

RESOLUTION FROM THE REPRESENTATIVE COMMITTEE

The UKSU Representative Committee has resolved, based on the below motivation, to request the AGM to accept the five nominations received, without a ballot. There were five nominations received for four vacancies. The motivation for acceptance of this Resolution is based on the following points:

- A vote would exclude one of the nominees who has come forward to serve UKSU members.
- The UKSU Constitution states to consider section 14 of the Act.
- Section 14 of the Labour Relations Act provides for the number of representatives that may be elected. This section refers to a “representative trade union” as “a registered trade union, or two or more registered trade unions acting jointly, that have as members the majority of the employees employed by an employer in a workplace”.
- UKSU does not have a majority but has 48% of the bargaining unit as members and about 80% of all unionised staff as its members.
- The UKSU Constitution, whilst stating the Representative Committee consists of the Chairperson, the Deputy Chairperson and a maximum of 12 (twelve) other members”, it further states “Consideration should be given to the number of representatives allowed by the Recognition Agreement and the Labour Relations Act, 1995 as amended”.
- Section 14(2)(f) of the Labour Relations Act provides for representatives, other than the office bearers (for majority unions): for trade unions with “more than 1 000 members of the trade union employed in the workplace, 12 trade union representatives for the first 1 000 members, plus one additional trade union representative for every 500 additional members up to a maximum of 20 trade union representatives”.
- Point 9.1 of the 2009 Recognition Agreement states “The parties agree that a maximum of ten (10) representatives per Union is allowed subject to a review of the number of representatives after the expiry of thirty six (36) months from date of signature of this agreement”. This number has never been reviewed.
- UKSU currently has 2 070 members.
- In 2009 there were 543 members (AGM minutes). The Constitution at that time sated 8, plus the office bearers.
- In 2015 the Constitution was changed to 12 representatives plus office bearers, at which time there were 1 111 members (AGM minutes).
- The current Constitution at 13.9 provides for the Representative Committee to “decide all matters of procedure on which this Constitution is silent”.
- The Constitution does, at 10.7, refer to a ballot where there are more nominees than vacancies.
- The Constitution at 13.10 provides for the Representative Committee to “do such other lawful things, which in the opinion of the Representative Committee appear to be in the interests of the Union or its members and which are not inconsistent with the objects set out in Clause 3 or any matter specifically provided for in this Constitution”. The Representative Committee holds that accepting all five nominations is “in the interests of the Union or its members”.
- The Constitution, whilst referring to a ballot (10.7) it is also silent about accepting nominations above the stated number.

R PARKIES
CHAIRMAN

M MDHLULI
DEPUTY CHAIR

G MANION
UKSU OFFICER