



elrc

**Education Labour Relations Council
KwaZulu Natal Chamber**

RESOLUTION 1 OF 2003

**PROCEDURES FOR THE CONDUCT OF
MEETINGS OF THE KZN CHAMBER OF THE ELRC**

~~ANNEXURE 1~~

1. PURPOSE

To ensure the efficient and effective management of all meetings conducted under the auspices of the KZN Chamber of the ELRC.

2. SCOPE

This agreement shall bind the KwaZulu Natal Department of Education and Culture, all educators employed by the KwaZulu Natal Department of Education and Culture and all parties to the KwaZulu Natal Chamber of the Education Labour Relations Council.

3 The Parties hereto agree to the attached procedure (Annexure) as the governing document to guide the conduct of meetings of the KZN Chamber of the ELRC.

3. DATE OF IMPLEMENTATION

This agreement shall be effective from the date that it is signed.

4. DISPUTE RESOLUTION

Any dispute arising from this agreement shall be referred to the Council for resolution in terms of its constitution.

5. DURATION OF AGREEMENT

This agreement shall be effective from 08 May 2003 and shall be reviewed after 12 months.

THUS DONE AND SIGNED AT ELRC OFFICES IN RED HILL ON THE EIGHTH DAY OF MAY 2003 BY

Department	Name	Signature
Department of Education and Culture - KZN	G. N. NGCOBO	<i>[Signature]</i>

ON BEHALF OF THE STATE AS EMPLOYER

AND

Trade Union	Name	Signature
NAPTOSA	<i>MARSA BHEWANA</i>	<i>[Signature]</i>
SADTU	<i>Vivian Masindo</i>	<i>[Signature]</i>
SAOU	<i>Isabel Dirker</i>	<i>[Signature]</i>

ON BEHALF OF LABOUR.

N



ANNEXURE 1

Education Labour Relations Council

KwaZulu Natal Chamber

elrc

PO Box 40045
Red Hill, 4071

Tel (031) 573 1777
Fax (031) 573 1771

RULES OF PROCEDURE FOR CHAMBER MEETINGS

1. CONSTITUTIONAL PROVISIONS

- 1.1.1. Section 12(10) of the Constitution of the ELRC shall, at all times apply and should there be any conflict between section 12(10) and any clause in this document, the provisions of the constitution shall prevail.
- 1.1.2. The purpose of this document titled "Rules of procedure for Chamber Meetings" is to:
- 1.1.3. Ensure that meetings
- Serve their intended purpose
 - Are conducted smoothly
 - Arrive at decisions expeditiously
 - Are not unduly disrupted.
- 1.1.4. Supplement section 12(10) of the constitution.

2. VALIDITY OF MEETINGS

- 2.1. Meetings are valid if they are held in accordance with the following:
- 2.1.1. Laws and Statutes of the country
- 2.1.2. Common Law
- 2.1.3. Constitution of the council
- 2.1.4. Established procedures and practice
- 2.1.5. Convened by a person authorized to convene such a meeting
- 2.1.6. If the Chairperson has been properly appointed
- 2.1.7. If a quorum, in terms of the constitution, is present.

3. CHAMBER MEETINGS

3.1. STATUS OF MEETINGS

- 3.1.1. Chamber meetings are the only meetings at a provincial level that are authorized to arrive at decisions that would be binding on all parties to the Chamber.

Mo

N.S.

J.W.D.

M.

ANNEXURE 1

3.2. PRINCIPLES TO BE OBSERVED AT MEETINGS

- 3.2.1. Order: e.g. only one matter to be discussed at a time.
- 3.2.2. Equality: e.g. all members must be treated equally.
- 3.2.3. Justice: e.g. Courtesy to all and partiality to none.
- 3.2.4. The right of the minority to be heard.

3.3. NOTICE OF MEETINGS

- 1.3.1. The Secretary of Chamber shall call meetings of Chamber by issuing all parties with at least 14 days notice.
- 1.3.2. Notwithstanding 3.3.1. above, meetings may be called at shorter notice if agreed to by ALL parties to Chamber.
- 1.3.3. The notice must state the venue, time and date of the meeting and must be followed by the agenda.

3.4. QUORUM

As per constitution.

3.5. PUNCTUALITY

- 3.5.1. It is imperative that all representatives of parties arrive at the venue punctually since late arrival, especially when no apology was tendered, is often interpreted as disrespect to those who were punctual. Deliberations thereafter are adversely affected.

3.6. MINUTES

- 3.6.1. Minutes are the official historical records of a meeting and the legally binding records of the business transacted and of the decision taken. After the minutes are confirmed by the meeting it is imperative for the Chairperson and Secretary to have them signed.
- 3.6.2. All resolutions must be quoted verbatim and the names of the Mover and the Seconder must be minuted together with those opposed to the resolution.
- 3.6.3. Minutes must be recorded in the order in which matters were discussed.
- 3.6.4. Amendments must be recorded before confirmation, signing and dating.
- 3.6.5. Any Party that wishes to amend the minutes must propose such an amendment and the meeting must decide on the proposal. Should the meeting (50% + 1) disagree with the proposed amendment the amendment shall not be accepted.
- 3.6.6. Provided that the minutes are moved and seconded, they shall be adopted by the meeting unless more than 50% of the Chamber objects to its adoption.

*This is not
with the
procedure*



EM

Handwritten signature

ANNEXURE 1

4. MOTIONS, RESOLUTIONS AND AMENDMENTS.

4.1. Any party to the Chamber or committee of Chamber may move for the adoption of specific recommendations, proposals, or agreements i.e. (motions)

? 4.2. All motions must be seconded prior to discussion, provided that motions from parties comprising more than 20% of Chamber, are deemed to be seconded.

4.3. An amendment is a motion requesting the alteration of the motion under discussion. It does not conflict with the motion, but provides greater clarity or removes ambiguity.

4.4. Subject to clause 4.2. all motions must be seconded prior to the Chairperson allowing discussion on the motion.

4.5. A proposed motion cannot be withdrawn by the Mover or Secunder except with the consent of the meeting.

4.6. Amendments to motions must be discussed whilst the original motion is held in abeyance pending decision.

4.7. If an amendment to a motion is accepted by the meeting, it is incorporated into the original motion which is then known as the "substantive motion" which may be put to a vote.

4.8. Addendums and riders either add to the motion or stipulate conditions and must be treated in the same manner as amendments in 4.6. and 4.7. above.

4.9. A countermotion is an alternative motion for consideration.

4.10. All motions must be worded in the positive.

4.11. PROCEDURES FOR DISCUSSION OF A MOTION

4.11.1 The Mover and Secunder have the right to begin discussions on a motion before it is adjudicated upon by the meeting.

*4.11.2. Speakers supporting or opposing the motion may speak to the motion only once, except with permission of the meeting.

4.11.3. Any number of questions may be directed to individuals or the meeting as a whole via the Chairperson.

*4.11.4. Both questions and replies must be brief and to the point.

4.11.5. Notwithstanding 4.11.2. above, the Mover shall have the right to sum up discussions after which the motion is put to a vote.

4.11.6. The Chairperson must restate the motion before it is put to a vote.

4.11.7. No discussion on the subject matter of a motion shall be allowed after it has been voted upon.

Handwritten signatures and initials:
 [Signature] [Initials] [Initials]

ANNEXURE 1

Relate to 4.11.5

- 4.11.8. The Mover of the amendment shall have the right to sum up discussions but shall do so immediately before the Mover of the original motion does so.
- 4.11.9. Voting upon amendments shall take place in the reverse order in which they are presented.
- 4.11.10. Voting upon amendments shall not imply accepting the original motion.
- 4.11.11. The Chairperson must always allow those who are in favour of the motion to vote first, followed by those against. Provisions must also be made for those who wish to abstain.
- 4.11.12. Only one motion can be discussed at a time. If a member is against a motion, he/she must be allowed to speak against the motion or alternatively submit a counter-motion which can be formerly tabled for discussion if the original motion is defeated.

*Comment
Not a provision*

N.B. A Discussion without a motion is a waste of time and should not be allowed.

- 4.11.13. A motion is carried in any of the following ways:
 - a. Unanimously: If every person in the house votes in favour of it.
 - b. Nemo Con (Nemo Contra): If none vote against it but some abstain.
 - c. By large majority: if only a few abstain or vote against it
 - d. By majority or by a small majority: if voting is close.

Voting is key party.

party (as the case may be)

5. VOTING

Voting shall occur in terms of the vote weights of each of the parties with each party stating its support or opposition for a motion, amendment, addendum, rider or counter-motion as the case may be.

6. RESCISSION

6.1. No resolution/decision that is in conflict with an existing resolution shall be passed unless such existing resolution is brought under review and rescinded.

6.2. A resolution/decision shall not be brought under review unless a motion to review is successful.

6.3. There shall be no debate on such a motion to review, save that the Mover giving notice shall have the right to briefly state the reasons therefore.

7. POINTS OF ORDER

7.1. A delegate shall call a point of order on any one or more of the following four instances:

- 7.1.1. Incorrect procedure i.e. Implying that some delegate is contravening the rules of congress or meeting.
- 7.1.2. Irrelevancy.
- 7.1.3. Unacceptable language.
- 7.1.4. Transgressing of rules of the organization.

EM

(Signature)

me

ANNEXURE 1

7.2. A point of order shall be called immediately the mistake occurs and shall not be raised on a breach that has taken place some time before. It shall be addressed to the Chair and briefly so.

7.3. The speaker shall resume his/her seat directly after the point of order is raised.

7.4. When a point of order is called, no speeches shall be allowed and the Chairperson's ruling shall be final.

7.5. The Chairperson's ruling may be challenged by a motion of "no confidence".

7.6. The Chairperson may be allowed a point of personal explanation to be raised by the previous speaker if the speaker genuinely misunderstands him/her.

8. CHAIRING THE MEETING

8.1. When presiding at a meeting the Chairperson shall be responsible for its conduct, for the proper carrying out of its business and shall ensure order in the meeting.

8.2. The Chairperson shall apply the standing orders of the organization and these shall take precedence over any other forms of procedure.

8.3. The ruling by the Chairperson on any matter of procedure shall be final.

8.4. Should the meeting lose confidence in the Chairperson, a "no confidence" motion may be moved.

8.5. A "no confidence" motion shall be put to the meeting by any party to Chamber.

8.6. A "no confidence" motion shall be seconded.

8.7. The Chairperson shall vacate the Chair if the resolution is carried.

8.8. The resolution of "no confidence" shall operate only in respect of the item on the agenda under discussion.

8.9. All remarks shall be addressed to the Chairperson.

8.10. The Chairperson may at his/her discretion adjourn a meeting for lunch or other short breaks without formal resolution.

8.11. The Chairperson at the conclusion of discussion on each item, must clearly articulate each decision adopted for the purposes of record.

EM
M
A

ANNEXURE 1

9. DELEGATES CODE OF CONDUCT

9.1. Delegates at meeting should conduct themselves in an orderly fashion. They should adhere to the following rules:

- 9.1.1. The Chairperson has the highest authority at a meeting and this should always be respected.
- 9.1.2. Always address the Chair when proposing a motion or arguing a point.
- 9.1.3. Nobody should interrupt any other speaker unless it is on a point of order.
- 9.1.4. No one should walk between the Chairperson and the Speaker.
- 9.1.5. When two people rise simultaneously to speak, the Chairperson decides who speaks first and the other delegate should wait his/her turn.
- 9.1.6. Delegates should not have private conversations while a person is speaking as this is disruptive.
- 9.1.7. Avoid using foul or slang language as this is disrespectful.
- 9.1.8. Allow delegates to have their say even if others do not agree. All delegates shall get a chance to explain their views.
- 9.1.9. Accept the decision of the majority in a gracious and dignified manner.
- 9.1.10. Parties must conduct themselves in an orderly fashion and try to co-operate and find solutions rather than being disruptive and obstructive.

10. DECISIONS OF CHAMBER

10.1. For a motion/recommendation/proposal to become a decision of Chamber:

- The employer must be in support **AND**
- A majority vote on the side of the labour is required

10.2. No decision/recommendation/proposal, etc may conflict with any:

- i) Decision already adopted by Chamber, unless rescinded.
- ii) Agreement of council (ELRC)
- iii) Regulation or legislation
- iv) Agreement within the PSCBC that is binding on Council.

Not clear 10.3. Should any party within labour abstain from voting, the balance of the parties shall constitute 100% of labour for the purpose of voting on that motion.

? 10.4. Decisions of Chamber shall for all purposes have the effect of collective agreements.

AM
JWB
R

ANNEXURE 1

11. COMMITTEES OF CHAMBER

11.1. A committee or task team is a sub-structure of Chamber and can only be created by Chamber and must report to Chamber.

11.2. The Secretary of Chamber shall call task team or committee meetings by issuing all parties with at least 7 days notice or such shorter periods of notice agreeable to all parties.

11.3. The conveners of committees shall report to Chamber on issues assigned to the task team together with recommendations for consideration by Chamber.

11.4. Committees must meet to act on directives issued by Chamber and report on progress at the next Chamber meeting.

PH
MA
2003
PK