

BOTSWANA FEDERATION OF TRADE UNIONS

CONSTITUTION



2/24/2018

**THE CONSTITUTION OF BOTSWANA FEDERATION
OF TRADE UNIONS
ADOPTED ON 24 FEBRUARY 2018**

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PREAMBLE

We, the Botswana Federation of Trade Unions (BFTU), a national labour centre, with a solid history as a labour movement in Botswana believe that freedom of thought, expression and association as guaranteed by the Universal Declaration of Human Rights, International Labour Organizations' Conventions, and the Constitution of Botswana must be the cornerstone for the relationship with employers, public and private, and the state.

We do declare that we have a firm belief in the struggle for workers' rights, democracy and good governance beyond a political space and shall seek to influence the social, political and economic agenda in the country, region and the world.

Now, therefore, do proclaim this declaration of workers' rights as a common standard of achievement for all workers whose core trade union values shall be:

- Culture of Collective Struggle
- Workers' Participatory Democracy and Independence
- Accountability, Transparency and Ethics
- Class Consciousness and Struggle

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- Social Dialogue and Constructive Engagement with the State and Employers
- Cooperation and Networking with Strategic Allies
- Social Trade Unionism for Global Justice

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DEFINITIONS

In this constitution, unless otherwise explained or unless the context indicates otherwise; the following terms and expressions shall have the same meaning assigned to each and cognate expressions shall be similarly construed.

Words signifying the singular number shall include plural and vice versa and words signifying the masculine shall include the feminine and vice versa unless they appear specifically otherwise from the context.

- (a) **'Act'** means, Trade Unions & Employers' Organizations Act, as amended from time to time.
- (b) **'Affiliate'** means a trade union that has been admitted to membership of the Federations in terms of Article 3.5 and 3.7.
- (c) **'Affiliate in good standing'** means an affiliate which is not more than 3 months in arrears in affiliation fees to the Federation.
- (d) **'Associate member'** means an organization other than a trade union which identifies with the aims and the objectives of the Federation.

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- (e) **'Delegate'** means a person representing an affiliate at any meeting of the Federation. Such delegate shall be a member or an official of the affiliate represented.
- (f) **'Gender Committee'** means a committee established in terms of Article 24.
- (g) **'Membership'** where it refers to the Federation means affiliated unions and wherever it relates to affiliates, it means member (s) of that union or affiliate.
- (h) **'Officers'** shall mean those members, elected by the Delegates Congress into the Executive Board.
- (i) **'Regional Committee'** means a body of members elected to run the affairs of a region.
- (j) **'Region'** means a designated geographical area determined by the General Council.
- (k) **'Standing Committee/Ad hoc committee'** means any committee appointed by the General Council to fulfil the aims and the objectives of the Federation.

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- (l) **'Union'** shall mean all organizations of workers registered in terms of the Trade Unions' and Employers' Organizations Act.
- (m) **'Young Worker'** means any person between the ages of 16 and 35 employed within Botswana.

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AIMS AND OBJECTIVES

The Federation shall strive to:

1. Unite all registered Trade Unions into a single Botswana Federation of Trade Unions.
2. Assist in the complete organization of workers into trade unions under a united trade union movement.
3. Generally improve the economic and social conditions of all workers in Botswana and to render them assistance whether or not such workers are employed or have ceased to be employed.
4. Organize the structure and spheres of influence and amalgamation of trade unions affiliated to the Federation.
5. Assist as hereinafter provided for in these rules, in settling disputes between unions and their members, unions and their employers and unions and other unions.
6. Encourage and promote the principle of the development and maintenance of good relations between employers and employees through collective bargaining and the establishment of collective agreements and the settlement of disputes through negotiations.
7. Secure adequate representation on Government Boards and committees and other institutions dealing with labour legislation and all matters affecting workers.

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8. Establish, as hereinafter provided for, appropriate committees to provide training, education, literature and other facilities for the advancement of workers and the trade union movement.
9. Form, as hereinafter provided for, regional offices of the Federation in any specified geographical areas where there are branches of registered Trade Unions.
10. Establish and maintain funds by means of membership fees, monthly contributions, levies and by borrowing on such security and on such terms as may from time to time be arranged by the General Council.
11. Accept assistance, financial and otherwise, from fraternal organizations from within and from without the country.
12. Publish at intervals, as hereinafter provided for, a Trade Union Journal dedicated to the unification of the Trade Union Movement and the wellbeing of the workers of Botswana and the country as a whole.
13. Actively participate in the development of Botswana in accordance with Botswana's national principles and objectives.
14. Secure ratification and application of all relevant ILO Conventions and secure enactment of legislation for the protection of the rights and interests of labour.
15. Promote, encourage and assist the establishment of cooperatives and other economic enterprises owned wholly or partly by the workers.

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16. Maintain and safeguard the democratic character of the Labour Movement and to protect it from hostile forces and from infiltration by subversive elements within or outside the Republic of Botswana who are opposed to free and democratic trade unionism.
17. Promote international friendship, cooperation, solidarity and fraternal understanding with all workers of the world on a basis of mutual respect for each other's national sovereignty.
18. Promote bilateral relations with registered employers' organizations and other stakeholders for purposes of liaising on issues of mutual interests.

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ARTICLE 1: NAME AND REGISTERED OFFICE

- 1.1. The name of the organization constituted under these rules shall be known as the Botswana Federation of Trade Unions (BFTU), hereinafter referred to as the 'Federation'.

- 1.2. The registered office and location of the BFTU shall be at Plot: 4220-2, Extension 14, Gaborone or at such other places as may be determined by the General Council.

- 1.3. The postal address of the BFTU shall be P.O. Box 440, Gaborone, Botswana.

ARTICLE 2: LEGAL STATUS

- 2.1. The Federation is a body corporate with perpetual succession. The Federation can in its own name;
 - 2.1.1. Enter into contracts;
 - 2.1.2. Sue and be Sued.
- 2.2. The Federation shall hold property apart from its members.
- 2.3. The liability of individual affiliates shall be limited to the amount of their outstanding subscriptions or other monies due to the Federation.

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ARTICLE 3: MEMBERSHIP

- 2.1. Membership of the Federation shall be open and voluntary to all trade unions registered under the Act; as amended from time to time.

- 2.2. Associate Membership shall extend to all organizations who do not meet requirements or conditions set forth in Article 3.1 who identify themselves or share the same ideology and objectives of the Federation.

- 2.3. Application for membership shall be submitted to the Secretary General of the Federation in writing and signed by at least two officials of the union, and shall be accompanied by the resolution statement voted by two thirds (2/3) of all the delegates attending a congress, special congress or conference showing its intent in favour of affiliation, and signed by the General Secretary of the Union, together with a list of the union's total membership and financial statements. The Secretary General shall refer the application to the Executive Board for decision making.

- 2.4. There shall be a once-off affiliation fee which shall be determined by delegates' congress from time to time. All affiliated members shall pay monthly subscriptions to the federation at a rate

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and a manner to be determined by the congress from time to time.

- 2.5. Membership of the Federation shall become effective after affiliation fee has been paid and acceptance letter has been given to the union within two weeks of the date of payment.
- 2.6. Any registered union refused membership of the Federation shall have the right to appeal to the General Council whose decision shall be final.
- 2.7. Failure to pay subscriptions for three consecutive months without written explanation to the Executive Board will result in automatic suspension from membership.
- 2.8. The Executive Board reserves the right to investigate the causes of any defaulting affiliate and make recommendations to the General Council.
- 2.9. The General Council shall have the power to waive, suspend or reduce the affiliation and subscription fee of any member union under the provisions of Article 15.13.

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- 2.10. Upon admission to membership, the member union shall be bound by this Constitution, resolutions, and decisions of the Delegates Congress, the General Council and the Executive Board.
- 2.11. Changes in affiliation and subscriptions may only be made by a two-thirds (2/3) majority of the Delegates Congress.
- 2.12. Under no circumstances shall any affiliation fee or membership subscriptions or other donations or property paid to the Federation be refunded.
- 2.13. Membership of the union shall be reviewed on an annual basis as declared in January. Any changes in membership shall be reported quarterly in a specified form to the Federation and shall be subject to verification by the credentials committee.
- 2.14. Any member may disaffiliate from the Federation by giving the Executive Board;
- 2.14.1. One month written notice;
- 2.14.2. Reasons for resigning.
- 3.15. Rights of Associate Unions/Organisations

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- 3.15.1. All Associate Unions/Organisations shall be free to express themselves in respect operations of the BFTU.
 - 3.15.2. No Associate Union/Organisation or its officers shall be penalised for any offence unless such offence is provided for in this constitution. In penalising any associate Union/Organisation or its officers, that Union/ Organisation shall have right to fair hearing.
 - 3.15.3. All Associate Unions/Organisations shall have the right to full and clear accounting of the BFTU.
 - 3.15.4. All Associate Unions/Organisations may attend Congress and meetings of other structures of the BFTU as observers.
 - 3.15.5. All Associate/Organisations may request the assistance of the BFTU in settlement of disputes, for solidarity support in legal and financial matters and for educational and training programmes.
- 3.16. Responsibilities of Associate Union/Organisation

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- 3.16.1. Every Associate Union/Organisation shall defend this Constitution and strive to promote the objects and purpose thereof.
- 3.16.2. All Associate Union/Organisation shall accept:
 - 3.16.2.1. The authority of Congress and its governing bodies.
 - 3.16.2.2. To implement decisions of the BFTU and governing bodies and;
 - 3.16.2.3. To report to the BFTU disputes, information on disputes within their jurisdiction as may be required by BFTU.
 - 3.16.2.4. The authority of the Executive Board of the BFTU in the settlement of industrial disputes and inter and intra union disputes.
 - 3.16.2.5. To submit extracts of their activity reports and any emergency developments thereafter to BFTU.
 - 3.16.2.6. The BFTU shall have observer status at meetings of the Executive Boards of the Associate Union/Organisation.
 - 3.16.2.7. The activities of the Associate Unions/Organisations shall not conflict with those of the BFTU.

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**ARTICLE 4: DUTIES AND OBLIGATIONS OF
AFFILIATES**

It shall be the duty of every affiliate to see to it that:

- 4.1. Its subscriptions are up to date.
- 4.2. All confidential information, documents, records and other communiqué are kept confidential unless otherwise authorized.
- 4.3. Its members behave accordingly in all Federation meetings or otherwise face disciplinary action.
- 4.4. It keeps the General Council informed with regard to its activities and matters affecting its members.

ARTICLE 5: RIGHTS OF NATIONAL AFFILIATES

- 5.1. All affiliated National Unions shall be free to express themselves in respect of the operations of the BFTU and active discussion of BFTU affairs shall be encouraged and protected within the BFTU Constitution.
- 5.2. All affiliated National Unions shall have the right to full participation in the decision-making

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process of the BFTU and to all information needed for the exercise of this right.

- 5.3. All affiliated National Unions may request the assistance of the BFTU in collective bargaining and settlement of industrial disputes, for solidarity support in legal and financial matters, for educational and training programmes, on economic issues and research programmes, publicity and in settlement of inter and intra union disputes and any other matter in which the assistance of the BFTU may be required.
- 5.4. No affiliated National Union or its officers shall be penalised for any offence unless such offence is provided for in this Constitution. In penalising any affiliated National Union or its officer, that Union or officer shall have the right to a fair hearing.
- 5.5. All affiliated National Unions shall have the right to full and clear accounting of all BFTU funds.
- 5.6. All affiliated National Unions shall have the right to fair and democratic elections at all levels of the BFTU as provided for in this Constitution.

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- 5.7. All affiliated National Unions shall have equal right to nominate candidates for election as officers subject to the provisions of this Constitution.

ARTICLE 6: TERMINATION OF MEMBERSHIP

- 6.1. Continued non-payment of subscriptions for a period of three months after suspension as per Article 3.9 shall result in automatic disaffiliation which must be ratified by the General Council within six months after the commencement of the disaffiliation.
- 6.2. Any member may be terminated from membership for:
- 6.2.1. Activities deemed contrary to the aims and objectives of the Federation.
 - 6.2.2. Violation of the Federation Constitution.

ARTICLE 7: STRUCTURE AND GOVERNANCE OF THE FEDERATION

- 7.1. The Supreme Authority of the Federation shall be vested in the Delegates Congress and all other organs and authorities shall be subordinate to it.
- 7.2. The General Council shall be vested with the power and authority to carry out the business of

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the Federation in accordance with the resolutions and motions of the Elective Congress during the period between Congresses.

- 7.3. The Executive Board shall be vested with the regular administrative power during the period between Councils and shall delegate some of its functions to any Committee established under this Constitution.

**ARTICLE 8: ADMINISTRATION OF THE
FEDERATION'S ACTIVITIES**

- 8.1. The daily activities of the Federation shall be vested in the secretariat.
- 8.2. The secretariat shall conduct its activities under the leadership of the Secretary General as supervised and directed by the Executive Board under provisions of 6.3.
- 8.3. The secretariat shall carry out all tasks entrusted to it by various structures of the Federation.
- 8.4. Specifically, and within this framework, the secretariat shall;

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- 8.4.1. Develop and maintain relations between the Federation and institutions coming under its auspices.
- 8.4.2. Convene, as necessary, ad hoc working groups, and determine their tasks, composition and modes of operations.
- 8.4.3. Organize representation to be made to various institutions and other relevant forums in the dialogue with the Federation.
- 8.4.4. With funds permitting the federation's Secretariat shall employ functional or specialized officers to run its departments.

ARTICLE 9: ELECTIVE DELEGATES CONGRESS

- 9.1. The Elective Delegates Congress shall be the highest organ with supreme authority of the Congress and shall meet every three years during the month of April or any other convenient date which should not be later than six months from April of that year, at a date, time and place determined by the General Council.
- 9.2. A preliminary notice of the Elective Delegates Congress, stating the date, the time and the place of the Congress and calling for motions for

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the Congress including motions for the amendment of the rules and fees, nominations for election of Executive Officers of the Federation and names of delegates to the Congress, shall be sent by Secretary General to all affiliated unions at least twelve (12) weeks before the date of such Triennial Delegates Congress.

- 9.3. Every affiliated trade union shall forward to the Secretary General of the General Council of the Federation not later than eight (8) weeks after the receipt of the preliminary notice, the names of nominees for elections of Executive Officers, names of delegates to the Congress and amendments to the Constitution, if any.
- 9.4. The Secretary General shall send to each affiliated union not less than four (4) weeks before the date of the Triennial Delegates Congress, a printed agenda, including such motions he/she has received, copies of reports and audited accounts, lists of nominations for election of Executive Officers and any proposals for amendments to the Constitution.

**ARTICLE 10: COMPOSITION AND REPRESENTATION
AT THE ELECTIVE DELEGATES CONGRESS.**

- 10.1. The Delegates Congress shall be composed of:

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- 10.1.1. The Executive Board.
 - 10.1.2. General Council Members as heads of delegations of their respective unions.
 - 10.1.3. Delegates from Affiliates Unions.
 - 10.1.4. Trustees, Electoral Officers, Credential Committee and Federation Staff who shall not take part in the proceedings of the Congress or be part of delegates.
- 10.2. All affiliates entitled to send representatives must endeavour to ensure that their delegations are balanced between men and women so that they reflect the composition of the membership they represent.
- 10.3. Members shall be represented at the Elective Delegates Congress by way of proportional representation. The formula for proportional representation shall be determined from time to time by the General Council and the secretariat shall communicate such representation to the affiliates.

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- 10.4. Depending on the issue under discussion, the congress will take its decision by:
- 10.4.1. Simple majority (50% of delegates plus 1 vote in favour).
 - 10.4.2. **2/3** majority of delegates.
- 10.5. A delegate shall be fully paid up member of his/her own union and that the affiliated union is a fully paid up member of the Federation in accordance with the provisions of Article 3.4 and that the affiliated union is not under suspension.
- 10.6. Any affiliate may send observers to attend the Elective Delegates Congress having made application to the Secretary General not less than three weeks before the date of the Congress and having received, in writing permission to attend the Congress, or by special invitation of the General Council.
- 10.7. A quorum for the Delegates Congress shall be formed when delegates representing 51% of quorated affiliates have been registered. A union shall be deemed to be quorated if one third of its delegates are present.

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- 10.8. A non quorated union shall not be registered for purposes of full participation in the business of the delegates Congress.
- 10.9. Each delegate at the Delegates Congress shall be entitled to one vote.
- 10.10. Voting on any issue before the Delegates Congress shall be conducted by means of raising of hands (unless the congress decides to adopt a secret ballot) and the decision thereto shall be by simple majority.

**ARTICLE 11: DUTIES OF THE DELEGATES
CONGRESS**

The Delegates Congress shall:

- 11.1. Adopt and ratify the policies of the Federation.
- 11.2. Consider and determine all matters affecting the welfare and progress of the trade unions and the trade union movement.
- 11.3. Consider and determine all other matters included on the agenda, to pass resolutions reflecting the views of the Congress on all such matters as shall be brought before it.

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- 11.4. Propose and resolve any amendments to the constitution of the Federation.
- 11.5. Consider reports brought before it by the Executive Board which shall include the Secretary General's Report, National Treasurer's Report and any other report deemed necessary to be submitted before the Delegates Congress.
- 11.6. Review and direct the work of the General Council.
- 11.7. Elect officers of the Federation.
- 11.8. Elect regional General Council members.
- 11.9. Appoint trustees.

ARTICLE 12: SPECIAL DELEGATES CONGRESS

- 12.1. A Special Delegates Congress of the Federation may be convened by two-thirds (2/3)-majority decision of the General Council, or at the written request of not less than two thirds (2/3) of the affiliated unions submitted jointly to the Secretary General detailing the subject(s) of the business of the Special Delegates Congress.

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- 12.2. At least twenty-one (21) days' notice together with the details of the business to be discussed at the Special Delegates Congress shall be given by the Secretary General to all affiliated unions. Suggested amendments to the agenda for the Special Delegates Congress, if any, shall be submitted by the affiliated unions to the Secretary General at least fourteen (14) days before the date of the Special Delegates Congress.
- 12.3. The final agenda for the Special Delegates Congress shall be forwarded to all affiliated unions at least ten (10) days before the date fixed for the Congress.
- 12.4. Articles 10.3 and 10.7 will apply to the Special Delegates Conference with regard to representation and the quorum respectively.
- 12.5. The business of a Special Delegates Congress will be conducted strictly in accordance with the agenda.
- 12.6. The provisions of Article 10.10 shall apply to voting at the Special Delegates Congress.

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**ARTICLE 13: THE ANNUAL DELEGATES
CONFERENCE**

- 13.1. There shall be an Annual Delegates Conference open to all affiliates of the federation. The Annual Delegates Conference shall be convened by the Executive Board which shall decide the exact date, venue and time.
- 13.2. The purpose of the annual conference shall be to give the Executive Board the opportunity to interact with all BFTU affiliates and Regions by way of giving the delegates annual reports on the affairs of the federation and also the annual financial records. The Conference shall also be used as a forum for policy formulation for the Federation.
- 13.3. Representation at the Delegates Conference shall be as per Articles 10.3 of this constitution.
- 13.4. The Delegates Conference shall be held every year during the Month of December

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ARTICLE 14: GENERAL COUNCIL

- 14.1. There shall be a General Council in which shall be vested the power and authority to carry out the business of the Federation in accordance with the resolutions and motions of the Elective Delegates Congress during the period between Congresses. The General Council shall be convened by the Executive Board.
- 14.2. The Council shall meet twice annually not later than the months of April and October and at any other time the Executive Board deems necessary.
- 14.3. The General Council shall be empowered to issue such instructions and directions to affiliated unions, the Executive Board and other committees established under the provisions of this Constitution in accordance with the resolutions and motions of the Elective Delegates Congress and shall be charged with the furtherance of the objectives of the Federation.
- 14.4. The membership of the Council shall comprise the following:
- 14.4.1. The Executive Board.

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- 14.4.2. Chairpersons (Presidents) and General Secretaries of affiliated trade unions or their deputies as their substitute members.
- 14.4.3. Two representatives from each region.
- 14.5. No person shall be eligible to be a member of the Executive Board or member of the General Council unless such person is fully paid up member of an affiliated union and the affiliated union is not under suspension in terms of Article 3.9.
- 14.6. A quorum for the Council shall be formed when;
 - 14.6.1. At least 50% plus one of the members of the Executive Board are present including either the President or the Secretary General;
 - 14.6.2. At least 50% plus one of the affiliates in good standing represented by their delegates and Regional Representatives are present.
- 14.7. A member of the Council shall cease to be a member of the Council or any of the committees established under this Constitution when:
 - 14.7.1. Such member resigns or is expelled from his own union or when his union ceases to be

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- an affiliate of the Federation for whatever reason.
- 14.7.2. His/her union is suspended from affiliation to the Federation.
- 14.7.3. His/her continued presence as a member of the General Council or any committee is considered prejudicial to the interests of the Federation by simple majority decision of a General Council meeting.
- 14.7.4. Provided opportunity is given first to him/her to show as to why he/she cannot be removed from the General Council or any committee or structure.

ARTICLE 15: DUTIES OF GENERAL COUNCIL

The council shall:

- 15.1. Transact the business of the Federation between Elective Congresses and shall coordinate the activities of affiliated Trade Unions but shall not usurp the legal or constitutional authority of affiliated unions.
- 15.2. Exercise all powers and perform all such acts as it deems necessary for promoting the interests of the Federation, the affiliated trade unions and the labour movement.

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- 15.3. Have the power to utilize the funds and property of the Federation to enter into any transaction provided such transaction does not involve transfer of any immovable property without permission of the Trustees.
- 15.4. Have powers to acquire or purchase movable and immovable property on behalf of the Federation, provided that it shall not involve the transfer of any immovable property save with the permission of the Trustees, in whose name such property shall be vested.
- 15.5. Through the Executive Board endeavour to bring about a just agreement in the case of disputes or disagreement between one or more affiliated unions, or between an affiliated union and one or more of its members; or on behalf of an affiliated union in case of a dispute involving members of that union and an employer.
- 15.6. Have powers to intervene and bring about a just agreement in the case of a demarcation dispute(s) between one or more affiliated unions.
- 15.7. Make known the views of the Trade Union movement on general questions, such as wages and hours of work and any matter of general

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concern that may arise between Employers, Trade Union Movement and Government.

- 15.8. Assist Unions in the field of organising and education, and shall carry on propaganda through the journal of the Federation and any other media with a view to strengthening the Trade Union Movement and for the attainment of any or all the objects of the Federation.
- 15.9. Not unless provided for under this Constitution exercise any executive authority or control of affiliated unions and shall not publish in the journal or in any other media any statement affecting detrimentally an individual union or members of that union.
- 15.10. Have authority to invest, administer the funds of the Federation and to make grants to any organization or person in Botswana for the furtherance of the Trade Union education and unity.
- 15.11. Have authority to affiliate to continental and intercontinental Trade Union Organizations in accordance with resolutions passed by the Delegates' Congress.

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- 15.12. Have authority to raise funds as directed by the Delegates Congress.
- 15.13. Be empowered to waive, suspend or reduce the affiliation or subscription fees of any member union. For an affiliate to be accorded this benefit it shall apply to the General Council through the Secretary General articulating its constraints which should indicate the union income and expenditure.

The waiver/suspension or reduction shall be for a period of 12 months and no union shall benefit from this provision more than once in any two (2) year period.

- 15.14. Ratify all appointments of employees of the Federation, and approve their terms and conditions of service.
- 15.15. Have the power to remove from office any trustee on the grounds of ill-health, unsoundness of mind, continuous absence and failure to carry out his/her duties, or for any other good reason which results in his/her inability to perform his/her duties satisfactorily.

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- 15.16. Prepare a report of its work for submission to the Elective Delegates Congress. The report shall contain a full account of the activities of the Council, the Executive Board and other committees established under this Constitution. Minutes of such, shall be made available upon request in writing to any affiliated union.
- 15.17. Between Elective Congresses interpret this Constitution and determine any point of which the Articles are silent and also decide policies.
- 15.18. Be empowered to give interpretations of the objects of the Federation and shall have complete discretion in the matter, subject only to the Delegates Congress power to revise its decision.
- 15.19. Establish and appoint members to any committee as suggested by the Executive Board for the aiding of smooth operations of the Federation.
- 15.20. Delegate some of its duties to the Executive Board established under the provisions of this Constitution, provided that the Council shall be accountable to the Delegates Congress for anything and everything done in its name and under its authority.

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- 15.21. Shall be empowered to raise a levy as it deems fit from each member of an affiliated Trade Unions for purposes intended to further objects of the Federation.
- 15.22. Shall develop a policy which will set conditions of employment for fulltime political officers of the Federation.
- 15.23. If it deems fit, inform unions affiliated to the Federation on matters that may affect them.
- 15.24. Carry out the decisions of the Delegates Congress.

ARTICLE 16: SPECIAL GENERAL COUNCIL

- 16.1. A Special General Council of the Federation may be convened at the written request of not less than 2/3 of the affiliated unions submitted jointly to the Secretary General detailing the subject(s) of the business of the Special General Council or at the request of the Executive Board.
- 16.2. At least 21 days' notice together with the details of the business to be discussed at the Special General Council shall be given by the Secretary General to all affiliated unions. Amendments to the agenda for the Special General Council, if

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any, shall be submitted by affiliated unions to the Secretary General at least ten (14) days before the date of the Special General Council.

- 16.3. The final agenda for the Special General Council shall be forwarded to all affiliated unions at least seven (7) days before the date fixed for the Council.
- 16.4. Representation at the Special General Council shall be in accordance with the provisions of Article 14.4 and Article 14.6 shall apply with reference to the quorum for the Special General Council.
- 16.5. The business of a Special General Council will be conducted strictly in accordance with the agenda.

ARTICLE 17: EMERGENCY GENERAL COUNCIL MEETING

- 17.1. Where a matter is believed by the Executive Board to constitute an emergency, the Executive Board shall convene an Emergency General Council Meeting.
- 17.2. The Secretary General shall with immediate effect dispatch a Notice for an Emergency General

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Council meeting to all Affiliates and Regions outlining briefly the nature of the emergency, venue and time for the meeting. The meeting shall commence within 7 days of the date of the Notice.

- 17.3. For an Emergency General Council meeting each affiliate and region may send one representative and the quorum shall be 50% plus one of all the affiliates and regions. One half plus one of the members of the Executive Board including the President or the Secretary General should be present.
- 17.4. The Agenda of the meeting shall constitute the emergency matter only save for any information sharing.

ARTICLE 18: THE EXECUTIVE BOARD

- 18.1. Membership: The Executive Board shall comprise of:
- 18.1.1. President.
 - 18.1.2. First Deputy President.
 - 18.1.3. Second Deputy President.
 - 18.1.4. Secretary General.
 - 18.1.5. Deputy Secretary General.
 - 18.1.6. Treasurer.

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- 18.1.7. Chairperson of the Gender Committee.
 - 18.1.8. Secretary of Gender Committee.
 - 18.1.9. Chairperson of the National Youth Council
 - 18.1.10. Secretary of the National Youth Council.
- 18.2. The position of the second deputy president shall be held by a woman.
- 18.3. Members of the Executive Board shall be elected from among Councillors who have been duly nominated and attending the Elective Delegates Congress. No member of the General Council shall be elected into the EB who has not completed at least three years at leadership level of an affiliate union.
- 18.4. Members of the Executive Board shall remain in office for a period of three (3) years coinciding with the Elective Delegates Congress.
- 18.5. No person shall be eligible to be a member of the Executive Board unless he/she is:
- 18.5.1. A fully paid up member of an affiliated union and the affiliated union is not under suspension.

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- 18.6. The Executive Board shall meet and shall be convened by the President in consultation with the Secretary General or at the request in writing to the Secretary-General submitted jointly by not less than one - third (1/3) of its members.
- 18.7. At least seven (7) working days' notice shall be given for all Executive Board meetings.
- 18.8. A quorum of the Executive Board shall be deemed to have been met when members representing 50% plus one of the total membership of the Executive Board are present.
- 18.9. A member of the Executive Board shall cease to be a member of the Board or any of the committees established under this Constitution when:
- 18.9.1. Such member is suspended, resigns or is expelled from his/her own union or when his/her union ceases to be an affiliate of the Federation for whatever reason.
 - 18.9.2. He/she wilfully, or without reasonable cause, fails to carry out his/her duties or acts in contravention with this constitution.

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- 18.9.3. He/she is deemed to have been disloyal to the principles, objectives and values of the Federation.
- 18.9.4. By 50% plus 1 majority decision of the Board, his/her continued presence as a member of the Board is considered prejudicial to the interests of the Federation. Provided that opportunity is given first to him/her to show cause why he/she cannot be removed from the Board.
- 18.10. Any vacancy arising within the Executive Board, for any reason, between two Elective Delegates Congresses, may be filled by co-option by the General Council.
- 18.11. Provided that any person so co-opted shall hold office for the remainder of the term for which his/her predecessor would have held such office had he/she not ceased to be a principal officer or member. The Executive Board will make a recommendation to the General Council on the co-option.

ARTICLE 19: DUTIES OF EXECUTIVE BOARD

The Executive Board:

- 19.1. Shall be vested with the power and authority to carry out the business of the Federation as shall be delegated to it by the General Council from

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time to time, provided that the General Council shall be accountable to the Delegates Congress for anything and everything done by the Executive Board in the latter's name and authority.

- 19.2. Shall issue such instructions and directions to committees established under the provisions of this Constitution in accordance with the resolutions and motions of the General Council during the period between Councils.
- 19.3. Shall be charged with the furtherance of the objectives of the Federation and shall do all acts necessary to ensure the smooth running of the Federation.
- 19.4. May, on behalf of the General Council, transact the business of the Federation between General Councils and shall coordinate the activities of affiliated trade unions but shall not usurp the legal or constitutional authority of affiliated unions.
- 19.5. May, on behalf of the General Council, perform all acts as it deems necessary for promoting the interests of the Federation, the affiliated trade unions and the labour movement.

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- 19.6. May exercise all and any such powers and perform such acts, duties and obligations as may be necessary to attain or are incidental to or conducive to the attainment of objects and the general interests of the Federation, whether such powers, duties and obligations are specified in this Constitution or not.
- 19.7. May, on behalf of the General Council, endeavour to bring about a just agreement in the case of disputes or disagreement between one or more affiliated unions, or between an affiliated union and one or more of its members; or on behalf of an affiliated union in case of a dispute involving members of that union and an employer.
- 19.8. May intervene in any such dispute upon a request in writing by an affiliate or apprehended.
- 19.9. May, on behalf of the General Council, make known the views of the trade unions movement on general questions, such as wages and hours of work and any matter of general concern that may arise between employers and trade union movement and Government, and may, as directed by the General Council, carry out the decisions of the Delegates' Congress.

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- 19.10. Shall on behalf of the General Council, assist trade unions in the field of organizing and education, and shall carry on propaganda through any media with a view to strengthening the Trade Union Movement and for the attainment of any or all the objects of the Federation.
- 19.11. Shall, as directed by the General Council have authority to raise funds for the Federation.
- 19.12. Shall supervise and monitor all activities of Committees and may delegate its functions to relevant Committees as it may deem necessary and expedient.
- 19.13. Shall be responsible for the general administration of the affairs of the Federation and may have representative(s) attend conferences of the women Council and Regional Committees.
- 19.14. Shall prepare a report of its work and those of all the Committees for submission to the General Council. The report shall contain a full account of the activities of the Board and Committees established under this Constitution.

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ARTICLE 20: DUTIES OF THE MEMBERS OF THE BOARD

20.1. President shall:

- 20.1.1. Preside at all meetings of the Delegates Congress, General Council and Executive Board and sign all the records of the proceedings thereof and responsible for the proper conduct of all such meetings.
- 20.1.2. Delegate duties to his/her Deputy Presidents.
- 20.1.3. Be an officer elected at the Congress and shall be the custodian of the constitution principles and its integrity.
- 20.1.4. Has a deliberate and casting vote which he/she may exercise in the case of a tie at any meeting over which he/she presides.
- 20.1.5. In conjunction with the Secretary General and the Treasurer he/she shall sign all cheques on behalf of the Federation.
- 20.1.6. Superintend the general administration of the Federation in all matters relating to the work and objects and may issue public comments and statements in accordance with aims, policies, principles and position of the Federation.
- 20.1.7. Be a representative of the federation in National, Regional and International tripartite bodies.

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20.2. Deputy Presidents

First Deputy President shall:

- 20.2.1. Generally assist the President in the execution of his/her duties and act as President in the absence or incapacity of the President but shall not sign any cheques unless so authorized.
- 20.2.2. Be a member of the Executive Board.
- 20.2.3. Be responsible for international relations and networking
- 20.2.4. Develop performance measures that support BFTU's strategic direction.
- 20.2.5. Coordinate long-term organizational planning and the implementation of the BFTU's strategic plan.
- 20.2.6. Carry out such duties and functions as may be assigned to him/her by the Board and/or the President.

Second Deputy President

- 20.2.7. Undertake and spearhead finance and marketing functions and in addition spearhead branding of the union in general
- 20.2.8. Under the guidance of the President she shall be responsible for the financial and investment strategy of the federation.
- 20.2.9. Oversee compliance with all BFTU contractual requirements with commercial partners and

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develop and implement contracts and grants management system with the support of the Treasurer.

- 20.2.10. Responsible for the promotion women activism and development in the federation and its affiliates
- 20.2.11. Carry out such duties and functions as may be assigned to him/her by the Board and/or the President.
- 20.3. Secretary General shall:
- 20.3.1. Be responsible for coordination of the general day-to-day administration of the federation at technical and political level.
- 20.3.2. Cause to be prepared all reports, including financial reports, to the Executive Board, General Council and the Delegates Congress.
- 20.3.3. Ensure the collection of subscriptions from affiliates and any other income into the federation.
- 20.3.4. Supervise the Secretariat personnel and ensure that conditions of service or service contracts and job descriptions are available for every employee.
- 20.3.5. He/she shall be the Secretary to the General Council and the Delegates Congress.

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- 20.3.6. Be responsible for the entire record keeping of the Federation and supervise and/or collect records from all other organs of the Federation.
- 20.3.7. Be responsible for all correspondences coming in or out of the federation and ensure that the Executive Board and the General Council are kept informed on issues relating to them.
- 20.3.8. Supervise and report on the activities of Regions and Affiliates.
- 20.3.9. Be a spokesperson of the federation.
- 20.3.10. Be a signatory to the Federation financial accounts in conjunction with the President and the Treasurer. He/she shall also sign official documents on behalf of the federation in consultation with the President and the Treasurer.
- 20.3.11. Alert and inform the General Council on all matters, problems and pertinent issues affecting or pertaining to the Federation.
- 20.3.12. Report to Executive Board through the President.
- 20.3.13. Represent the Federation in National, Regional and International Tripartite bodies.

20.4 Deputy Secretary General:

- 20.4.1. Shall assist the Secretary General in all administrative work of the Federation and shall

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act for him/her in his/her absence, except signing of cheques unless so authorized.

- 20.4.2. Shall be the minute Secretary of the Executive Board. In her/his absence the Executive Board will appoint one of their own.
- 20.4.3. Shall be responsible for the functioning of all Committees elected by the General Council.
- 20.4.4. On behalf of the Secretary General supervise the activities of Regions and Affiliates.

20.5 The Treasurer:

- 20.5. Shall be an Official elected by the Delegates Congress.
- 20.6. He/she shall be the chief presiding Officer over the finances of the federation.
- 20.7. Shall present financial reports to the EB, GC and DC.
- 20.8. Oversee the budget of the Federation and ensure that expenditure is as per the budget.
- 20.9. Query any expenditure that is not in conformity with the budget or the financial regulations.
- 20.10. Conduct monthly bank reconciliations and ensure conformity to financial policy and regulations.
- 20.11. Be a signatory to the Federation financial accounts in conjunction with the President and the Secretary General.

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ARTICLE 21: TRUSTEES

Trustees shall:

- 21.1. Be at least twenty- one (21) years of age and shall be members of affiliated union but shall not be principal officers or members of any committee of the Federation.
- 21.2. Be a person(s) who shall not have been charged or convicted of any crime involving dishonesty at any time.
- 21.3. Any vacancy arising among any of the trustees for any reason between two Elective Delegates Congresses may be filled, by appointment, by the General Council.
Provided that any person so appointed shall hold office for the remainder of the term for which his/her predecessor would have held such office had he/she not ceased to be a Trustee.
- 21.4. A Trustee may be removed from office by the General Council on the grounds of ill-health, unsoundness of mind, continuous absence and failure to carry out his/her duties, or for any other good reasons which results in his/her inability to perform his/her duties satisfactorily.

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ARTICLE 22: DUTIES OF TRUSTEES

Trustees shall:

- 22.1. Have vested in them all the powers provided in this Constitution.
- 22.2. Deal with the property of the Federation in such a manner as the Delegates Congress may direct.
- 22.3. Ensure that the books of accounts of the Federation are properly audited in accordance with the provisions of this Constitution and shall prepare a separate report of the financial affairs of the Federation.
- 22.4. Inspect, prepare records and reports on management and care of all the assets of the Federation annually and as when required to do so by the Delegates Congress.
- 22.5. Be responsible for the distribution of the Federation assets to creditors, working class organizations and welfare institutions catering for the working class, upon dissolution of the Federation.

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- 22.6. For the purpose of carrying out the above functions, or for any compliant in any court of law affecting or concerning the funds or assets of the Federation or any claims or rights due to or by the Federation, for such purpose to sign and complete any necessary documents and engage any legal practitioner/ liquidator as instructed by the Congress.

ARTICLE 23: EXTERNAL AUDITOR

- 23.1. The General Council shall appoint an auditor who shall audit the books and accounts of the Federation each year at the close of the financial year.
- 23.2. In the years when no Triennial Delegates Congress falls due, the auditor's report shall be sent to affiliated unions as per Article 9.4.

ARTICLE 24: GENDER COMMITTEE

- 23.1. There shall be a Gender Committee established under the provisions of this Constitution composed of men and women members of all affiliated Unions.
- 23.2. The Committee shall meet two times annually and shall elect its Executive Committee at its first

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meeting in the year that the Elective Delegates Congress is held.

23.3. Composition of Gender Committee:

24.3.1. The Gender Committee shall be composed of:

24.3.1.1. Chairperson for Gender Committee.

24.3.1.2. Deputy Chairperson for Gender Committee.

24.3.1.3. Secretary for Gender Committee.

24.3.1.4. Treasurer for Gender Committee.

24.3.1.5. Deputy Secretary for Gender Committee.

24.3.1.6. Two (2) members per affiliate of which at least one shall be a woman.

24.4. At least three (3) principal members of the Gender Executive Committee shall be women.

24.5. The Chairperson and Secretary of the Committee shall be members of the Executive Board with full rights to vote.

24.6. The Executive Committee Members of the Gender Committee shall remain in office for a period of three (3) years coinciding with the Elective Delegates Congress.

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- 24.7. Any vacancy arising among any of the Executive Committee Members for any reason between two Elective Meetings may be filled, by co-option, by the Executive Committee.

Provided that any person so appointed shall hold office for the remainder of the term for which her predecessor would have held such office had she not ceased to be an Executive Committee member.

- 24.8. No member shall be eligible to be an Executive Committee Member or member of the Committee unless such member is fully paid up member of an affiliated union and the affiliated union is not under suspension.

- 24.9. A member of the Executive Committee shall cease to be a member when:

24.9.1. Such member is suspended, resigns or is expelled from her own union.

24.9.2. Her union ceases to be an affiliate of the Federation for whatever reason.

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24.9.3. By a two -thirds (2/3) majority decision of the Gender Committee, his/her continued presence as a member of the Committee is considered prejudicial to the interests of the Federation.

Provided opportunity is given first to her to show cause why she cannot be removed from the Council.

24.10. A quorum for the Committee shall be formed when members representing 50% plus 1 of the total membership are present.

ARTICLE 25: DUTIES OF THE GENDER COMMITTEE

Gender Committee shall:

25.1. At the Triennial meeting, elect its Executive Committee Members, namely, the Vice Chairperson, Assistant Secretary, Treasurer. The Chairperson and the Secretary shall be elected by the delegates' congress of the Federation.

25.2. As directed by the Executive Board, be charged with the furtherance of the objectives of the Federation and shall do all acts necessary to ensure the smooth running of the Federation.

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- 25.3. Organize, educate and unionise women and to mobilize and co-ordinate trade union structures towards promotion of the interests of women workers.
- 25.4. On behalf of, or as directed by the Executive Board, perform all acts as it deems necessary for promoting the interests of the Federation, its affiliated trade unions and the trade union movement.
- 25.5. On behalf of the Executive Board, assist Trade Unions in the field of education on gender issues.
- 25.6. As directed by the Executive Board have authority to raise funds for the Federation.
- 25.7. Supervise and monitor all gender activities of affiliated Unions.
- 25.8. Prepare a report of its work for submission to the Executive Board, which shall contain a full account of their activities.

**ARTICLE 26: DUTIES OF GENDER COMMITTEE
EXECUTIVE MEMBERS**

- 26.1. Chairperson shall:

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26.1.1. Preside at all meetings of the Executive Council and shall be responsible for the proper conduct of all such meetings and shall sign all the records of the proceedings thereof.

26.1.2. Have a deliberate and casting vote which she may exercise in the case of a tie at any meeting over which she presides.

26.2. Vice Chairperson shall:

26.2.1. During the absence of the Chairperson act for and have the powers vested in the Chairperson.

26.3. Secretary shall:

26.3.1. Conduct the business of the Committee in accordance with its rules, and shall carry out the instructions of the General Council and or the Executive Board.

26.3.2. Attend all meetings of the Committee and shall record in a full and proper manner all proceedings of the meetings.

26.4. Assistant Secretary shall:

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25.4.1. Assist the Secretary in all administrative work of the Committee and shall act for her in her absence.

26.5. Treasurer shall:

26.5.1. Be responsible for the finances of the Gender Committee.

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ARTICLE 27: NATIONAL YOUTH COUNCIL

- 27.1. There shall be a constituted National Youth Council of the Federation established under the provisions of this Constitution composed of all young working members of all affiliated Unions.
- 27.2. The Council shall meet two times annually and shall elect its Executive Committee at its first meeting in the year that the Elective Delegates Congress is held.
- 27.3. Composition of National Youth Council:
- 27.3.1. The National Youth Council shall be composed of:
- 27.3.1.1. National Youth Chairperson.
- 27.3.1.2. Vice National Youth Chairperson.
- 27.3.1.3. National Youth Secretary.
- 27.3.1.4. National Youth Treasurer.
- 27.3.1.5. Vice National Youth Secretary.
- 27.3.1.6. Two delegates per affiliate.
- 27.4. The Chairperson and Secretary of the Council shall be members of the Executive Board with full rights to vote.
- 27.5. The Executive Committee of the Youth Council shall remain in office for a period of three (3)

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years coinciding with the Elective Delegates Congress.

- 27.6. Any vacancy arising among any of the Executive Committee members for any reason between two Elective Meetings may be filled, by co-option, by the Executive Committee of the Youth Council.

Provided that any person so appointed shall hold office for the remainder of the term for which her predecessor would have held such office had she not ceased to be an Executive Committee Member.

- 27.7. No member shall be eligible to be an Executive Committee Member or member of the Council unless such member is fully paid up member of an affiliated union and the affiliated union is not under suspension.

- 27.8. Any Executive Committee Member shall cease to be a member when:

- 27.8.1. Such member is suspended, resigns or is expelled from her own union.

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27.8.2. Her union ceases to be an affiliate of the Federation for whatever reason.

27.8.3. By a two-thirds (2/3) majority decision of the Council, her continued presence as a member of the Council is considered prejudicial to the interests of the Federation.

Provided opportunity is given first to her to show cause why she cannot be removed from the Council.

27.9. A quorum for both the Council and the Executive Committee shall be formed when members representing 50% plus 1 of the total membership are present.

ARTICLE 28: DUTIES OF NATIONAL YOUTH COUNCIL

National Youth Council shall:

28.1. At its Triennial meeting, elect its Executive Officers, namely, the Vice Chairperson, Assistant Secretary, Treasurer. The Chairperson and the Secretary shall be elected by the delegates' congress of the Federation.

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- 28.2. As directed by the Executive Board, educate and unionise all young people and to mobilise and coordinate trade union structures towards promotion of the interests of young workers.
- 28.3. Encourage and promote young workers involvement, self- confidence and self-reliance.
- 28.4. Provide and facilitate a channel of communication between the Federation and other youth institutions and bodies.
- 28.5. Work towards eradication of discrimination against the young workers especially young women and for the full realization of the rights of a young worker.
- 28.6. Generally undertake all such other tasks as are necessary for the advancement of the rights and interest of young workers as approved by the General Council.

ARTICLE 29: REGIONS

- 29.1. There shall be established regions of the Federation as shall be determined by the General Council from time to time. The General Council shall also be charged with the responsibility of

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developing guidelines for the setting and running of regional administrations.

- 29.2. Each Region shall be composed of all Regional Branches of affiliates of the Federation and shall have its own Regional Committee.

ARTICLE 30: REGIONAL EXECUTIVE COMMITTEES

- 30.1. The Regional Executive Committees shall be composed of Regional Chairperson, Vice Regional Chairperson, Regional Secretary, Assistant regional Secretary, Regional Treasurer and one (1) additional member elected from any affiliate in the region. The term of office for Regional Executive Committees shall be three years coinciding with the Elective Delegates Congress.
- 30.2. No member shall be eligible to be a member of the Regional Executive Committee unless such member is the Chairperson or Secretary (or leader) of a Regional/Branch committee of a fully paid up affiliated union and the affiliated union is not under suspension.
- 30.3. Regional Chairpersons and Regional Secretaries of Federation Regional Executive Committees shall become members of the General Council with full voting rights.

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- 30.4. A member of the Regional Executive Committees shall cease to be a member when he/she resigns, is expelled from his/her own union or when his/her union ceases to be an affiliate of the Federation for whatever reason(s).
- 30.5. A quorum for the Regional Executive Committees shall be formed when members representing 50% plus 1 of the total membership of the Regional Executive Committees are present.
- 30.6. The demarcation of regions shall be vested with the General Council of the federation.
- 30.7. The General Council shall come up with procedures of electing regional executive committees and how the regions will be administered.

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ARTICLE 31: DUTIES OF THE REGIONAL EXECUTIVE COMMITTEES

The Committee's duties shall be:

- 31.1. To fulfil the aims of the Federation at regional level in order to promote workers interests to recruit and mobilize members in the locality.
- 31.2. To organize regional events and solidarity activities with regards to trade union education, training, information, sharing and disseminating information, organisation and recruitment of members.
- 31.3. To ensure proper effective and regular communication between and among national unions and their structures in the region and the head office of the Federation.
- 31.4. To establish sub-committees responsible to the Regional Committee in districts within the region for the smooth running and effective functioning of the regional committee.
- 31.5. To do such other things as are in the interest of the labour movement and consistent with the principles, policies and constitution of the Federation.

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ARTICLE 32: QUORUM AND VOTING

- 32.1. Except where otherwise expressly stated, a quorum for all organs and committees established under this Constitution shall be formed when 50% plus one (50%+1) of the members of such organs or committees are present.
- 32.2. Except where otherwise expressly provided for, motions, resolutions and decisions of all organs and committees established under provisions of this Constitution shall be passed by simple majority of the persons eligible to vote.
- 32.3. For any meeting of any of the organs of the federation formed under this Constitution if a quorum is not met one (1) hour after the designated starting time, the chairperson shall immediately call the meeting to order and inform those present that the meeting does not form a quorum and therefore stands adjourned until the next date as per Article 32.4.
- 32.4. An adjourned meeting shall reconvene within seven (7) days for the Executive Board and all other committees, within fourteen (14) days for the General Council and within thirty (30) days for the Delegates Congress.

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- 32.5. Where a reconvened meeting does not form a quorum after one (1) hour of the designated time, the members present shall continue with the meeting as if there is a quorum and the decisions taken by the meeting shall be binding upon members.

ARTICLE 33: FINANCES

33.1. General

- 33.1.1. The finances of the Federation shall come from affiliation subscriptions, levies, donations, pledges, accrued profits from any businesses run by the Federation, fund raising functions or from any means within the ambit of the law and the constitution of the Federation.

- 33.1.2. In regulating the use of funds, the federation shall through its General Council develop and implement a clear and comprehensive Financial Policy and Regulations for Use of Funds.

33.2. Purpose of Federation Funds

The funds of the Federation may be expended only for the following objectives:

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- 33.2.1. The payment of salaries, allowances and expenses to officers and paid employees of the Federation.
- 33.2.2. The payment of expenses for the administration and any other activities that the General Council may resolve to undertake including auditing of books.
- 33.2.3. The organization of educational courses, preparation, printing and distribution of educational material.
- 33.2.4. The awarding of scholarships and grants as may from time to time be made by the Federation.
- 33.2.5. The costs of producing and distributing the journal of the Federation.
- 33.2.6. The payment of subscription and fees to any organization to which the Federation, in terms of the provisions of this Constitution, has already has lawfully affiliated.
- 33.2.7. The prosecution or defence of any legal proceedings to which the Federation, when such prosecution or defence is undertaken for the

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purpose of securing or protecting any rights arising out of the relations of any member of an affiliated trade union with an employer.

- 33.2.8. The payment of any fine or penalty imposed upon Federation under the provisions of the Trade Unions and Employers' Organizations Act.
- 33.2.9. Investment in any funds or securities of a registered financial institution, building society or public company approved by the General Council and Trustees.
- 33.3. Banking
- 33.3.1. The Treasurer of the Federation shall cause a bank account to be opened at a bank approved by the General Council in the name of Botswana Federation of Trade Unions and shall ensure that all monies belonging to the Federation received by him/her shall be paid into such account in accordance with the provisions of this Constitution and the Financial Regulations.
- 33.3.2. All cheques for the withdrawal of money shall be signed by any two of the Treasurer, the President and the Secretary General.

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- 33.3.3. In the continued absence of one of the above principal officers authorized to sign cheques, the Executive Board shall be empowered to authorize the First Deputy President, the Second Deputy President or the Deputy Secretary General to sign cheques until such a time it withdraws such authorization.
- 33.3.4. No other bank account, or other form of account shall be opened in the name of Federation, or any of the committees established under this Constitution without the permission in writing of the General Council, except where provided for by this Constitution.
- 33.4. Finance Committee (FC)
- 33.4.1. The Finance Committee shall compose of:
- 33.4.1.1. Women Deputy President.
- 33.4.1.2. Treasurer.
- 33.4.1.3. Three Members Elected by the General Council.
- 33.4.1.4. The Most Senior Officer in the Finance Department shall act as the Secretary to the FC without voting rights.
- 33.4.2. The Deputy President shall be the Chairperson of the FC.

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- 33.4.3. Members of the Finance Committee shall remain in office for a period of three (3) years coinciding with the term of office of the Executive Board.
- 33.4.4. It shall meet once every two months or at earlier intervals as may be necessary to review the financial position of the Federation and shall, in conjunction with other appropriate committees, organize fundraising campaigns.
- 33.4.5. The Finance Committee shall:
- 33.4.5.1. Assist the National Treasurer in discharging his/her duties.
 - 33.4.5.2. Prepare financial reports for the EB and GC.
 - 33.4.5.3. Prepare Annual Budgets for the Federation.
 - 33.4.5.4. Recommending amendments to the Federation Financial Policy and Procedures.
 - 33.4.5.5. Monitoring the use of the federation funds and querying any flaws in the transactions.
 - 33.4.5.6. Ensuring timely audits of the financial books of the Federation.
- 33.5. Financial Year
- 33.5.1. The financial year of the Federation shall end on the 31st day of December and copies of audited accounts of affiliated unions should be received

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by the Secretary General not later than three (3) months after the end of financial year.

ARTICLE 34: INDUSTRIAL DISPUTES

- 34.1. Where disputes arise or threaten to arise between affiliated trade unions, the Executive Board shall use its influence by tendering advice to promote a settlement.
- 34.2. The Executive Board may take the initiative of effecting its services to all the parties to the disputes so as to use its influence to effect a just settlement of the difference.
- 34.3. Should the Executive Board offer to settle any dispute, and the offer to settle such dispute is accepted by both parties, the Board may, having ascertained all the facts relating to the difference, tender its considered opinion and advice thereon to the concerned.
- 34.4. Should the concerned parties refuse the assistance or advice of the Executive Board, the Board shall duly report to the General Council.
- 34.5. Upon application from all affiliated trade unions concerned in the dispute, the Executive Board also has the power to investigate cases of such

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dispute or disagreement between affiliated trade unions. Whether relating to general industrial questions or demarcation of work and to report to such affiliated union the result of its findings.

- 34.6. If at any time there appears to the Executive Board to be justification for an investigation into the conduct of any affiliated trade union on the grounds its interests are contrary to the declared principles and policy of the Federation, the Executive Board shall summon such affiliate to appear before it or the appropriate committee duly appointed, in order that such activities may be investigated.
- 34.7. In the event of the organization failing to attend, the investigation shall proceed in its absence.
- 34.8. If after such investigation, the Executive Board decides that the activities of the trade union concerned are detrimental to the interests of the Trade Union Movement or contrary to the declared principles of a Federation, the Executive Board shall direct the organization to discontinue such activities forthwith and undertake not to engage therein in the future.

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- 34.9. Should the organization disobey such directions, or fail to give such understanding, the General Council shall be empowered at its discretion to order that the organization be forthwith suspended from the Delegates Congress.
- 34.10. The General Council shall submit a report on the matter to the next Elective Delegates Congress.
- 34.11. It shall be incumbent upon all affiliated unions to keep the General Council informed with regard to matters arising between them and employers, and/or between one affiliated union and another, especially where such matters may directly involve a larger body of workers in accordance with Article 4.4.

ARTICLE 35: DISCIPLINE

- 34.1. The General Council shall be empowered to fine, suspend or expel from membership any affiliated trade union under the provisions of this Rule.
- 34.2. The General Council shall have powers to enquire into and/or offer its service to bring about amicable resolution in a dispute between member unions or a union and the employer, whether such dispute has been reported or apprehended.

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- 34.3. The General Council shall call a Special Delegates Congress within three months of an affiliated trade union lodging an appeal against its decision under this Rule.
- 34.4. An affiliated trade union may be disciplined by the General Council for the following offences:
- 35.4.1. None payment of subscription fees without a waiver or exemption.
 - 35.4.2. Making a false statement or withholding material information when applying for membership or when asked for information by the General Council.
 - 35.4.3. Violation of any of the provisions of this Constitution or any action tending to defeat the objects of the Federation.
 - 35.4.4. Failing to comply with resolutions and decisions of the Delegates Congress or decisions taken by the General Council in accordance with the principles and provisions of this Constitution.

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- 35.4.5. Making statements contrary to the objects of the Federation either against any action taken in accordance with the Constitution of the Federation by its officers or against an individual affiliated union or members of such union.
- 35.4.6. Circulating either in writing or in verbal communication to other affiliated unions upon any matter concerning the business of the Federation without first securing the General Council's authorization for such circulation.
- 35.5. A code of conduct for officers of the Federation, members and employees of the Federation shall be drawn up in writing by the General Council and shall detail matters for which disciplinary action shall be taken against such officers or employees and the penalties they shall incur.
- 35.6. In case of Principal Officers, and members of the General Council, and other committees established under this Constitution, there shall be a right of appeal to the next following Elective Delegates Congress called by the General Council for that purpose.

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ARTICLE 36: ELECTIONS

36.1. The federation shall through its General Council develop and implement an Electoral Policy and Procedures which will among other things establish an Electoral Commission. This policy and regulations shall constitute part of this constitution as an annexure.

**ARTICLE 37: INDEMNIFICATION OF EB MEMBERS
AND MEMBERS OF VARIOUS CONSTITUTIONAL
COMMITTEES**

- 37.1. Members of the Executive Board and members of various constitutional Committees of the federation, provided they have not acted in a manner that is considered to be misconduct, shall be;
- 37.2. Indemnified by the Federation against all proceedings, costs and expenses incurred by reason of any omission, negligence or other act done whilst performing their duties on behalf of the Federation or an affiliate; and
- 37.3. Shall not be personally liable for any of the liabilities of the Federation or any of its affiliates.

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ARTICLE 38: AMENDMENT OF THE CONSTITUTION

- 38.1. Any provisions of this constitution may be replaced, amended or added to in any manner, by resolution of the Congress or Extraordinary Congress provided that not less than three (3) months' notice of the proposed amendments shall have been given in writing to the Secretary General and the proposed amendment or amendments immediately thereafter shall be circulated to all the member trade unions.
- 38.2. A motion or motions proposing the amendment or amendments to the constitution shall be carried provided that two-thirds of the delegates present and voting vote in favour of the proposed motion or motions.

ARTICLE 39: DISSOLUTION OF FEDERATION

- 39.1. The Federation shall be dissolved only by a special resolution of the Elective or Special Delegates Congress.
- 39.2. A motion proposing the dissolution of Federation shall be carried, provided that two-third (2/3) of

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the delegates present and voting in a secret ballot, vote in favour of the proposed motion.

ARTICLE 40: ANNEXURES TO THE CONSTITUTION

36.1. The following shall constitute part of this constitution as annexures:

40.1.1. Standing Orders regulating federation meetings for all its structures.

40.1.2. Formula for Representation at the Delegates Congress.

40.1.3. Code of conduct for the leadership, members and affiliate unions.

40.1.4. Electoral Policy and Procedures.

40.2. The General Council shall be empowered to come up with these policy documents which can be amended from time to time without having to amend the main constitution.

ARTICLE 41: THE NEUTRALITY OF THE FEDERATION OFFICIALS AND OFFICERS AND OATH OF OFFICE

41.1. No National Office holder of the BFTU and the affiliated National Unions, Heads of the Specialised Department of the BFTU, Gender Committee of the BFTU, Youth Committee, Regional Committee or any other positions of the affiliated Trade Unions shall hold office in any

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political party or address any rally organised by such a political party to advance a political agenda.

41.2. No officer or officials of BFTU and affiliated National Unions occupying any analogous grades and not mentioned above shall hold office in a political party or address a rally organised by a political party, provided such an address should be to make aware of or strictly to advance the cause or objectives of the Federation and such a position of which shall be approved by the Executive Board.

41.3. All Officials and Officers shall before taking office undertake the following oath of allegiance to the federation:

*I,.....(insert name)
solemnly pledge and swear that I shall during my term of office always live up to the aims and aspirations of the BFTU constitution and shall not under any circumstance, divulge any official secrets of the BFTU, betray a colleague, become disloyal to the Trade Union Movement, or use the influence of the Federation for my own selfish or personal interest or for advertisement or otherwise, I do so*

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at the risk of my official status, reputation, honour and fortune.

“I SWEAR”

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ANNEXURE 1: STANDING ORDERS

The following standing orders shall apply to meetings of the Executive Board, the General Council, the Delegates Congress and Regional Councils and their Executive Committees:

1. The Chair at all meetings of the Delegates Congress, General Council and the Executive Board shall be taken by the President or, in his/her absence, by one of the Deputy Presidents, or in their absence by one of the senior members of the Board or such member as the meeting shall decide.
2. The working language of the Federation shall be English/Setswana and the minutes of all meetings of the Federation shall be recorded and shall be published in English.
3. The business of meetings shall be conducted in accordance with the agenda, except when otherwise consented to by the meeting.
4. No subject other than those appearing on an agenda shall be debated.

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5. Save with the express leave of the meeting, no speaker shall take the floor for more than once on any motion or subject, unless he/she the mover of the motion and is being given a right of reply.
6. No speaker shall speak for more than five (5) minutes on any particular subject. The time limit placed on the mover of a motion shall be notified to the meeting at the time the agenda is to be adopted.
7. No motion, or subject shall be debated for a longer period than one and a half hours, provided that any member of the meeting shall have the right to move a motion for an extension of time, such a motion shall be put without debate and shall not have effect unless carried by a two thirds majority of the members present.
8. All members addressing the meeting shall first state whether they intend to speak for or against the motion being debated.
9. Except when otherwise stated, all questions shall be decided by a simple majority of votes expressed by a show of hands. The Chairperson shall have a deliberative and a casting vote in the

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event of a tie in voting on a motion. The Chairperson's casting vote shall determine the outcome, shall exercise his casting vote.

10. No motion or subject which has been debated and determined by the meeting shall be reopened at the same meeting, except on a motion carried by a two-thirds (2/3) majority. Such a motion shall be put without amendment or debate.
11. A member may, with the consent of the prescribed meeting, withdraw any motion or amendment which he might previously have proposed at that meeting.
12. Any delegate refusing to obey the ruling of the Chairperson or who is guilty of misconduct shall be excluded from the meeting if a majority vote of the members so requires.
13. A motion to review the Chairperson's ruling may be moved and seconded, but no debate shall be allowed. A simple majority vote in favour of the motion shall be sufficient to carry such a motion.
14. During the debate, points of order may be raised verbally and without prior notice being given. Should a point of order be raised, the President

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or Chairperson shall give a ruling in reference to its validity.

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**ANNEXURE 2: FORMULA FOR REPRESENTATION AT
THE DELEGATES CONGRESS**

Introduction

1. Article 10.3 of the Constitution provides that representation at Congress shall be by proportional representation by each affiliate. The same Rule further provides that the General Council shall determine the formula for representation.
2. The purpose of these regulations is therefore to give effect to Article 10.3 of the Constitution and facilitate proper representation at Congress.
3. The system used to allocate seats at Congress for each affiliate is called the “Double Allocation System”. The objective of this system is to have a formula that is transparent and capable of being sustained from one Congress to another. The formula takes into account changes in the membership of affiliates, the accession of new members and the merger or split of affiliates.
4. This system honours the status as affiliate and the size of the affiliate. A purely affiliate system (“one affiliate, one vote”) would favour smaller unions and would lead to an alienation of bigger unions. A purely proportional system (“the more members an affiliate has, the more delegates he can nominate”) would favour bigger unions and

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could create a situation in which smaller unions are no longer represented and that bigger union could “take over” the federation. This latter situation is especially relevant for federations with huge differences in membership of their affiliates.

Assumptions of the Formula

5. The total number of seats shall be 250 delegates without the Executive Board.
6. Every affiliate regardless of size shall be entitled to a minimum of 5 delegates.
7. No affiliate shall be entitled to more than 80 delegates regardless of how big it is.
8. No smaller affiliate shall receive more seats than a larger affiliate.
9. The allocation shall respect “digressive proportionality”, i.e. each delegate from a bigger affiliate represents more members than each delegate from a smaller affiliate.

The Calculation of delegates per affiliate

10. Assign to each affiliate a fixed number of delegates (“base”).
11. Calculate “notional delegates” by dividing total membership of BFTU by remaining seats (= total number of delegates – base seats = divisor).
12. Perform an integer rounding of the number of “notional delegates”, replacing the quotient by a whole number.

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13. If the number of delegates exceeds the maximum allocation (i.e. 80 delegates), replace it by the maximum.
14. Adjust the divisor in such a way that the total number of delegates equals the given Congress-size.

The Formula

15. Affiliate i with a membership p_i , receives,
 $s_i = \min \{ b + \lceil p_i / d \rceil, M \}$ of delegates.

Where

- s_i is the number of delegates of affiliate i
 - b is the minimum number of delegates of each affiliate (“base delegates”)
 - p_i is the membership of affiliate i
 - d is the total number of delegates in Congress minus total number of “notional seats”
 - M is the upper bound of delegates for any affiliate
16. The “base” is set at 5 delegates, which would allow the affiliate to be presented at the Congress by its leadership.
 17. The integer rounding off method is used in determining the number of “notional delegates”, which is fair across the board.

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18. The BFTU Secretariat shall perform the actual calculation for each affiliate and present the results of delegates numbers in a tabula form. This information shall be sent to affiliates when the first notification of the Congress is made and after the figures have been verified by the General Council.

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ANNEXURE 3: ELECTORAL REGULATIONS

Introduction

1. The purpose of these regulations is to give effect to the Rule 36 of the BFTU Constitution. It is further to ensure that the electoral processes of the federation run smoothly with minimal queries.
2. The BFTU General Council as mandated by Rule 36 of the Constitution therefore promulgates these electoral regulations:

The Electoral Commission

3. There shall be an Electoral Commission whose mandate shall be to conduct all elections within the federations, especially elections for Executive Board members.
4. The Electoral Commission will also be at the disposal of other BFTU structures and its affiliates. However, where affiliates decided to use the EC of the federation there shall bare all the costs involved for the work of the Commission.
5. The Commission shall be comprised of five (5) members elected from among BFTU affiliates.

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- 5.1. No person shall be a member of the Commission unless he/she is paid up member of his/her union and the union itself is in good standing in the federation.
- 5.2. No Member of the Executive Board, the General Council, the Executive Committee of the Gender Committee, the Executive Committee of the Youth Committee and the Executive Committees of Regions may be elected into the EC.
6. A member of the EC who decides to stand for office in the Executive Board, the General Council, the Executive Committee of the Gender Committee, the Executive Committee of the Youth Committee and the Executive Committees of Regions shall have to resign from the EC no less than three (3) months before the date he/she intends to stand for such office.
7. Members of the Commission shall be elected by the Delegates Congress and shall serve for a period two consecutive Congresses with a possibility of re-election. Any vacancy that exists between the Congresses shall be filled up by the General Council.
8. When electing the EC the Congress shall designate one of the elected members as the Chairperson of the

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Commission and another his/her Deputy. The Commission shall elect its own Secretary among the members.

Process of Receiving Nominations for EB Positions

9. The Secretary General shall write to the Chairperson of the EC 12 weeks before the Triennial Delegates Congress alerting the Commission on the dates and venue for the Congress and requesting it to start the preparations for elections of the EB and any other bodies to be elected at the Congress.
10. Upon receipt of the communication the Commission shall forthwith request all affiliates to submit nominations for positions as stipulated by the Secretary General's Communication. Such nominations shall be sent to the Secretary of the Commission in sealed envelopes. The envelopes shall only be opened before the Special General Council.
11. Once the nominations have been received, the Commission shall alert the Secretary General and a Special General Council shall be convened for the purposes of verification of the nominees submitted. Only nominees that meet the Constitutional requirement shall be allowed to stand for elections. Where an ordinary GC is scheduled before the

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Congress, there will be no need for a Special General Council.

12. Nominees who did not meet the criteria shall be notified through their unions and the union shall be given an opportunity to submit an alternative nominee. Such alternative nominee shall be only admitted if the conditions set by the GC are met.
13. Once the nominations have been verified, they shall be submitted to the Secretary General for publication to all affiliates and the general public.

Campaigns

14. No candidate shall be allowed to disclose their ambition to stand for elections before the list of candidates has been duly published by the Secretary General's Office.
15. No campaigns for office shall be permitted before the list of candidates has been duly published by the Secretary General's Office.
16. Once the list of candidates has been duly published by the Secretary General's Office candidates shall be free to engage in campaigns for their election.

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17. Mudslinging and personal attacks on opponents shall not be tolerated at all costs. Candidates who breach this provision shall be brought before the Electoral Appeals Committee and if found guilty they may be disqualified or disciplined in accordance with BFTU disciplinary procedures.
18. An election debate shall be organized and held by the EC one week before the Congress to give candidates an opportunity to sell themselves. The debate shall be optional for candidates. Affiliates will have to sponsor their candidates to attend such a debate.
19. Campaigns shall be officially closed a day before the Congress at 12 mid-night. Any candidate or his/her follows who breach this regulation face disqualification and/or disciplinary action.

The Voting

20. Voting for EB positions and all other positions in BFTU structures shall be conducted by the EC through a secret ballot.
21. Before voting can take place candidates will be free to appoint their observers who must be duly registered

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with the EC to observe the elections, verification process and the counting of ballots.

22. All delegates who have been duly verified by the Credentials Committee shall be entitled to one person one vote.
23. Voting polls shall be opened at 10.00hrs on the first day of Congress and shall run parallel with other Congress activities.
24. The Polls shall close at 18.00hrs on the first day of the Congress or once all registered delegates have voted, whichever is earlier.
25. Once voting has been closed, the EC shall proceed with the verification process to account for all the ballots before commencing with the counting of votes.

Results

26. The results of the outcome of the voting shall be announced on the second day of the Congress when it resumes or any other convenient time on that day.

Appeals

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27. Anyone not satisfied with the results of the elections shall register his dissatisfaction with the EC immediately after the results have been announced and no later 24hrs after the results have been announced.
28. Such a notice of appeal shall be forwarded to Secretary General immediately it is received by the EC. Immediately after receipt of the appeal the Secretary General shall convey the same to the Appeals Committee which shall determine whether there is substance in the appeal.
29. Should the Appeals Committee find there is no merit in the Appeal, it shall be dismissed and its decision shall be final.
30. If the Appeal has merit, the Appeals Committee shall determine the way forward which may include a cancellation of the results and an order for a re-run or any mitigating remedy. Again the decision of the Appeals Committee shall be final.
31. A full report on the Appeal whether with/without merit shall be compiled by the Appeals Committee and submitted to the Secretary General who shall refer it to the General Council for consideration and adoption.

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Election Documents

32. All documents used during an election shall be shall be submitted to the Secretary General not more than 14 days after the date of elections for safe keeping. The documents shall be submitted in sealed packets and shall be kept until the next election.

The Elections Appeals Committee

33. There shall be an Elections Appeals Committee (EAC) of three people. The members of this Committee shall comprise of independent persons with no direct link or interest to the elections.
34. The EAC shall be appointed by the GC immediately before the Congress. It shall run for a period of three years.

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ANNEXURE 4: CODE OF ETHICS

Introduction

1. Article 40.1.3 provides that the General Council (GC) shall put in place a policy document on Code of Conduct for the leadership, members and affiliates of the Federation.
2. The purpose of this Code is to lay down principles by which the Federation Leadership i.e. the Executive Board (EB), the General Council (GC) and leaders in lower structures of the Federation and all Affiliates and their members are expected to live by.
3. Contravention of this code may lead to disciplinary action against the contravener, be it a Board member, GC member or an affiliate union. In this vein this Code shall apply to:
 - 3.1. Every Executive Board Member individually.
 - 3.2. The Executive Board as a collective.
 - 3.3. Every member of the GC individually.
 - 3.4. The GC as a collective.
 - 3.5. Leadership of affiliates.
 - 3.6. General members of affiliates.
 - 3.7. Employees of BFTU.
 - 3.8. Any person acting on behalf of BFTU.

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The Code

4. Botswana Federation of Trade Unions (BFTU) Executive Board, the General Council, all political structures and officials will conduct their affairs honestly and ethically wherever they are in the service of the Federation. They will constantly improve the quality of their services, and operations and will create a reputation for honesty, fairness, respect, responsibility, integrity, trust and sound judgment.
5. No illegal or unethical conduct on the part of the Executive Board, members of the General Council, structures, officials, or affiliates is in the Federation's best interest. BFTU will not compromise its principles for short-term advantage. The ethical performance of this Federation is the sum of the ethics of the men and women who are WORKERS. Thus, we are all expected to adhere to high standards of personal integrity.
6. BFTU Executive Board, the General Council, political structures and officials of the Federation must never permit their personal interests to conflict, or appear to conflict, with the interests of the Federation, or of affiliates. The Federation Executive Board, the General Council, political structures and officials must be particularly

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careful to avoid representing BFTU in any transactions with others with whom there is any outside business affiliation or relationship.

7. The Federation Executive Board, the General Council, political structures and officials shall avoid using the Federation contacts to advance their private business or personal interests at the expense of the Federation, its associates or affiliates.
8. No bribes, kickbacks or other similar remuneration or consideration shall be given to any person or organization in order to attract or influence business activity. The Federation Executive Board, the General Council, political structures and officials shall avoid gifts, gratuities, fees, bonuses or excessive entertainment, in order to attract or influence business activity. Any gifts received during line of duty shall be declared to the BFTU Office.
9. The Federation Executive Board, the General Council, political structures and officials of BFTU will often come into contact with, or have possession of, proprietary, confidential or union-sensitive information and must take appropriate steps to assure that such information is strictly safeguarded. This information – whether it is on behalf of the Federation or any of the affiliates – could include strategic activities plans, operating

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results, campaign strategies, personnel records, upcoming events and investments. Proprietary, confidential and sensitive business information about this Federation, affiliates, individuals and entities should be treated with sensitivity and discretion and only be disseminated on a need-to-know basis.

10. Misuse of material inside information in connection with the Federation's confidentiality can expose an individual to civil liability and penalties under the Laws of Botswana. The following guideline should be followed in dealing with inside information:

Until the material information has been publicly released by the Federation, members of the Executive Board, the General Council, political structures and officials must not disclose it to anyone except those within the Federation whose positions require use of the information.

11. Relevant structures and officials of the Federation will seek to report all information accurately and honestly, and as otherwise required by applicable reporting requirements.
12. The Botswana Federation of Trade Union Executive Board, the General Council, political

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structures and officials agree to disclose unethical, dishonest, fraudulent and illegal behaviour, or the violation of Federation policies and procedures, directly to appropriate structures.

13. Violation of this Code of Ethics can result in discipline, including possible termination. The degree of discipline relates in part to whether there was a voluntary disclosure of any ethical violation and whether or not the violator cooperated in any subsequent investigation.

Good ethics is success to a trade union.