

Constitution

HOTEL, FOOD PROCESSING AND CATERING WORKERS UNION CONSTITUTION

ARTICLE I – NAME

The organization shall be called “HOTEL, FOOD PROCESSING AND CATERING WORKERS UNION (HFPCWU)” (hereinafter referred to as the “UNION”)

ARTICLE IB – HEADQUATERS

The HFPCWU headquarters shall be put in such a place in Malawi as may be decided from time by the National Quadrennial Congress Delegates.

The Organization shall use the following Postal address
Hotels Food Processing and Catering Workers Union,
P.O. Box 1348.
Blantyre.
Malawi.

ARTICLE II

1. The union is open for membership pursuant to this constitution. Anyone has a right to membership of Union and to remain a member as long as she/he complies with this constitution.
2. The union shall not discriminate on any person in terms of training, union activities or employment opportunities on the grounds of race, colour, nationality, ethnic or social origin, national extraction, religion, political opinion. Language, sex,

marital status, family responsibilities, age, disability, property or birth.

3. Subsection (2) shall not be construed so as to preclude any provision program or activity aimed at ameliorating the conditions of disadvantaged individuals or groups, including those disadvantaged on grounds enumerated in subsection (2).

ARTICLE III – INTERPRETATION

In this constitution, unless the context otherwise requires:-

a) “Constitution,” shall mean the Constitution of the Hotel, Food Processing and Catering workers union.

b) “Employee” shall mean any person employed by any of the employers falling within the Hotel, Food Processing, Catering and Food Storage (HFPC) sector.

c) “Employer” shall mean every legal Person/Organization/Company that has employed another person and falls within the category of (HFPC) sector.

d) The Union shall operate in the following sectors:

1. Beverages.
2. Food processing/Storage
3. Hotels/Lodges/Motels/Cottages/Rest houses.
4. Recreation centres/Games and National Parks

e) “Member” shall mean a worker in the HFPC sector who has joined the Union and is paying the requisite fees as required by the Union.

f) “Shop steward” shall mean a member who has been elected by Union members to carry out duties on behalf of other members and the Union.

ARTICLE IV – OBJECTIVES

The objectives and aims of the Union shall be as follows:

- a) To organize and build effective trade union based on the democratic organization of workers in their work places.
- b) To engage and maintain negotiations with employers in HFPC sector for proper rates of wages and salaries, hours of work and general condition of employment and generally to protect the rights and interests of the workers.
- c) To promote full participation of women in all activities of the Union
- d) To promote legislations of the workers in consultation with the labour centre it is affiliated
- e) To raise funds in order to engage in civic education, social and mutual welfare activities in order to safe guard and advance the economic, security and social welfare of Workers in the Sector.
- f) To regulate the relations and settle disputes whenever possible between:
 - 1 Members and general employers
 - 2 The union and other unions
 - 3 One member to another
 - 4 Members to non-members
- g) To affiliate with, subscribe to, or assist any organization having similar aims to those of HFPCWU.
- h) To acquire freehold land or leasehold and premises and erect offices for proper running of HFPCWU.

- i) To promote worker's rights
- j) Build effective union and work relationship between employer and employee
- k) To organize and build an effective union within the sector
- l) To promote women's participation in decision making and in all union activities
- m) To empower women in decision making
- n) To promote full participation of the youth in union activities

ARTICLE V – MEMBERSHIP

a) Membership of the Union shall be open to persons employed in HFPC sector.

b) Disqualification from Membership

1. Any member who fails to obey the rules of the Union shall be suspended or expelled by the majority of the members present at National Executive Board meeting where by an opportunity shall be given to the suspended member to be heard. If the offence requires urgent attention, the General Secretary in the consultation with the President shall suspend then report the matter to the National Executive Board later.
2. Any member wishing to resign from the Union shall give one (1) month notice by a written letter to the General Secretary.

ARTICLE VI – SUBSCRIPTION

a) Monthly subscription fee shall be 1% of one's basic salary

b) Membership servicing should not exceed six (6) months, If one is in arrears of six months or more one shall be expelled from membership of the union.

ARTICLES VII - GOVERNING BODY OF THE UNION.

The supreme authority of the Union shall be vested in the national Quadrennial Congress.

ARTICLES VIII – QUADRENNIAL CONGRESS

a) The Quadrennial Congress shall be held once every four years at the date and venue chosen by the National Executive Board. The period between Congresses shall not exceed five (5) years period.

b) The delegates to the National Quadrennial Congress shall consist of:

1. The members of the national executive board
2. Every branch shall be entitled to nominate one delegate for every 50 members. A branch with less than 50 members shall be permitted to nominate only one delegate. There should be gender sensitiveness in selecting delegates

c) All Delegates shall have one vote with the exception of the President who shall have a casting vote in addition to his deliberative vote.

d) the union may invite certain organisations or person as observers. These observers shall have no vote

e) Written notice of the congress will be prepared by the General Secretary at the direction of the executive board and shall be sent to all branches eight weeks or more prior to the date of the congress

f) Branches shall submit in writing names of the branch delegates. The list should be signed and sent to the credentials committee four weeks prior to the congress

g) the credentials committee, shall be formed eight weeks prior to the date of the congress and shall consist of eight members nominated by the branch from eight biggest branches and endorsed by the executive board. The chairperson of the committee shall be nominated by the executive board. The committee shall verify:

1. That the number of delegates proposed by affiliates corresponds with the union entitlement
2. On the day of the congress the signed copies of each branch list shall be inspected by the committee. Once verified the committee will identify said delegates as legitimate and recognise delegates who are entitled to vote.

.h) Positions to be contested at the national Quadrennial Congress shall be as follows

- 1 President
- 2 Vice President
- 3 Vice General secretary
- 4 Treasurer General
5. Regional representatives from three regions – representatives at each region shall be two – one male and one female

i) The position of Vice President shall be reserved for a woman

j) General Secretary shall be an appointed official of the Union whose contract shall be renewable every four years 90 days after the National Quadrennial Congress. The General Secretary shall serve a maximum of two terms.

k) Before the President of the Union gives any opening address and before general discussions take place, the credentials of all branches shall be examined by the Credentials Committee of the Union.

l) The first item on the agenda shall be adoption on the standing orders for the conduct of the meeting, as the National Executive Board shall from time to time decide.

m) In the event where nobody has shown interest to contest on a position, the national executive board shall appoint a member to fill up the position.

n) The General Secretary not later than two weeks before the Quadrennial Congress shall receive reports and nominations forms for officers to contest from the branches.

o) The elected officers shall hold office for the period of not more than five (5) years and at the expiry of their term, they shall be entitled to a gratuity to be decided by the National Executive Board.

p) There shall be no third term on the same position.

q) a branch shall be entitled to not more than two positions within the National Executive Board at each particular term of office

EXTRA ORDINARY CONGRESS.

This congress shall be held upon the agreement by the National Executive Committee so that the Congress discusses issues that need urgency.

The delegates to the National Quadrennial Congress shall consist of:

1. The members of the national executive board
2. One member from each branch.

ARTICLE IX – NATIONAL EXECUTIVE BOARD

a) The conduct of the business of the Union between the Quadrennial Congress shall be vested in the National Executive Board.

- b) The National Executive Board shall consist of the
1. President,
 2. Vice President,
 3. General Secretary,
 4. Vice General Secretary,
 5. Treasurer General,
 6. Chair Person of the Women’s Affairs Committee
 7. Secretary of Women Affairs Committee,
 8. Regional Representatives from the North, Centre, South .
 9. The chairperson for Youth Committee
 10. Secretary for the Youth Committee

c) In the event of resignation or absence of an officer of the National Executive Board, the candidate who secured the next highest number of votes in ballot at the last Quadrennial Congress shall fill the vacancy upon approval of the National Executive Board. If there is no such person then the National

Executive Board shall appoint an appropriate member of the Union.

d) The National Executive Board shall deal with matters within its competency to further the aims and objectives of the Union and its decision shall be binding to all members of the Union.

e) The National Executive Board meetings shall convene not less than two times a year. The quorum for the meeting shall be two third of the members and voting shall be of simple majority of those present to the meeting.

f) The President and the General Secretary shall be empowered to call for the National Executive Board meeting.

1. Two third of the voting members of the National Executive Board shall constitute a quorum at National Executive Board Meeting.
2. All members must receive written notice of the meeting.

g) A member of the National Executive Board shall lose his /her post if:

1. She/he is absent from three consecutive meetings of the National Executive Board or any other scheduled meeting without reasonable excuse.
2. She/he is guilty of conduct inconsistent with the objectives of the Union.
3. She/he is incompetent or seriously neglects his/her duties.
- 4 she/he is not servicing fees for more than six months.

h) Any member of the National Executive Board wishing to resign from office shall provide one month written notice to the General Secretary.

i) WELAFRE COMMITTEE – amongst the National Executive Board members shall be nominate four members to look into the welfare of the employees. These members shall meet a day before the scheduled meetings of the board. They will report their findings to the National Executive Board.

ARTICLE X – DUTIES OF THE OFFICERS

(a) The President

1. Shall preside over all the meetings of the Union including the National Quadrennial Congress.
2. Shall sign minutes of all meetings presided over by him/her in conjunction with the General Secretary.
3. Shall along with the General Secretary and Treasurer General be one of the signatories on all Union matters and accounts.
4. Supervise the functions of the union
5. Endorse the General Secretary's report to the National Quadrennial Congress

(b) The Vice President

1. Shall act in the absence of the President, he shall carry out any duties which may be assigned to him/her by the President.

(c) The General Secretary

1. Shall assume responsibility for the proper administrative duties of the whole Union with direction from National Executive Board.
2. Shall convene extra-ordinary session of the National Executive Board and National Quadrennial Congress.
3. Shall prepare and circulate the agenda and minutes of the Union's meetings to appropriate bodies concerned at least two weeks before the next meeting.
4. Shall prepare and deliver the General Secretary's report to the National Quadrennial Congress.
5. Shall along with the President and the Treasure General be one of the signatories on all- Union matters and accounts.
6. Shall organize and supervise all work at the secretariat.
7. Shall together with the President keep the National Executive Board informed of all important matters relating to the affairs of the Union.
8. Shall be the recipient and origin of all union's correspondence and communications, ensuring that all information is directed towards appropriate departments, branches and individuals.
9. Shall handle negotiations and grievances where appropriate on behalf of the branch or member.
10. Shall together with the Treasure General prepare all financial data and submit them to the appropriate authorities and branches.
11. Shall act as spokesperson of the Union.

d) The Vice Secretary General shall

1. Carry out all duties assigned to him/her by the General Secretary.
2. Act in the absence of the General Secretary with the exception of signatory on bank accounts.

e) The Treasurer General shall

1. Assume responsibility for the recovery of monies owed by the Union.
2. Assume responsibility for the settlement of all debts of the Union.
3. Prepare and deliver the audited accounts to the Quadrennial Congress.
4. Along with the President and the Secretary General shall be signatory of the union's accounts.
5. Shall prepare budgets for the Union and present the budget to the board for approval.

f) Regional representatives shall.

1. Organize and recruit workers into the Union with the direction of the organisers.
2. Conduct Branch elections with the direction of the organisers.
3. Supervise branches and report regional developments to the General Secretary.
4. Call for Regional branch meetings after consulting the General Secretary.
5. Carry out duties which shall be assigned to them by the General Secretary

g) Branch office Bearers - Shopstewards

1. Shall perform union duties in respect of the branch's in line with the Union's objectives
2. Shall report branch developments to the Regional Representative from their region.
3. Organise and recruit workers into the union.

h) Members

1. Shall perform union duties in respect of branch's concerns in line with the union's objectives.
2. Shall report all branch developments to Branch Office Bearers.

ARTICLE XI – WOMEN'S AFFAIRS COMMITTEE

a) There shall be constituted a Women's Affairs Committee in the Union, which shall deal with all women's activities whose chairperson and secretary shall sit on the National Executive Board

b) All women in the branches shall be automatically members of the women's Affairs Committees.

c) In addition to the general aims and objectives of the union the Women's Affairs Committee shall have the following duties:

1. To organise, educate and unionise all working women and mobilise and coordinate trade union structures towards promotion of interests of women workers.
- 2 To encourage and promote self-reliance for women workers.

- 3 To work for the total eradication of discrimination against women and for the full realisation of rights for working women
- 4 To provide and facilitate a channel of communication between the union and women committees in all branches
- 5 Generally take all such other tasks as are necessary for the advancement of the rights of women as approved by the executive board.

d) The operations and activities of the women committee will be financed by 10% of the union subscriptions.

e) The structure and composition of the Women's Affairs Executive Committee shall be as follows:

1. The Chairperson
2. The Vice Chairperson
3. The Secretary
4. The Vice Secretary

*****women rep moved to be elected at congress to boast number of women*****

f) The Women's Affairs Committee shall meet not less than twice a year.

g) The Secretary of the Women's Affairs committee shall convene the meeting of the Women's Affairs Committee or by the executive board upon written request of half of the members of the women affairs committee.

h) Decision in the Women's Affairs Committee shall be by a simple majority of the members in session.

i) The quorum of the Women's Affairs Committee shall be half of its total membership.

i) Officers of the Women's Affairs Committee shall hold office for four years and shall be eligible for re-election. There shall be no third term on the same position.

k) The Congress of the Women's Affairs Committee shall be held one day prior to the National Quadrennial Congress.

l) Delegates shall be composed of women delegates to the quadrennial congress and any women's affair committee member not included on the delegation.

m) The Conference shall elect from amongst the delegates officer of the Women's Affairs Committee and this committee shall be endorsed by quadrennial congress.

n) The standing committee shall be composed of the Chairperson, Vice Chairperson, Secretary and vice Secretary.

o) Standing Committee shall handle decisions on urgent matters between the regularly scheduled meetings.

p) The Secretary is responsible for directly contacting the members of the standing committee for consultations on the decisions to be taken. The secretary shall communicate to all members of the committee the final decisions of its meetings and those of the executive board

q) All decisions taken by standing committee shall be communicated to the rest of the members at the next regular scheduled meeting.

ARTICLE XII YOUTH COMMITTEE

- a) There shall be constituted a Youth Committee which shall deal with all youth activities. The chairperson and secretary shall sit on the executive board.
- b) All members below 35 year of age shall be automatic members of the youth committee
- c) In addition to the aims and objectives of the union, the youth committee shall have the following duties, aims and objectives
 - 1) To organise, educate and unionise all youth and mobilize and coordinate trade union structures towards the promotion of the interests of the youth
 - 2) To engage and promote self reliance among the youth
 - 3) To provide and facilitate a channel of communication between the union and other National youth institutions and organisations
 - 4) Aim to totally eradicate all forms of discrimination against youth, and for the full realisation of rights for the youth
 - 5) Generally to undertake all other tasks for the youth approved by the executive board
- d) The activities of the youth shall be financed by 10% of the union subscriptions
- e) The structure and composition of the executive committee of the youth shall be as follows:

- 1) The chairperson
 - 2) Vice chairperson
 - 3) Secretary
 - 4) Vice secretary
 - 5) One regional representative from each of the four regions
- f) The youth committee shall meet not less than two times a year
 - g) Meetings of the youth committee shall be convened by the secretary of the youth committee
 - h) Decisions in the national youth committee meeting shall be by simple majority
 - i) The quorum of the Youth Committee shall be half of its total membership
 - j) Officers of the Youth Committee shall hold office for four years and shall be eligible for re-election
 - k) A conference for the Youth shall be held one day before the national quadrennial congress and delegates will be all youth to the national quadrennial congress
 - l) A conference shall elect from amongst the delegates officers of the youth committee and this election shall be endorsed by the quadrennial congress
 - m) The standing committee shall be composed of chairperson, vice chairperson, secretary and vice secretary
 - 1) The standing committee shall handle decisions on urgent matters between the regular scheduled meetings
 - 2) The secretary is responsible for directly contacting the members of the standing committee for consultations to be taken. The secretary is obliged to inform all members of the committee of the final decisions and the executive board
 - (1) All decisions taken by the standing committee shall be communicated to the rest of the members at the next scheduled meeting

ARTICLE XIII TYPES OF MEETINGS

(a) **REGIONAL MEETINGS**

1. The delegates to this meeting shall be
 - national executive board members from the Region and the President and General Secretary
 - The women committee members in that region
 - The youth committee members in that region
 - One member from each branch in that region

2. Shall be called once a year by the Regional Representatives of respective regions in consultation with the General Secretary.

3. Branches shall present reports from their branches

4. The general Secretary shall inform the delegates on developments in the union and labour market.

(b) Branch Executive Committee Meetings

1. Shall be convened once a month. Special or emergency meeting shall be called anytime where necessary.

(c) Branch General Meetings

1. Shall be called at least once a month. Emergency meetings of a branch shall be called by Chairperson whenever it is deemed necessary.

ARTICLE XIV – FUNDS AND FINANCES

- a. The funds of the Union shall be obtained from membership subscription fees, donations, grants, sale of publications and functions or from any business the union might establish and any other sources as the union may prescribe
- b. The funds shall be used for payment of expenses, benefits, salaries and other purposes as may be decided by the executive board

- c. Funds received on behalf of the union shall be deposited to the union bank accounts within 48 hours of receipt.
- d. The union financial year shall run from 1st January to 31st December of each year
- e. As soon as practicable after 31st December of each year, and not later than 31st March of the following year, the treasurer and financial Officer shall submit for audit the books and accounts of the Union
- f. The financial Officer in conjunction with the treasurer and General Secretary shall be responsible for the day to day safeguarding of all cash of the union and shall maintain strict control over funds on regular basis
- g. Under no circumstances shall funds of the union be used for loans to any person outside the organisation. Union funds shall not be used for personal or private purpose
- h. The national executive board may approve the obtaining of a loan on behalf of the union
- i. Any purchase in excess of a limit set by the executive board should seek mandate of the executive Board.
- j. The petty cash shall not exceed such amounts as may be determined by the executive board. The finance office shall handle the petty cash funds
- k. A copy of the auditor's report shall be made available for inspection to every union member

ARTICLE XV – TRUSTEES

- A. There shall be five trustees – observing gender
- B. They will be nominated at the Quadrennial Congress
- C. They shall hold office for four years and the term may exceed depending on the elections of the executive board
- D. Trustees shall be custodian of the union property and assets
- E. They shall meet once a year to look at reports of the union and advice where necessary.

not less than three and not more than five trustees of the Union whose duties, manner of appointment and terms of office shall be determined by the National Executive Board.

ARTICLE XIV – AMENDMENTS TO THIS CONSTITUTION

(a) At least 90 days' notice of the intention to amend any provision of this constitution must be given to the General Secretary. The notice must specify the provisions to be amended and proposed amendments.

(b) A two-thirds majority of voting members present at an extraordinary congress shall be required in favour of the proposed amendment in order for it to be effected.

ARTICLE XV – DISSOLUTION

(a) The Union shall be dissolved only by a special resolution of the quadrennial or Extra-Ordinary Congress.

(b) A motion proposing the dissolution of the Union shall be carried, if 80% of the delegates present and vote in a secret ballot, vote in favour of the proposed motion.

(c) In the event of dissolution, the National Executive Board shall appoint a liquidator to wind up the affairs of the Union.

(d) The liquidator shall take the necessary steps to liquidate the debts of the Union from its unexpected funds and any other monies realized from any assets of the Union. The Liquidator's fee and expenses shall rank, in order of preference, ahead of any disbursement.

(e) After payment of all debts, the remaining assets if any shall be distributed proportionally, based on membership size, to all branches in good standing at the time of dissolution.

ARTICLE XVI – COPIES OF THE CONSTITUTION

Copies of this constitution may be obtained by members from the Secretariat or Regional Offices upon request.