended funds of the ASSOCIATION and to deliver to him/her the ASSOCIATION's assets and the documents necessary in order to liquidate the assets.
- 19.3 The liquidator shall take the necessary steps to liquidate the debts of the ASSOCIATION from its unexpended funds and any other monies realised from any assets of the ASSOCIATION, and if the said funds and monies are insufficient to pay all creditors after the liquidator's fees and the expenses of winding-up have been met, the order in which creditors shall be paid shall be the same as prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate, and the liquidator's fees and expenses of winding-up shall rank in order as though the expenses were the costs of sequestration of an insolvent estate.
- 19.4 After the payment of all debts in accordance with paragraph 19.3, the remaining funds, if any, shall be distributed among the remaining MEMBERS of the ASSOCIATION on the basis of membership and levies fees actually paid during the 12 months prior to the date of dissolution.
- 19.5 After payment of all the liabilities, any assets that cannot be disposed of in accordance with the provisions of this clause shall be realised by the liquidator and the proceeds paid to the Commission of Conciliation, Mediation and Arbitration in accordance with section 103(5) of the Labour Relations Act, 1995.
- 19.6 The liability of MEMBERS shall for the purpose of this clause be limited to the amount of subscriptions and levies due by them to the ASSOCIATION in terms of this CONSTITUTION as at the date of dissolution.

## 20. AMENDMENTS

- 20.1 The provisions of this CONSTITUTION may be repealed, amended, deleted or added to by resolution duly passed by any SPECIAL GENERAL MEETING or ANNUAL GENERAL MEETING of the ASSOCIATION, provided that at least 14 (fourteen) days' notice of any proposed alteration shall have been given to MEMBERS. No amendments, alterations, additions or deletions shall have any force or effect until certified in terms of Section 101 (3) of The Labour Relations Act. No 66 of 1995, as amended.
- 20.2 Not less than two-thirds of the votes of members present and voting at the meeting shall be required to authorise the alteration of this CONSTITUTION or Byelaws.

## 21. REPRESENTATION AND ALTERATIONS

A MEMBER shall be entitled to nominate another MEMBER of the ASSOCIATION to represent him to act as his alternative. The name and contact details of the person so nominated shall be communicated to the NATIONAL SECRETARY in writing by the MEMBER concerned. If a change is made to such representative or alternate MEMBER such change shall be notified to the NATIONAL SECRETARY.

However, should the proxy representative not be present at the relevant meeting, the Chairperson of the meeting shall exercise the proxy.

**22. VOTING**

- 22.1 Each ACTIVE MEMBER shall have one vote, except that the CHAIRPERSON of a meeting shall have both a deliberative and a casting vote, either of which he may exercise at his/her own discretion.
- 22.2 Unless otherwise stated, all motions put to the vote at meetings shall be decided by the vote of a majority of the MEMBERS present and voting, on a show of hands, unless a secret ballot is beforehand demanded by at least 25% of the MEMBERS then present and entitled to vote at such meeting.
- 22.3 ACTIVE MEMBERS who are unable to attend a meeting, and whose alternatives are unable to attend that meeting, may vote by proxy. Proxy votes must be submitted in writing, recorded on the official letterhead of the ACTIVE MEMBER, or any special form circulated by the SECRETARY for this purpose and signed by the nominated representative of the ACTIVE MEMBER, to the SECRETARY, clearly identifying the person nominated to vote on behalf of that ACTIVE MEMBER.

**23. LIABILITY OF MEMBERS AND OFFICE BEARERS**

- 23.1 The fact that a person is a MEMBER of the ASSOCIATION does not make the MEMBER liable for any of the obligations or liabilities of the ASSOCIATION.
- 23.2 A MEMBER or OFFICE BEARER of the ASSOCIATION will not be personally liable for any loss suffered by any person as a result of an act performed or omitted in good faith by the MEMBER or OFFICE BEARER while performing their functions for and on behalf of the ASSOCIATION.

**APPROVED AND SIGNED AT JOHANNESBURG ON THIS 13<sup>TH</sup> DAY OF NOVEMBER 2024, AT JOHANNESBURG.**



**LOUIS MKHETHONI  
NATIONAL PRESIDENT**



**MARCHEL COETZEE  
NATIONAL CHAIRPERSON**



**TONY BOTES  
NATIONAL ADMINISTRATOR**

## **SCHEDULE OF FEES**

Valid as from 1 March 2024

### **ANNUAL FEES TO BE DETERMINED AS NECESSARY**

<b>Membership Category</b>	<b>Joining Fee (once off) (Payable upon application)</b>	<b>Annual Membership Fee (Payable before 1 March of each year)</b>
Gold Membership <sup>1</sup>	R1,000.00	R8,060.00
Ordinary Membership	R1,000.00	R1,575.00
Candidate Membership	R1,000.00	R1,000.00
Gold Affiliate Membership	R1,000.00	R5,565.00
Individual Membership	R 250.00	R1,365.00
Special Levies	The NATIONAL EXECUTIVE COMMITTEE has the right, in terms of this constitution, to raise a Special Levy, to further the aims and objective of the ASSOCIATION or for any special project or matter, provided that this Special Levy shall not exceed R1.00 (one rand) per employee per month, for a maximum of three months, once per quarter.	
Note:	1.	The SASA National Executive Committee will consider a tiered fee structure in respect of annual fees for Gold members, based on their number of employees.