



CONSTITUTION OF THE INDUSTRIAL AND COMMERCIAL WORKERS' UNION (ICU), GHANA

AS ADOPTED BY THE 8TH REGULAR QUADRENNIAL DELEGATES CONFERENCE HELD AT
THE KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY, (KNUST) KUMASI,
FROM 13TH - 15TH JANUARY, 2009

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PREAMBLE

WHEREAS:

The organization of workers into Trades Unions is essential for the Economic, Social and Political independence of any society and also for the successful functioning of Democracy, providing a framework for the protection of the rights of workers to live and work without discrimination, suppression or exploitation; and

WORKERS have a constitutionally guaranteed right to freedom of association, including the right to self-organization and the designation of their representation to negotiate the terms and conditions of their employment, free from interference, restraint or coercion by employers or their agents, in the exercise of their rights for the purpose of collective bargaining or other mutual aid and protection; and

THE natural right of those who labour is to enjoy to the fullest extent the fruits of their labour, and since it is impossible to obtain the full reward of labour except by united action through organization founded upon sound democratic principles along economic, co-operative and industrial lines,

WE, the members of the Industrial and Commercial Workers' Union hereby enact and adopt for ourselves this Constitution and pledge to stand united by the principles set forth herein.



NAME, MOTTO, OFFICE AND MEETING PLACE

Name

1. (1) The organization constituted by this Constitution shall be known as the Industrial and Commercial Workers' Union (ICU), Ghana (hereinafter referred to as the "National Union).

Motto

(2) The motto of the National Union shall be "Unity is Strength."

Office

(3) The Headquarters of the National Union shall be in Accra, and its address shall be Post Office Box GP 2358, Accra, or any other place as the National Union may decide from time to time.

Meeting Place

(4) The meeting place of the National Union may be at:

- (a) the Hall of Trade Unions, Barnes Road, Accra
- (b) the ICU Complex, Kokomlemle
- (c) any other place to be decided by the National Union

PRINCIPLES

Duty to organize

2. (1) We declare it to be the duty of:

- (a) all members of the National Union
- (b) all persons employed by the National Union

to engage in self-organization and other concerned activities for mutual aid and protection in order to improve our wages and working conditions.

Compensation

(2) We hereby pledge ourselves to assist one another in securing a reasonable compensation for services rendered to our employers and to use our influence with other organized bodies to assist us in accomplishing this objective.

Education

(3) (a) We shall endeavour, to the best of our ability, to disseminate useful information by means of seminars, symposia, pamphlets and other educational literature among members.

(b) We shall instil the spirit of patriotism and devotion to duty among members and support the national efforts at economic, political and social development through efficient workmanship and an optimum level of productivity.

Employment security

(4) We shall endeavour to secure and retain employment for our members, protect them from oppression or suppression and place ourselves on a foundation sufficiently strong to resist any infringement of our rights.

Health and



Safety

(5) We shall endeavour to ensure that all health and safety measures at workplaces and those required by local, national and international laws for the welfare of workers are rigidly adhered to.

Objectives

OBJECTIVES

3. (1) To establish and conduct local and Branch Unions and Regional Councils of workers (Junior and Professional and Managerial Staff) engaged in the formal sector of the national economy.

(2) To organize the Informal Sector such as Hairdressers, Tailors, Artisans, Domestic workers etc into Zonal and Branch unions and Regional Councils.

(3) To obtain and maintain fair, just and appropriate wages, salaries, hours of work and other conditions of employment for members.

(4) To unite members of the National Union; to cultivate friendship and to assist each other.

(5) To help provide and promote suitable educational, training and social facilities for members.

(6) To promote the interests of members and any organisation with similar objectives and to secure united action on issues affecting or likely to affect those interests.

(7) To process grievances and enforce the legal rights of members of the National Union as well as other rights arising out of the Collective Bargaining relationship.

(8) To provide legal advice or legal assistance to members in connection with their employment when the National Union deems it expedient.

(9) To regulate the relations and to settle disputes between employees and employers whenever possible.

(10) Ultimately, to provide members with any or all of the following benefits and such others as the Delegates Conference may decide from time to time; relief in sickness, accidents, disablement, distress, death, unemployment, victimization or trade dispute.

(11) To establish or co-operate with other organizations with similar objectives in the business of printing and publishing of newspapers, journals, books, pamphlets and other publications in furtherance of trade unionism.

(12) To co-operate with other National Unions to establish a National Centre in



the endeavour to secure favourable legislation in the interest of workers within the Republic of Ghana which shall include workers' participation in state enterprises and other economic ventures.

(13) To affiliate or disaffiliate with National Centres and International Trade Union bodies.

(14) To acquire, hold and dispose of both movable and immovable property and also to invest and re-invest the funds of the National Union.

(15) To encourage, promote and defend free and democratic Trade Unionism and Institutions by exercising all the rights and privileges which may be necessary and convenient for the conduct of the affairs of the National Union.

(16) To carry out the objects and purposes of the National Union as set forth in the Preamble, Principles and Provisions of this Constitution and to do all things to promote the welfare and interest of members and employees of the National Union.

Membership

MEMBERSHIP

4. (1) Membership is open to all categories of workers in both the formal and informal sectors of the economy.

(2) No person below the age of sixteen (16) years shall be eligible to be a member of the Union.

(3) For the avoidance of doubt, members of the National Union may be drawn from Industrial, Commercial, Finance, Printing and Publishing, Hotels, Catering and Tourism, Public Boards and Corporations, Textiles, Garment and Leather, Cocoa Industry, Property and Private Security Services Workers and any other commercial undertaking.

(4) Membership of the National Union constitutes an acceptance by each member to be bound by the provisions of this Constitution, Policies, Decisions and Directives of the National Union.

- (5) A person shall cease to be a member of the National Union if he:
- a. dies
 - b. resigns, retires, or is dismissed or terminated from employment.
 - c. serves a notice in writing of his intention to withdraw from the National Union and upon the expiration of a period of three months from the date of receipt of the notice by the National Union.



d. is expelled from the National Union.

(6) A register of members shall be kept at the Headquarters of the National Union.

(7) Every member shall be issued with a copy of this Constitution at a token fee upon request.

(8) On promotion to managerial status in an organisation where there is no PMSU, it shall be the duty of the member to notify his employer of his intention to retain his membership by paying his dues to the Union.

Government and Structures

GOVERNMENT AND STRUCTURES

5. (1) The following shall constitute the governing bodies of the National Union:

- a. Delegates Conference
- b. National Executive Council
- c. Management Committee
- d. Leadership Committee

(2) The following shall constitute the structures of the National Union:

- a. Finance Committee
- b. Security and Economic Committee
- c. Regional Councils
- d. Branch Unions
- e. Local Unions
- f. Zonal Unions

(3) The supreme authority of the National Union shall be vested in the Delegates Conference and in-between the periods of Delegates Conferences, the National Executive Council shall be the highest governing body.

DELEGATES OR EXTRAORDINARY DELEGATES CONFERENCE

Delegates or Extraordinary Delegates Conference

6. (1) The Delegates Conference shall be the supreme authority of the National Union.

(2) The regular Delegates Conference shall be held once every four years.

(3) An Extraordinary Delegates Conference shall be convened at the request of half (1/2) of the total number of Local Unions constituting the National Union or whenever the National Executive Council deems it necessary.



(4) Each Local Union shall be entitled to elect one (1) delegate to every Delegates or Extraordinary Delegates Conference.

(5) In the case of financial institutions and the Ghana Cocoa Board, representation to the Conference shall be on the basis of one (1) delegate from each administrative district where the institution operates.

(6) The quorum for the Delegates Conference shall be two-thirds (2/3) of the number of Regions irrespective of the number of Local Unions present.

AGENDA FOR THE DELEGATES CONFERENCE

Agenda for the Delegates Conference

7. (1) The agenda for the Delegates Conference shall be to:
- a. receive reports from the National Executive Council;
 - b. approve and adopt amendments to the Constitution;
 - c. approve the audited accounts for the ending quadrennial;
 - d. approve the appointment of the auditor;
 - e. review the past work of the National Union and plan future activities;
 - f. receive nominations for National Offices and the National Executive Council;
 - g. elect National Officers and confirm National Executive Council members;
 - h. consider any other matter on the conference agenda.

(2) Every member shall forward to the General Secretary, any resolutions for discussion and motions for amendments of the Constitution at the Delegates Conference at least four (4) months before the date of the Delegates Conference.

Committees for the Delegates Conference

COMMITTEES FOR THE DELEGATES CONFERENCE

8. (1) The National Executive Council shall set up the following committees for the Delegates Conference:
- a. Standing Orders Committee
 - b. Credentials Committee
 - c. Constitutional Committee
 - d. Resolutions Committee

(2) The National Executive Council shall mandate the General Secretary to appoint members of staff as technical advisors to each committee.



**Standing
Orders
Committee**

(3) The Standing Orders Committee shall consist of eleven (11) members, one from each region and it shall elect its Chairman and Secretary/Rapporteur from among its members.

(4) The functions of the Standing Orders Committee shall be to:

(a) fix the time for plenary sessions

(b) consider the provisional agenda drawn up by the Conference Secretariat and recommend a final agenda for the Quadrennial or Extraordinary Delegates Conference.

(c) consider the standing orders set out in Schedule 1 to this Constitution and amend them if necessary and report on them to the Quadrennial or Extraordinary Delegates Conference.

(d) make proposals with respect to any meetings or resolutions not embodied in the printed agenda of the Quadrennial or Extraordinary Delegates Conference.

(5) No literature or printed matter other than official Quadrennial or Extraordinary Delegates Conference documents may be circulated on the precincts of the Quadrennial or Extraordinary Delegates Conference without the prior approval of the Standing Orders Committee.

(6) The Credentials Committee shall consist of eleven (11) members one from each region and it shall elect its Chairman and Secretary/Rapporteur from among its members.

**Credentials
Committee**

(7) The functions of the Credentials Committee shall be to:

(a) prepare a list of all persons attending the Quadrennial or Extraordinary Delegates Conference.

(b) report to the Quadrennial or Extraordinary Delegates Conference on the voting rights of delegates from each region.

(c) receive and consider any objections of the credentials of delegates.

(8) Until a final decision by the Quadrennial or Extraordinary Delegates Conference on the admission of a person whose credentials have been challenged is taken, that person shall not have voting rights.

(9) The Regional Officers shall submit the credentials of delegates to the General Secretary four (4) months before the date of the delegates conference for onward transmission to the Credentials Committee.

(10) The report of the Credentials Committee shall be considered by the



Quadrennial or Extraordinary Delegates Conference immediately after it is submitted to the Chairman of the Conference.

**Constitutional
Committee**

(11) The Constitutional Committee shall consist of eleven (11) members, one from each region and it shall appoint its own Chairman and Secretary/Rapporteur from among its members.

(12) The Constitutional Committee shall collate proposals for amendments to the Constitution submitted for consideration and adoption by Conference.

**Resolutions
Committee**

(13) The Resolutions Committee shall consist of eleven (11) members, one from each region and it shall appoint its own Chairman and Secretary/Rapporteur from among its members.

(14) The Resolutions Committee shall collate the resolutions submitted for approval by the Conference.

**General
Provisions
Relating to
Committees of
the Delegates
Conference**

**GENERAL PROVISIONS RELATING TO COMMITTEES OF THE DELEGATES
CONFERENCE**

9. (1) Every committee shall sit in camera.

(2) The following shall be entitled to attend committee meetings:

- a. members duly appointed to respective committees.
- b. the technical advisor who shall have no voting rights.

(3) The quorum for a committee shall be six (6) members present.

(4) A committee shall, as far as possible, arrive at its decision by consensus unless it becomes necessary to vote on an issue in which case the decision shall be arrived at by a simple majority of the members present and voting.

(5) Voting shall be by show of hands and where there is a tie, the chairman shall have a casting vote

**Electoral
Commission**

ELECTORAL COMMISSION

10. (1) There shall be an Electoral Commission made up of;

- a. the Electoral Commissioner;
- b. two Deputy Electoral Commissioners;
- c. one representative from each region.

(2) The Electoral Commissioner and the two Deputy Commissioners shall be appointed by the National Executive Council (NEC) one year prior to conference. They



shall be part-time officers of the National Union. The Commission shall be dissolved after rendering accounts to leadership after conference.

(3) The Commission shall be responsible for:

a. the conduct of all elections at the Delegates Conference.

b. the formulation of the electoral procedures for elections within the National Union.

(4) Nominations for National Offices shall open six (6) months before the date of the Delegates Conference and close four (4) months to the Delegates Conference.

(5) All nominations for National Officers shall be forwarded to the Electoral Commissioner.

(6) The Commission shall be responsible for collating and vetting all nominations for National Offices and shall submit same to the Delegates Conference.

(7) The Commission shall present its electoral budget for approval by the National Executive Council six (6) months before the Delegates Conference.

(8) The Commission shall be responsible for the disbursement of funds allocated to it and shall submit an account of its expenditure to the National Executive Council at its first meeting after each Delegates Conference.

(9) No member of the National Union under the age of twenty-one (21) years shall be eligible for election as a National Officer or a member of the National Executive Council.

(10) No illiterate person shall hold any elective office in the National Union.

(11) No person shall be eligible for election to serve on the National Executive Council unless he is a Local Union Executive.

(12) The National Executive Council shall appoint the Chief Labour Officer or the National Electoral Commission or any other recognized body to supervise elections at all Delegates Conferences.

(13) No member of the Electoral Commission shall contest for election to a national office.

**National
Executive
Council**

NATIONAL EXECUTIVE COUNCIL

11. (1) The governance of the National Union in the periods between Delegates Conferences and the conduct of its business shall be vested in the National Executive Council.

(2) The Council shall have no power to change any decision of the Delegates



Conference.

(3) The Council shall be composed of :

a. all elected National Officers

b. members elected on the basis of the numerical strength of each region

in the following order:

- i. Up to 1000 3 representatives
 - ii. 1001 to 5,000 4 representatives
 - iii. 5,001 to 7,500 5 representatives
 - iv. 7,501 to 10,000 6 representatives
 - v. 10,001 to 15,000 7 representatives
 - vi. Every additional 3000, one extra representative
- c. eleven women, one representing each region.
- d. three representatives of PMSU.

(4) The Heads of Departments of the National Union and all Regional Officers shall be ex-officio members of the Council.

(5) The Council shall meet twice every year or whenever the exigency of work so requires.

(6) The quorum for meetings of the Council shall be two-thirds (2/3) of the total number of its members.

(7) Where a vacancy is created on the Council by:

- a) death
- b) resignation
- c) termination
- d) redundancy
- e) infirmity of mind
- f) transfer outside the region
- g) expulsion from the National Union
- h) promotion to managerial status except where there is a professional and managerial staff union
- i) retirement

of a member of the Council, the region of the member shall fill the vacancy except where the member is a national officer in which case the Council shall fill the vacancy.

(8) A Local Union Executive who serves on the Council shall continue to do so until the expiration of the term of the particular office he holds on the Council notwithstanding that he has lost the office he holds on the Local Union but he shall not be eligible for re-election.

(9) The decisions of the Council shall be binding on all members of the National Union.

(10) The Council shall direct policies for execution by the National Officers for the



conduct of the business of the National Union.

(11) The Council may suspend a National Officer who is proved to be guilty of a misconduct or breach of the Oath of Office by the votes of not less than 80% of its membership.

(12) (a) The Council may caution or expel any member who is proved to the satisfaction of the Council, to be guilty of conduct detrimental to the interest of the National Union, after he has been given an opportunity to be heard.

(b) Any officer or member suspended or expelled by the Council shall have a right of appeal to the Delegates Conference, whose decision on the matter shall be final.

(13) The Council shall have power to contract loans, overdrafts or other financial assistance from the Bankers of the National Union.

(14) The Council shall be guided by the Preamble to this Constitution in the attainment of the objectives of the National Union to ensure the efficient and judicious use of the resources of the Union.

(15) The Council shall approve the budget of the National Union.

(16) The Council shall approve affiliation with or disaffiliation from National Centres and International Trade Union Bodies.

(17) The Council shall appoint and terminate the services of auditors of the National Union.

(18) In the absence of the Delegates Conference, the Council shall interpret the provisions of this constitution when necessary and take any decision and pronounce on any matter for which no provision is made by this Constitution and the decision or pronouncement of the Council on the matter for which there is no constitutional provision, shall have the same effect as a provision of this Constitution.

STANDING COMMITTEES

12. (1) There shall be the following Standing Committees:

- a. Management Committee
- b. Security and Economic Committee
- c. Finance Committee

(2) The Management Committee shall consist of:

- a. National Officers
- b. One representative of each region on the National Executive Council

*Standing
Committee*

*Management
Committee*



**Functions of
Management
Committee**

- c. All heads of Departments of the National Union.
- (3) The functions of the Management Committee shall be to:
 - a. administer the affairs of the National Union during the periods between meetings of the National Executive Council.
 - b. appoint senior staff on the recommendations of the General Secretary.
 - c. appoint two of its members to join the Chairman of the Finance Committee and one Trustee to negotiate conditions of service for the staff of the National Union.
 - d. deal with any matter delegated to it by the National Executive Council.

**Security &
Economic
Committee**

- (4) The Security and Economic Committee shall:
 - a. be composed of the Regional Chairmen
 - b. appoint its own Chairman and Secretary
 - c. have power to co-opt any member in an advisory capacity.
- (5) The functions of the Security and Economic Committee shall be to:
 - a. study the economic and political situation of the country and advise the National Union.
 - b. formulate policies for the protection and security of the National Union and its Officers.
 - c. convene Emergency National Executive Council meetings when the safety of the Union or its Officers is threatened internally or externally.
 - d. The Committee shall meet at least once every six months or as and when the need arises.

**Function of
Security and
Economic
Committee**

**Finance
Committee**

- (6) The Finance Committee shall be composed of:
 - a. one representative from each region serving on the National Executive Council.
 - b. the National Trustees
 - c. the General Secretary, Deputy General Secretary (Administration) and Finance Officer shall be ex-officio members of the Committee.
- (7) The Finance Committee shall:
 - a. be responsible for all financial matters of the National Union.
 - b. lay financial proposals and statements for ratification by the National Executive Council.
 - c. compile annual financial returns to the National Executive Council.
 - d. supervise all financial transactions of the National Union.
 - e. compile and present audited accounts annually to the National Executive



Council for scrutiny for the ending quadrennial to conference.

***Leadership
Committee
and their
duties***

LEADERSHIP COMMITTEE AND THEIR DUTIES

13. (1) The Leadership Committee shall consist of the National Elected Officers of the Union.

(2) The following shall be elected Officers of the National Union

- a. National Chairman
- b. National Vice-Chairman
- c. General Secretary
- d. Deputy General Secretary (Administration)
- e. Deputy General Secretary (Operations)
- f. 1st National Trustee
- g. 2nd National Trustee

(3) Except the General Secretary and the two Deputy General Secretaries who shall be full-time Officers of the National Union, all other National Officers shall be part-time.

***The National
Chairman***

(4) **The National Chairman** shall:

- (a) preside over all meetings of the governing bodies of the National Union
- (b) be responsible for the proper conduct of business at all such meetings.
- (c) sign the minutes of each meeting after their approval in conjunction with the General Secretary.
- (d) secure the observance of the provisions of the Constitution of the National Union by all members
- (e) be the Chief advisor of the National Union.

***The National
Vice-Chairman***

(5) **The National Vice-Chairman** shall:

- (a) act as National Chairman in the absence of the substantive National Chairman
- (b) perform such other duties as may be assigned to him by the National Chairman or the National Executive Council from time to time.

***The General
Secretary***

(6) **The General Secretary** shall:

- (a) be the Chief Executive of the National Union and be responsible for the general administration of the Union.
- (b) be Secretary of all governing bodies of the National Union
- (c) be responsible for the recording of the minutes at all meetings of the



governing bodies of the National Union.

- (d) have the right to speak and vote at all meetings including the Delegates Conference.
- (e) conduct the business of the National Union in accordance with this Constitution.
- (f) supervise the implementation of the decisions of the governing bodies.
- (g) appoint staff other than senior staff.
- (h) prepare reports of the National Executive Council to the Delegates Conference.
- (i) be responsible for the preparation of Annual Returns for submission to the Registrar of Trade Unions.
- (j) be responsible for all monies received and expended on behalf of the National Union
- (k) appoint any of his two deputies to act for him in his absence on rotational basis.

***The Deputy
General
Secretary for
Administration***

(7) The Deputy General Secretary for Administration shall:

- (a) be responsible for all the administrative duties of the National Union.
- (b) be the Head of the Administration, the Accounts and the International Departments.
- (c) in consultation and on the advice of the Accounts Department demand the payment of outstanding dues to the National Union.
- (d) be responsible for personnel and the welfare needs of full-time staff of the National Union.
- (e) submit at each National Executive Council meeting a report on his activities through the General Secretary.
- (f) be responsible to the General Secretary and perform any duties assigned to him.

***The Deputy
General
Secretary for
Operations***

(8) The Deputy General Secretary for Operations shall:

- (a) be in charge of all operational duties of the National Union.
- (b) be the Head of the Industrial Relations Department.
- (c) be responsible for the co-ordination, organization and in liaison with the Head of the Education Department organise educational programmes for the members.



- (d) submit at each National Executive Council meeting a report on his activities through the General Secretary .
- (e) shall be responsible to the General Secretary and perform any duty assigned to him

- The 1st Trustee** (9) **The 1st Trustee shall:**
- (a) be the custodian of all assets of the National Union.
 - (b) periodically examine the records and books of the Accounts Department.
 - (c) participate in the negotiation of the conditions of service for members of staff.
 - (d) be responsible to the National Executive Council.
 - (e) perform any other duties assigned to him by the National Executive Council.

- The 2nd Trustee** (10) **The 2nd Trustee shall:**
- (a) act in the absence of the 1st Trustee
 - (b) perform such other duties as may be assigned to him by Leadership or the National Executive Council from time to time.

Qualification, Election, Tenure of Office and Removal from Office of National Officer

QUALIFICATION, ELECTION, TENURE OF OFFICE AND REMOVAL FROM OFFICE OF NATIONAL OFFICERS

14. (1) A member seeking election to a National Office:
- a. shall be a fully paid up member
 - b. must have served as an executive of a Local Union for a period of not less than four (4) years.
 - c. shall be twenty-one (21) years or above.
 - d. shall be literate
- (2) A member of staff seeking election to a National Office:
- a. must have served the union for a period of not less than six (6) years.
 - b. previous service years at the National Executive Council level shall be considered as part of six (6) years.
- (3) Every National Officer shall be elected at the Delegate Conference by secret ballot.
- (4) i. The tenure of office of a National Officer shall be four (4) years and he shall



be eligible for re-election except that no member shall hold the same office for more than eight (8) years.

- ii. The General Secretary shall not be eligible to contest for any National Office after a second term of office.

- (5) A National Officer may be removed from office on proven grounds of:
 - a. dishonesty
 - b. gross misconduct
 - c. abuse of office
 - d infirmity of mind
 - e. breach of oath of office

by a two-thirds (2/3) majority of the number of delegates present and voting at a Delegates Conference.

(6) Where a National Office becomes vacant as a result of resignation, retirement, death, infirmity of mind or removal from office, the National Executive Council shall fill the vacancy.

(7) For the avoidance of doubt, the filling of such vacancies shall be considered permanent.

***Conditions of
service for
National
Officers***

CONDITIONS OF SERVICE FOR NATIONAL OFFICERS

15. (1) A full-time National Officer shall be paid a salary approved by the National Executive Council.

(2) A part-time National Officer shall be paid a monthly allowance approved by the National Executive Council.

(3) A full-time or part-time National Officer shall not be entitled to a sitting allowance except where meetings are held on Saturdays, Sundays or Public Holidays.

***Regional
Councils***

REGIONAL COUNCILS

16. (1) There shall be Regional Councils set up in line with the demarcation approved by the National Executive Council

(2) All Branch Unions in a region shall have a representation on the Regional Council.

- (3) A Regional Council shall have the following Officers:
 - a. Chairman
 - b. Vice-Chairman
 - c. Secretary
 - d. Trustee



e. Executive Member

(4) The Secretary of a Regional Council shall be the Regional Officer in charge of that region.

(5) The Regional Council shall be responsible for co-ordinating the activities of Branch Unions in each region and the main pivot of the organizational network of the National Union in the region

(6) A Regional Council shall convene Biennial Conferences of all Branch Unions to:

- a. discuss and review the activities of the National Union in their respective regions.
- b. draw up their various programmes of activities for the coming year.
- c. transact any other business.

(7) A Regional Council shall implement all decisions of the National Executive Council.

(8) The Executives of the Regional Council shall be collectively and individually responsible for the implementation of the decisions of the National Executive Council.

Branch Union

BRANCH UNIONS

17. (1) There shall be Branch Unions of the National Union.

(2) A Branch Union shall be made up of all Local Unions in a particular district or town.

Branch Union Officers

(3) A Branch Union shall have the following Officers:

- a. Chairman
- b. Vice Chairman
- c. Secretary
- d. Assistant Secretary
- e. 1st Trustee
- f. 2nd Trustee
- g. Executive Member

(4) A Branch Union may draw up its own rules and bye-laws which shall be subject to the approval of the National Union.

(5) A Branch Union shall elect its Officers, representatives, and governing bodies who shall be in office for a four year term, and shall be eligible for re-election.

(6) A Branch Union shall hold periodic meetings to review its activities.



(7) A Branch Union Executive who loses his position as a Local Union Executive shall continue in office until the expiration of the term of that particular office but he shall not be eligible for re-election.

(8) A Branch Union shall implement all decisions of the National Executive Council.

(9) The Executive of the Branch Union shall collectively and individually be responsible for the implementation of the decisions of the National Executive Council.

(10) A Branch Union shall submit annual reports on its activities and quarterly financial statements to the National Headquarters.

(11) A Branch Union shall operate and manage its own funds, but the National Headquarters acting on behalf of the National Union shall have the right to probe into any account of any Branch and to direct the proper use of such funds.

(12) The National Headquarters may audit the accounts of a Branch Union.

Local Unions

LOCAL UNIONS

18. (1) There shall be Local Unions in every department or industrial unit of any institution or industry in which the National Union operates.

(2) A Local Union shall have the following Officers:

- a. Chairman
- b. Vice-Chairman
- c. Secretary
- d. Assistant Secretary
- e. 1st Trustee
- f. 2nd Trustee
- g. Executive Member

(3) A Local Union may draw up its own rules and bye-laws which shall be subject to the approval of the National Union.

(4) A Local Union shall elect its Officers and representatives who shall be in office for a four year term, and shall be eligible for re-election.

(5) A Local Union may pay an annual honorarium to its members.

(6) A Local Union shall operate and manage its own funds, but the National Headquarters acting on behalf of the National Union shall have the right to probe into any account of any Local and to direct the proper use of such funds.

(7) The National Headquarters may audit the accounts of the Local Union.

(8) Every Local Union shall compile and forward to the National Headquarters, a



detailed list of all its members on or before the 31st day of October of each year.

*Professional and
Managerial Staff
(P&MS) Co-
ordinating
Council*

PROFESSIONAL AND MANAGERIAL STAFF (P&MS) CO-ORDINATING COUNCIL

19. (1) There shall be a Professional and Managerial Staff Co-ordinating Council to co-ordinate the activities of all Professional and Managerial Staff Unions and represent the interest of the Professional and Managerial Staff membership of the Union.

(2) The Professional and Managerial Staff Co-ordinating Council shall be made up of the Chairman, Secretary and one of the Trustees of each Professional and Managerial Staff Union.

(3) The Professional and Managerial Staff Co-ordinating Council Executive Committee shall consist of the following to be elected from among its members:

- a. Chairman
- b. Vice Chairman
- c. Secretary
- d. Assistant Secretary
- e. 1st Trustee
- f. 2nd Trustee
- g. Executive Member

(4) The Professional and Managerial Staff Co-ordinating Council may draw up its own rules and bye-laws which shall be subject to the approval of the National Union.

(5) The Professional and Managerial Staff Co-ordinating Council shall elect its officers, representatives and governing bodies who shall be in office for a four year term, and shall be eligible for re-election.

(6) The Professional and Managerial Staff Co-ordinating Council shall hold periodic meetings to review its activities.

(7) The Professional and Managerial Staff Co-ordinating Council shall implement all decisions of the National Executive Council.

(8) The members of the executive committee of the Professional and Managerial Staff Co-ordinating Council shall be collectively and individually responsible for the implementation of the decisions of the National Executive Council.

(9) The Professional and Managerial Staff Co-ordinating Council shall submit annual reports on its activities to the National Headquarters.

(10) The Professional and Managerial Staff Co-ordinating Council shall operate and manage its own funds but the National Headquarters acting on behalf of the



National Union shall have the right to probe into any account of any PMSU and to direct the proper use of such funds.

(11) The national Headquarters may audit the accounts of the Professional and Managerial Staff Co-ordinating Council.

Youth and Women

YOUTH AND WOMEN

20. (1) The National Union shall assist and encourage the co-ordination of activities of the youth and women at the National, Regional, District and Local levels.

(2) They shall be encouraged to take responsible and leadership roles in the Union.

Income & Expenditure

INCOME AND EXPENDITURE

Dues

21. (1) Every member shall pay monthly dues to the National Union.

(2) The amount of dues payable by a member shall be equivalent to one per cent (1%) of the member's basic monthly salary or any other rate approved by the Delegates Conference.

(3) The payment of Trade Union dues shall be by negotiated check-off or any other system of collection directed by the National Union.

(4) Unless otherwise directed by the Delegates Conference of the National Union, the dues collected by the National Union shall be distributed as follows:

- i. National Union - 75%
- ii. Branch Union - 5%
- iii. Local Union - 20%

Solidarity Fund

(5) (a) The National Union shall set up an Education and Solidarity Fund

(b) Each member shall contribute one per cent (1%) of his salary every month to the fund, to be deducted at source.

(c) The fund shall be disbursed as follows:

- i. National Union - 80%
- ii. Local Unions - 20%

(d) The administration of the fund shall be vested in the National Executive Council.

(6) The Delegates Conference or the National Executive Council may impose levies on members when it becomes necessary to do so.

Levies

(7) The National Union shall keep Bank Accounts with any Bank approved by the



Bank Accounts National Executive Council.

Auditing of Accounts

(8) a. The accounts of the National Union shall be audited after the 31st day of December of every financial year.

b. The accounts of the National Union shall be audited within six (6) months after the end of the financial year.

c. The National Union shall engage a qualified auditor to audit the accounts.

d. The audited accounts shall be presented to the National Executive Council in the last quarter of each year.

Signatories to Accounts

(9) a. The General Secretary and any of his two Deputies together with the National Chairman or any of the Trustees shall be joint signatories to the account of the National Union.

b. At any point in time the General Secretary shall sign all cheques with the National Chairman.

c. In the absence of the General Secretary, any of the two Deputy-General Secretaries shall co-sign with the National Chairman.

d. In the absence of the National Chairman, the 1st Trustee shall sign with the General Secretary.

e. In the absence of both the General Secretary and the National Chairman, the acting General Secretary shall sign all cheques with the 1st Trustee.

f. In the absence of the 1st Trustee, the 2nd Trustee shall sign cheques for the Union.

g. No person shall sign any blank cheque leaf from any cheque book belonging to the National Union or any of its structures.

Grievance Procedure

GRIEVANCE PROCEDURE:

22. (1) There shall be an ad hoc complaints committee consisting of not more than five (5) members.

(2) The Committee shall be established by the Management Committee.

(3) The Committee shall determine all complaints against any member or officer on matters relating to the duties and obligations of such member or officer under this Constitution or any other matter affecting the Union.

(4) A complaint shall be formally lodged, if it is put in writing addressed to and received by the General Secretary.



(5) The General Secretary shall within one week of receipt of the complaint, notify members of the Management Committee who shall meet within fourteen (14) days of the notification to appoint a panel to determine the complaint.

(6) Where a complaint is lodged against a member of the Management Committee or he is directly interested in the subject matter of a complaint, he shall not be qualified to take part in the appointment of the panel.

(7) Where a complaint is lodged against a National Officer or he is directly interested in the subject matter of the complaint, no National Officer shall be qualified to take part in the appointment of the panel.

(8) Any member of the National Union may be appointed as a member of the panel.

(9) A copy of the complaint shall within seven (7) days of receipt of same by the General Secretary, be sent to the member or officer against whom the complaint is lodged, requiring such member or officer to react to the complaint and answer any charges or allegations against him within fourteen (14) days.

(10) Upon receipt of the response of the member or officer, the General Secretary shall forward it to the panel.

(11) The panel shall meet within seven (7) days of its receipt of the response to determine the complaint.

(12) Where a prima facie case is established against the member or officer, a formal hearing shall be conducted at which the complainant and the member or officer against whom a complaint is lodged shall be entitled to attend.

(13) A complainant, member or officer attending a formal hearing shall have the right to call witnesses.

(14) A decision of the Committee shall be by simple majority and binding on all the parties.

(15) Where a person is dissatisfied with a decision of the Complaints Committee, he shall by a letter in writing within seven (7) days notify the General Secretary of his dissatisfaction with the decision.

(16) Upon receipt of such notice specified in clause (15), the General Secretary shall submit the matter for arbitration within one month, before a panel which shall be constituted by three (3) members.

(17) The panel shall be composed of one member chosen by the dissatisfied member, one chosen by the other party and a third member, chosen by the Management Committee.



(18) A decision of the arbitration panel on the matter shall be final and binding on all the parties.

(19) Where a member has a complaint which may affect the organization of the Quadrennial Delegates Conference, or where he is of the view that the Conference should not be held pending the determination of the complaint, he shall lodge the complaint with the National Executive Council at least four (4) months before the proposed date of the Conference.

(20) Any member who fails to comply with the preceding clause shall lose the right to have his complaint determined until after the Conference.

(21) No member shall bring an action in any court in respect of any complaint unless he has complied with the provisions of this article.

Discipline

DISCIPLINE

23. (1) It shall be the duty of all members and officers of the Union to uphold and protect the integrity and reputation of the Union and to defend this Constitution at all times.

(2) A member or officer shall be sanctioned under this Constitution if he breaches any of the provisions of this Constitution or does any act that brings the Union into disrepute.

(3) A member or officer who breaches any of the provisions of this Constitution shall be guilty of misconduct.

(4) In the case of a national officer or a member of the National Executive Council, he shall be dismissed from office and shall be forever debarred from contesting for any elective office in the Union.

General Provisions

GENERAL PROVISIONS

24. (1) Except as otherwise provided for in this Constitution, the provisions of this Constitution shall apply to all the structures of the National Union.

(2) Except as otherwise provided for in the Constitution, all decisions of the governing bodies of the National Union shall be by simple majority.

(3) Each Region, Branch or Local Union Executive Committee shall have at least one woman and a youth aged twenty-one (21) or above as members.

(4) Students in Tertiary Institutions may be organized as Honorary members of the



Union.

Oaths

OATHS

25. (1) Every national officer or member of the National Executive Council shall take and ascribe to the Oath of office set out in Schedule 2 to this Constitution before assuming office.

(2) The Oath of Office shall be administered by a magistrate or judge in the case of a national officer and in the case of a member of the National Executive Council, the Oath of Office may be administered by the National Chairman or the General Secretary.

(3) In the case of any other elected officer, the oath of office may be administered by the General Secretary or his representative.

Amendments to the Constitution

AMENDMENTS TO THE CONSTITUTION

26. (1) This Constitution shall be amended only by the Delegates Conference.

(2) A motion seeking an amendment to the Constitution shall form part of the agenda for the Delegates Conference.

(3) An amendment shall be carried by a two-third (2/3) majority of the number of the delegates present and voting at the Delegates Conference.

Dissolution

DISSOLUTION

27. (1) The National Union shall not be dissolved except with the consent of eighty per cent (80%) of the entire membership of the Union voting in a referendum.

(2) In the event of the dissolution of the National Union, all liabilities shall be discharged to the extent of the assets and any excess funds distributed amongst the entire membership in equal proportion.

Interpretation

INTERPRETATION

28. (1) In this Constitution unless the context otherwise requires:

"Employment" shall include non-employment

"Governing Bodies" shall refer to the Delegates Conference, National Executive Council, Management Committee and Leadership Committee.



- "Honorary member"* means a non-dues paying member
- "Local Union"* shall include Professional and Managerial Staff Union.
- "Male"* includes female
- "Member"* means a fully paid up member
- "National Union"* means Industrial and Commercial Workers' Union
- "Worker"* means an employee within the jurisdiction of the National Union.

SCHEDULE 1

Standing Orders

Standing Orders

1. The Delegates Conference shall conduct its business in accordance with the approved Agenda.
2. Notice of motions and matters for discussion at the Conference from Branch and Local Unions shall be submitted to the General Secretary
3. Emergency motions may be included in the Conference agenda after the opening of the Conference subject to the approval of the Standing Orders Committee.
4. The mover of any motion, but not a seconder, shall have a right of reply but no other delegate shall be allowed to speak more than once on the same question unless permission be given to explain, or on a point of order.
5. Remarks shall be strictly confined to the explanation or point of order.
6. A motion shall be put immediately after the mover has replied.
7. If an amendment to a motion is carried, it shall become the substantive motion and may be subject to amendment.
8. When an amendment to a motion is proposed, no second amendment shall be discussed unless the first proposal for amendment is disposed of.

Schedule 2

Oath of Office

Oath Of Office



"I.....(insert name) solemnly pledge and swear that I shall during my tenure of office always live up to the aims and aspirations of the National Union and shall never under any circumstances, divulge any official secrets of the Union, betray a colleague, become disloyal to the Trade Union Movement, breach any provision of the Constitution of the Union or this Oath or use the influence of the Union for my selfish or personal interest or advertisement, otherwise, I do so at the risk of my official status and expulsion from the Union.

"I SWEAR"
SO HELP ME GOD

(To be administered by a magistrate or judge in the case of National Officers at Delegates Conference and by the National Chairman or the General Secretary in case of other officers)

