



## **Namibian Domestic and Allied Workers Union**

Tel: +264 (0) 61 212 044, Fax +264 (0) 61 217 969

Office address: Labour Resources and Research Institute (LaRRI)

NUNW Complex (Located between Katutura Police Station and Katutura Court)

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# CONSTITUTION OF THE NAMIBIA DOMESTIC AND ALLIED WORKERS UNION (NDAWU)



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### **ANNEXURE:**

Standing orders, rules and procedures of all meetings of the Union.



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### **PREMEABLE:**

We Domestic Workers, Members of the Namibian Domestic and Allied Workers Union (NDAWU):

RECOGNIZE that the working people are the creators of economic wealth;

RECOGNIZE further that the Domestic and Allied Workers are the pillar on whose services the employers, fellow workers and owners of means of production are dependent.

NOTING that through colonial history, workers in general, and in particular domestic workers, were ruthlessly exploited, oppressed, dehumanized and their contribution to economic advancement negated and ignored;

NOTING further that domestic and allied workers were denied the right to organize themselves into trade unions under the colonial labour laws and also that the protection under such laws was limited or minimal.

RECOGNISING further the sacrifices, efforts and major role that the workers have played in bringing about Namibian independence.

RECOGNISING further that the right of workers to organize themselves into trade unions are enshrined in the Constitution of the Republic of Namibia.

HOPING further affirmative action in favor of workers in general and in particular domestic workers will be reflected in the coming labour Act;

RECOGNISING the fact due to low salaries, job insecurity and lack of legal protection, there is interlink age and relationship between domestic workers and workers involved in self-generating economic activities;

RECOGNISING that the political struggle has been won and that the formation and development of trade unions should be seen as a right and a democratic channel to carry the struggle for economic justice forward;

NOW THEREFORE we, the congress members of "NDAWU", accept and adopt this Constitution as a fundamental law of our Union with the determination that unity in action will result in economic justice and development for workers in our sector.



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## 1. NAME

THE NAME OF THE UNION SHALL BE the Namibian Domestic and Allied Workers Union (NDAWU).

## 2. EMBLEM, MOTTO AND COLOUR:

The emblem of "Union" shall be:

A man with a spade and rake standing near a woman who is busy washing with a child on her back. Above that man and woman there is a line of washed clothes. The name "NDAWU" appears at the bottom of the emblem and the motto is written around the emblem.

The motto of the "Union" shall be:

WITH UNITY WE WILL BREAK THE CHAIN!

THE COLOUR OF NDAWU IS GREEN

## 3. LEGAL STATUS:

The Union shall be a body corporate having perpetual succession and having the capacity to acquire rights and incur obligations in its own name and apart from its members. The Union shall be entitled to sue or be sued in its own name.

## 4. SCOPE:

The Union shall operate throughout Namibia and shall be open to all domestic workers including gardeners, cleaners/tea-makers and messengers employed by private firms, dry cleaners and needlework.



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### **5. HEAD OFFICE:**

The Head Office of the Union shall be situated in Windhoek.

### **6. AIMS AND OBJECTIVES:**

The Aims and Objectives of the Union shall be:

- I. To organize and unite into one Union all domestic workers engaged in the activities as stated in the clause (4) above.
- II. To further group workers together in accordance with the nature of the work they are engaged in and assist workers in the forming workers committees of their choice under the leadership of the Union.
- III. To educate and conscientise members on the vital and significant contribution they make towards the Namibian economy as well as the role they can play in bringing about economic and social justice;
- IV. To negotiate on behalf of the members and settle any dispute between members and their employers on the basis of individual or collective bargaining with the aim of improving the wages, salaries, working and living conditions, job security and other benefits;
- V. To protect and promote the interests of members and to regulate relations between workers and employers;
- VI. To promote progressive education and provide facilities related to workers environment as well as to the whole society;



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- VII. To promote and popularize the principles of democracy and people's power;
  - VIII. To comment on , advance or oppose any law, action or policy, any authority or any institution negatively affecting the interests of workers as well as of the working class;
  - IX. To provide the Union with legal expertise to represent its members and to defend the rights of workers in the court of law;
  - X. To oppose and fight against all inhuman and humiliating practices or any form of discrimination, apartheid direct at members, including sexual harassment and fight for the restoration of human dignity of members.
  - XI. To initiate and manage self-help projects, income- generating projects and services which may benefits the Union and its members;
  - XII. To purchase, lease, hire or acquire movable or immovable property which the union may deem necessary for its own benefit and the benefit of its members;
  - XIII. To work towards tripartite collaboration with the understanding that such collaboration will lead to the improvement of the socio-economic situation of workers and to better labour laws;
  - XIV. To negotiate and campaign for the ratification and implementation of international Labour Organization conventions and recommendations pertaining to workers and their environment. This shall include fighting for and upholding the internationally accepted practice of an eight hour working day;
  - XV. To promote international friendship, cooperation and solidarity with other workers organizations;



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XVI. To do such lawful things as may appear to be in the interests of members generally and which are not inconsistent with the objects or any matters specifically provided for in this Constitution.

### **7. VISION AND MISSION**

**Vision:** To see domestic and allied workers;

**P** - Protected

**R** - Recognized

**E** - Empowered

**T** - Trained

**I** - Intergraded

**Mission:**

- Protect and promote interest of members
- Restore human dignity in domestic and allied workers
- Educate and represent domestic workers
- Organize domestic and allied workers
- Oppose inhumane treatments of domestic and allied workers



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### **8. POWERS AND FUNCTIONS:**

For the attainment of the aims and objectives set out in clause 5 above, the Union shall function as a channel for collective bargaining and communication between members, employers and the government, shall have the power:

- I. To institute on behalf of and defend all legal proceedings by or against the Union or its members;
- II. To acquire by purchase, lease or otherwise, any property, movable or immovable, and to hold such property on behalf of the union to sell, lease, mortgage or otherwise deal with or dispose of any such property;
- III. To open and operate a banking account;
- IV. To enter into any agreement on behalf of the Union;
- V. To publish newsletters, articles and other documentation relating to the activities of the Union;
- VI. To invest any monies of the Union as may be approved by the National Executive Committee;
- VII. To apply and expand its funds for the furtherance of its own aims and objectives; and
- VIII. To do all such other lawful things as may be in the interests of members of the Union or may promote the attainment of any or all of the above objects;





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### 9. MEMBERSHIP:

- I. All workers engaged in the categories of work as defined in the clause (4) above shall be eligible for membership of the Union;
- II. Applications for admission to membership shall be logged in writing to the Secretary of the Branch Executive Committee having jurisdiction in the area in which such application is employed, or in the event of no such branch having jurisdiction with the General Secretary or such other person as the National Executive Committee may authorize.
- III. The Secretary of the Branch or the Branch Executive Committee may refuse any application for membership where upon the application shall be notified in writing of the decision. In this event, the applicant shall have right to appeal to the next general meeting of the Branch or the Branch Executive Committee, which body shall have power to confirm or reverse the decision. The decision of the Branch general meeting or the Branch executive Committee meeting shall be final, provided that the applicant may re-apply for membership after a period of twelve months from the final decision to refuse membership.
- IV. Every member shall be provided with a membership card by his/her Branch secretary, or the General Secretary, provided that the applicant has paid a membership fee of N\$40-00 registration and N\$25.00 monthly (or such increased amount which may be determined by the National Congress or by the Central committee from time to time).
- V. A member may resign by giving four weeks' notice in writing to the Branch Secretary, or the General Secretary, provided that members of the Union who leave their employment due to illness, unemployment or any other reason whatsoever, but who intend resuming employment in the same industry, shall remain members of the union



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for a period not exceeding 26 weeks and shall thereafter cease to be members or participate in the affairs of the Union. Such members shall be exempted from payment of subscription fees for the period concerned.

- VI. Only members in a good standing shall be entitled to the benefits and advantages of membership. A member in good standing is a member whose subscriptions are not more than three months in arrears or is not suspended from membership pending a disciplinary hearing.
  
- VII. Any member who interim of section (vi) of this section has been declared to be out of financial standing and who after due notice has been given by the G.S. of such arrears, failed to paid the membership fee due may be removed by Branch Executive Committee from the roll of the membership provided that not less than six months' notice of such intention has been given to the workers committee as concerned.

### **10. TERMINATION OF MEMBERSHIP:**

- I. The National Executive Committee shall have the right to expel from membership from the Union any member whose conduct is of such a nature that it violates the principles of the Union as set out in this Constitution, or adversely affects the reputation of the Union.
  
- II. The member concerned shall be given the opportunity upon at least 10 days' notice, in writing, of replying to the allegation and to present her/ his case the National Executive Committee.
  
- III. A member aggrieved by her/his expulsion shall have the right to appeal against such decision to the National Executive Committee, the decision of which shall be final.



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- IV. During the period commencing this notification to the member of her/his expulsion to the final outcome of her/his appeal, if any, against expulsion, the member shall be suspended and not be entitled to the benefits of the Union membership.

### **11. STRUCTURE:**

The Structure of the union shall be:

- National congress
- National Executive Committee
- Branches and Branch Executive Committee
- Section Committees

#### **I. NATIONAL CONGRESS:**

- a. National congress shall be the supreme authority and policy-making body of the Union and shall take place not less than once every five (5) years.
- b. The national congress shall be called by the General Secretary of the union at any time and place decided upon by the Central Committee. It shall take place once every five (5) years. The General Secretary shall give each delegate 60 days' notice of the Congress and simultaneously circulate an agenda for the Congress.
- c. A special National Congress may be called by the President of the Union in writing to the General Secretary. Delegates shall be given not less than seven(7) days' notice of a Special National Congress meeting.



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- d. The President, or in his/her absence, the Deputy President, or in his/ her absence, a person appointed by the central Committee of the Union, shall preside over the National Congress and over any Special national Congress.
- e. The National Congress shall consist of:
- Delegates elected from each branch, provided that each branch shall be entitled to send 5 delegates for the first 50 members plus one delegate for every 50 members it has in addition.
  - All delegates to the National Congress have power to Vote.
- f. The National Congress shall be primarily:
- Nominate and elect by secret ballot, the President, vice- President, General Secretary, Deputy General Secretary and Treasurer of the Union.
  - Consider and approve the reports by the President, General Secretary and Treasurer, and other special reports.
  - Assess the Union's progress.
  - Formulate the Union policies
  - Amend the Constitution.

## **II. NATIONAL EXECUTIVE COMMITTEE:**

### **POWERS AND FUNCTIONS OF NATIONAL EXECUTIVE COMMITTEE:**

- a. The National Executive Committee shall be the highest authority and policy-making body between the National Congress and shall be responsible for the management of the affairs of the Union.



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- b. The National Executive Committee shall consist of the President, Vice President, General Secretary, Deputy General Secretary, National Treasurer plus ten (10) additional members appointed by National Congress.
- c. A member of the National Executive Committee shall vacate his/her seat in any of the following circumstances:
- On resignation or suspension or expulsion from membership of the union.
  - On absenting himself/ herself without permission of the national Executive Committee from three consecutive meetings of the National Executive Committee.
  - On resignation from the national executive Committee by giving one month's written notice to the General Secretary.
  - On ceasing to be a member in good standing.
  - On ceasing to be a member of the Branch Executive Committee.
  - In consequence of a ballot to remove an office-bearer, in which event he/she shall not be eligible for election in any consequent by- election.
- d. The National executive Committee shall meet quarterly (every third month) on a day to be fixed by the President in conjunction with the General Secretary in so far as this is possible. Special meetings of the National Executive Committee shall be called by the President whenever he/she deems it's advisable, or by requisition signed by not less than three members of the National Executive Committee.
- e. Members of the National Executive committee shall be notified in writing of the time and place of meetings by the General Secretary at least fourteen (14) days before the date of such meeting, provided that shorter notice, May in discretion of the President, be given in



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respect of extraordinary meetings. To every notice of the meeting, an agenda shall be attached. Unless otherwise provided herein, all matters for consideration by the National Executive Committee shall be decided on motion. Duly seconded and voted upon by a show of hands.

- f. The quorum for meetings of the National Executive Committee shall be at least ten (10) members. Should a quorum not be present within 60 minutes of the time fixed for any meeting, the meeting shall stand adjourned indefinitely and may be resumed only after due notice has been given to all members of the national Executive Committee.
- g. Subject to the provisions of this constitution, the National Executive committee shall have all such powers as contained in Clause 7 above.
- h. In case of the President, Vice President, General Secretary, Deputy General Secretary and National Treasurer Resign or die then National Executive shall appoint the acting official.

### **III. BRANCHES AND BRANCH EXECUTIVE COMMITTEES:**

- a. The Union shall establish branches at any place where it has a minimum of fifty (50) members employed in Domestic service.
- b. The branches so established shall elect a Branch executive Committee which shall consist of:
  - Branch Chairperson
  - Branch Vice Chairperson
  - Branch Secretary
  - Branch Vice Secretary
  - Branch Treasurer



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- c. Elections of members of the Branch Executive Committee shall take place by majority ballot upon nomination, duly seconded.
  - d. Members of the Branch Committee shall hold office for not more than four years and be eligible for re-election on termination of their period of office.
  - e. A member of the Branch executive Committee shall vacate his/her seat in any of the circumstances as referred to in clause 10 (d) above.
  - f. The Branch Executive Committee shall meet as often as it deem fit, but at least once every month. Meetings shall take place on the date fixed by the President where notice in writing of the time and place of any such meeting shall be given by the Branch secretary at least seven days prior to the date thereof, provided that shorter notice, being not less than 24 hours may, at the discretion of the President, be given in respect of extraordinary meetings. To every notice of a meeting, an agenda shall be attached.
  - g. A quorum for meetings of the Branch Executive committee shall be five members, or half of the members of the Committee, whichever number is greater. Should a quorum not be present within 30 minutes of the time fixed for any meeting, such meeting shall stand adjourned at the same day in the week following, and at the same time and place and such members present shall form a quorum. Not less than three days written notice of such adjourned meeting shall be given to all Branch Executive members.
  - h. Duties of office-bearers of the Branch Executive Committee shall be broadly-speaking the same as those of the corresponding National office-bearers of the Union, provided that the duties of the Branch Secretary shall correspond with those of the General Secretary of the Union.



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- i. The powers and duties of the Branch executive Committee shall, subject to the limitations imposed in terms of this Constitution, be the same in respect of a branch as those of the National office-bearers in respect of the Union.

#### **IV. SECTION COMMITTEES:**

- a. Industrial or residential areas shall be divided into sections and each section, having more than ten members, shall elect a Section Committee.
- b. The Branch Executive Committee shall decide on the number of Section Committee in each residential or industrial area, after consultation with the membership.
- c. The election of the Section Committee shall take place at a meeting of the members of the section who shall be given at least one week's notice thereof. All nominations shall be duly proposed and seconded by such members. The voting shall be by a show of hands.
- d. Section Committee members shall hold office for a period of not more than four years from the date of election and shall vacate their position in any in of the circumstances as referred to in clause 10 (d) above.
- e. The Section Committee shall manage the affairs of the Union at the section in which they are employed.
- f. The Section Committee shall meet as regular as possible, but at least once a month.





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- g. The Section Committee shall elect from its members a President and Secretary on nomination, duly seconded and voted on by a majority ballot.
- h. A quorum for meetings of the Section Committee shall be one of third of the total number of members in the section. All issues at Section Committee meetings shall be decided by the majority of the members present by a show of hands, unless the meeting decides to hold a ballot. The President or Secretary shall Chair all meetings at which he/ she is present. Notice of all Section Committee meetings shall be given to all members not less than one hour before the meeting.
- i. The duties of the Section Committee shall be the following:
- To conduct the affair of the Union at section level.
  - To receive and attend to complaints affecting members concerning their employment and where necessary to report such complaints to the Executive Committee.
  - Enrolling new members into the Union.
  - To make any proposal which may be relevant to the smooth running of the Union.
  - Collect union dues and sent it to Branches

### **12. DUTIES OF OFFICE BEARERS AND OFFICIALS:**

#### **I. THE PRESIDENT :**

The President shall:

- a. Preside and maintain order at all meetings of the National Congress, Central Committee and the National Executive Committee;



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- b. In conjunction with the Branch Committee take steps to ensure that all resolutions of the Union are carried out effectively;
  - c. Where there is a tie in voting, exercise a casting vote.

### **II. VICE PRESIDENT**

The Vice President shall assist the President in the executive of her/ his duties and shall exercise her/his powers in the absence of the President.

### **III. THE GENERAL SECRETARY**

THE GENERAL Secretary of the Union shall:

- a. Be an elected by the congress and an employee of the Union. She /he shall carry out such functions as laid down by the National Executive Committee.
- b. He/ she shall manage the Head Office of the Union and such further affairs of the Union as directed by the National Congress or the Central Committee.
- c. Attend all meetings of the national Congress, Central Committee and national Executive Committee and shall be responsible for the taking of minutes and entering into correspondence on behalf of the union.
- d. Not have the right to vote at any of the Union's meeting.
- e. Ensure that a proper register of members is kept and maintained and that proper books of account are kept.



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- f. Enter into correspondence and keep copies thereof and also submit monthly reports of Union activities to the National Executive committee.
  
  - g. Take all necessary steps to ensure that the Union keeps proper books of accounts and ensure that such information is made available to the members.

### **IV. DEPUTY GENERAL SECRETARY**

The Deputy General Secretary shall do all the duties of the General Secretary in his/ her absence.

### **V. NATIONAL TREASURER:**

The National Treasurer shall:

- a. Supervise the keeping of proper financial records and shall submit the financial reports to an ordinary meeting of the National Executive Committee.
- b. Inspect and scrutinize all financial documents and accounts at least once every month.
- c. Report to the National Executive Committee any irregularity in financial affairs of the Union as soon as it comes to her/ his attention.

### **13. SUBSCRIPTIONS:**

- I. Members shall pay periodic subscriptions, the amounts of these subscriptions to be determined from time to time by a two- thirds majority ballot of the National Executive Committee. No such subscriptions shall exceed three percent (3%) of any member's weekly wage.



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- II. Subscriptions shall be payable periodically or monthly in arrears to the General Secretary or such other person as the members of the Branch Executive Committee may authorize to receive such subscriptions.
- III. A member shall be exempt from the payment of the subscriptions in respect of any particular month during which he/she is:
- Unemployed
  - Unable to work for three months or more on account of illness;
  - For any other reason acceptable to the Branch Executive Committee or the National Executive Committee.
- IV. Any member who falls behind in respect of 3months subscriptions shall fall out of benefits and not be in good standing with the Union, although he/she becomes more than 6months in arrears, in which event membership shall cease.
- V. A member shall also be liable for the payment, in the same manner as the payment of subscriptions, of fines, fees and levies that may from time to time be imposed in terms of clause 12 (b) hereunder
- VI. A register of members shall be maintained by the National Executive Committee together with a record of the subscription paid by each member, and the period to which these payments relate.



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### **14. FINANCE:**

#### **I. HEAD OFFICE ACCOUNT:**

- a. All periodic subscriptions shall be remitted to the General Secretary and shall be deposited within seven days of receipt at the bank decided on by the National Executive Committee. This bank account shall be called the Namibian Domestic and Allied Workers Union Head Office Account.
- b. All Cheques of the Union shall be signed by any two of the following; President, General Secretary and National Treasurer. In the event of two signatories the president must be a signatory.

#### **II. GENERAL:**

- a. The National Executive Committee shall from time to time determine by a majority vote the size of budget allocations for each branch account and the head office account.
- b. All accounts of the union shall be audited annually by a qualified chartered accountant, appointed by the National Executive Committee. Two copies of the consolidated audited account of the Union together with the auditor's report, shall be made available to the Congress of the Union.
- c. Members who have resigned or were expelled from the Union have no claim in respect of the funds of the Union or any branch thereof.



## **Namibian Domestic and Allied Workers Union**

Tel: +264 (0) 61 212 044, Fax +264 (0) 61 217 969

Office address: Labour Resources and Research Institute (LaRRI)

NUNW Complex (Located between Katutura Police Station and Katutura Court)

P.O. Box 62423 Katutura, Windhoek

**Mobile:** +264 (0) 81 498 3040

**Email:** domesticworkersnamibia@gmail.com

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### **15. DISCIPLINE:**

- I. Any member, office-bearer or official who fails to comply with any of the terms of this Constitution, or with any lawful decision of the National Executive Committee or the Branch Executive Committee in terms of the Constitution, may be charged by the Union: provided that the discipline of members of the National Executive Committee rests with the , that of the Branch Executive Committee with the National Executive Committee or the Central committee, while a member of a Section Committee or a member with the Branch Executive Committee.
- II. The person charged shall be advised by not less than three days' notice in writing of the substance of the charge and of the time and place of hearing. The body convening the Disciplinary Committee may impose such penalty as it deems fit, including the expulsion of a member from the Union or the removal of an office-bearer or official from his/her position.
- III. There shall be a right of appeal from the General Secretary to the National Executive Committee, which may confirm, vary or reverse the prior decision. This decision shall be final.

### **16. DISSOLUTION:**

- I. The Union may be dissolved at any time by a resolution carried by a two-third majority of the National Congress, should the Union for any reason be unable to continue to function.
- II. Should a resolution for the dissolution of the Union have been passed as provided for in sub-clause I. Above, the following provisions shall apply:



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- a. The available members shall appoint a liquidator to affect the dissolution of the Union.
  - b. The liquidator shall take the necessary steps to liquidate the debts of the union from its unexpended funds and any other monies realized from the assets of the Union.

### **17. AMENDMENTS:**

- 16.1 Subject to any provision of the Labour Act that might be passed, any of the provisions of this Constitution may be amended by resolution of simple majority of the delegates of National Congress. Notice of any proposed amendment shall be reflected in the duty circulated agenda for the Congress.
- 16.2 Only the National Congress shall be empowered to amend the provisions of the Constitution delimiting the scope of the union provided that two-third (2/3) of its members votes in favor of the amendment is provided further that the amendment is ratified by the next National Congress.

**Signed at WINDHOEK on this day ..... of.....2015**

.....  
**PRESIDENT**

.....  
**GENERAL SECRETARY**