

# **THE CEYLON ESTATE STAFFS' UNION**



**PRICE OF FREEDOM IS ETERNAL  
VIGILANCE**

**THE CONSTITUTION OF  
C.E.S.U.**

**as at 22<sup>nd</sup> FEBRUARY 2020**

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**CONSTITUTION OF THE  
CEYLON ESTATE STAFFS' UNION**

**RULE ONE: NAME, EMBLEM, MOTTO, REGISTERED OFFICE  
& SUB OFFICES**

- (1)The name of the Union shall be THE CEYLON ESTATES STAFFS' UNION(hereinafter referred to as the 'UNION')
- (2)The Registered Office of the Union shall be in COLOMBO and, for the time being at No. 6, ALOE AVENUE, KOLLOUPITIYA, COLOMBO 3.
- (3)The EMBLEM of the Union shall be as decided upon by the COUNCIL and, for the time being shall be a Red Banner with the name of the Union inscribed in gold, silver or white letters either with/without the SINHALA and/or TAMIL translation of such name together with the MOTTO of the Union.
- (4)The MOTTO of the Union shall be "THE PRICE OF FREEDOM IS ETERNAL VIGILANCE"
- (5)There shall be as many REGIONAL and/or DISTRICT Offices of the Union as may be warranted in the decentralized set up of its organizational and administrative requirements, to cater to the membership.

**RULE TWO: OBJECTS**

The objects of the UNION shall be as follows;

- (a)To secure the effective organization in the UNION of employees in the plantation and agricultural sector and their allied and ancillary establishments in the Country, where the growing, cultivation, curing and/ or manufacture and the packing and distribution of TEA, RUBBER, COCONUT, COCOA, SPICES, PADDY, SUGARCANE etc., is undertaken, both by the Private and Public Sectors of the economy in SRI LANKA.

- (b) To watch, promote, safeguard and further the interests, rights and privileges of the members of the UNION as working people.
- (c) To improve the economic and social conditions of the members of the UNION and generally to promote their welfare and education.
- (d) To regulate the relations between members of the UNION and employers, between members of the UNION and other employees between the UNION and other Trade Unions and, between members of the UNION.
- (e) To assist and promote friendly relations and co-operation with other Trade Unions and generally to promote solidarity with other organizations of workers in matters relating to and concerning the interests of the working class.
- (f) To raise and maintain funds for the purposes set out above and to provide benefits and/or assistance to members of the Union in connection with strikes and lockouts, victimization, retirement, unemployment and other matters connected with or arising out of their employment or arising out of their UNION membership or activity.

IN FURTHERENCE OF THE ABOVE MENTIONED OBJECTS THE UNION SHALL IN PARTICULAR ENDEAVOUR TO WORK FOR:

- (a) A statutory Enactment standardizing the wages, terms and conditions, recruitment, promotions, housing, employment, benefits, health, education, accident and employment risks, security of services, provident funds, pensions, superannuation benefits, leave, right of representation on Boards dealing in matters affecting the membership etc.
- (b) The establishment of a Political Fund.
- (c) The establishments of Provident Funds, Benevolent Benefits, and Thrift Funds, Pensions Funds, Widows and Orphans' Fund, Superannuation Funds and, other similar undertakings for the common benefits of the members.

- (d) The formation of schemes and establishing of associations, clubs, holiday homes, scholarships etc., for the physical, social, cultural, educational and spiritual upliftment and progress of its members and their families.
- (e) The growth and development of Trade Unionism on correct lines.
- (f) Affiliation with any other Trade Union and/or Federation of Trade Unions, both national and international.
- (g) The promotion of measures for the enactment of legislation beneficial to the members of the working class and to resist and agitate for the amendment and/or repeal of any legislation detrimental to the interests, welfare and rights of the members and, the working class in SRI LANKA.
- (h) Co-operation and/or co-operation with other sections of the organized working class with a view to the fulfillment of the above objects, both in the public and private sectors of employment in the country.
- (i) Assist any other section of the working class to organize itself and further its cause, if such cause is to the benefits and progress of the members of the UNION in particular and/or the Trade Union Movement in general.

### **RULE THREE: MEMBERSHIP**

- (1) Any person employed in any of the establishments referred to in RULE TWO (a) or Paid Officers of the UNION, shall be eligible to join the Union, provided however, that:-
  - (a) A person who was employed in an establishment referred to RULE TWO (a) may continue in membership as long as he manifests an interest in the progress and activities of the UNION and so long as he continues to pay his membership dues without a break and discharge all other obligations, union membership devolves on a member, and Delegate status should be given but should not contest any election.

- (b) a full time office bearer, unless he comes under the classification in sub-section (1) (a) above, shall be deemed to have resigned his membership in the UNION when a severance of his services with the UNION takes place, and he shall have no rights of membership thereafter.
- (c) Full-Timers shall not contest any elections without first resigning their posts.
- (2) All applications for membership shall be made in writing and in accordance with such form as may be required by the UNION.
  - (3) All applications for membership shall be submitted to the EXECUTIVE COMMITTEE. Any application may be rejected by the EXECUTIVE COMMITTEE without any reason being assigned to the applicant.
  - (4) When an application is accepted by the EXECUTIVE COMMITTEE the applicant shall become a member of the UNION as from such date is determined by the EXECUTIVE COMMITTEE, and the name of the member shall be duly registered.
  - (5) The sums of money to be paid upon entrance shall include the entrance fee and the membership dues for the first month, as hereinafter provided.
  - (6) Any person who has ceased to be a member of the UNION may be re-admitted to the UNION on application in writing, and may be re-admitted if the EXECUTIVE COMMITTEE so decides, on such conditions as may be laid down by the EXECUTIVE COMMITTEE.
  - (7) Any member wishing to resign from membership shall notify the GENERAL SECRETARY in writing. Any member so resigning shall cease to have any further rights in the UNION from the date of receipt of such notice, provided that such member's rights shall be restored if the EXECUTIVE COMMITTEE permits withdrawal of the resignation.
  - (8) Any member, other than an OFFICE BEARER(as set out in RULE NINE) of the UNION shall be liable to expulsion by the EXECUTIVE COMMITTEE, if such member is found by the

EXECUTIVE COMMITTEE to have been guilty of a serious breach of UNION duty under RULE FIVE(2). Any member subject to expulsion shall have the right to appeal to the BIENNIAL DELEGATES CONFERENCE by forwarding to the GENERAL SECRETARY such appeal in writing at any time up to within thirty (30) days of the date fixed for the CONFERENCE. Any decision of the DELEGATES CONFERENCE shall be final.

**RULE FOUR: DUES AND LEVIES**

- (1) The entrance fee for membership shall be Rupees One Hundred (Rs.100/-)
- (2) The membership due shall be reckoned as Annual Subscription and shall be RUPEES SIX THOUSAND (Rs.6000/-) inclusive of subscriptions for Death Donation Scheme per annum or such sums as may be decided by a DELEGATE CONFERENCE provided however, annual subscriptions can be payable monthly, through the "Check Off" and provided however, that
  - (a) waive such membership dues from a member whose services have been interdicted or terminated by his employer and whose inquiry, termination and/or appeal has not been disposed of.
- (3) Special contributions from, or levies on, members may be called for or made by the COUNCIL, for specific purposes.
- (4) Members who, of choice decide to remit their membership dues outside the 'CHECK-OFF facility shall pay their annual subscriptions within the first three(3) months in any calendar year and, in not less than three (3) installments, unless with permission from the EXECUTIVE COMMITTEE, obtained in writing under the signature of the GENERAL SECRETARY.
- (5) Members utilizing the CHECK-OFF facility shall pay their annual membership dues, monthly, but in the event of resignation from the UNION, or expulsion on decision of the COUNCIL his



contributions through the CHECK-OFF by his employer shall continue up to the end of the calendar year.

(a) outstanding membership dues in respect of those who die whilst in service shall be waived and shall not be charged on his estate or heirs.

(6) Members who are in arrears of monthly remittances through the CHECK-OFF in respect of their membership dues or, of any levy imposed under sub section (3) above, for more than three (3) months shall not be eligible for any aid or benefit from the UNION, nor for election or hold any office in the UNIT, BRANCH or UNION or as a delegate under RULE TWELVE.

(a) the same disability as provided for under this rule shall apply to members paying their annual membership dues outside the CHECK-OFF but are in arrears as from the first day of April in any calendar year.

(7) Members who are in arrears for over six (6) months in the remittance of their monthly dues in respect of their annual subscriptions shall cease to have all rights of membership and shall cease to be members if the EXECUTIVE COMMITTEE so decides.

(8) Members reaching the retiring age of 60 years or above the age of 60 years shall not be eligible to contest for any office of the UNION.

## **RULE FIVE : RIGHTS AND DUTIES**

(1) Every member of the UNION shall, subject to these rules have the right to participate in and vote at meetings of his respective UNIT, BRANCH and General Membership meeting of the UNION.

(2) It shall be duty of every member

(a) to abide by these rules and by all UNION decisions taken in accordance with those rules.

(b) to do no act that is detrimental to the interests of the UNION and its members.

(c) to attend to meetings of the UNIT and of the BRANCH such member belongs and , General Membership meetings of the UNION.

## **RULE SIX : ESTATE UNITS**

(1) The ESTATE UNITS shall be the basic organizational and administrative UNIT of the UNION and all applications for rights due or available under membership shall, unless in special exceptional circumstances, be channeled through the UNIT.

(2) Likewise, disbursement of information and the enforcement of obligations, directives and decisions of the UNION taken in accordance with these rules, shall be through the UNIT.

(3) Every member of the UNION who is employed in any plantation estate, establishment or office under RULE TWO(a) shall form a constituent member of his respective UNIT and BRANCH of the UNION, provided that a single UNIT may be constituted to include members in more than one establishment, if the EXECUTIVE COMMITTEE so decides. In no case shall the number of members in a UNIT be less than five (5).

(4) Every UNIT elect a COMMITTEE which shall in respect of the members of that UNIT, be responsible;

(a) collecting of UNION dues and levies under RULE FOUR and for its proper accounting to the appropriate authority.

(b) the execution of UNIT, BRANCH and UNION decisions and maintenance of Union discipline.

- (5) Every UNIT shall be responsible, subject to the directions of the EXECUTIVE COMMITTEE , for the regulations of the relations between their members and the employer, between the members themselves, between members and non members and between members and other employees not eligible to be members of the UNION.

**RULE SEVEN : BRANCHES**

- (1) ALL ESTATE UNITS, ESTABLISHMENT UNITS, FACTORY UNITS and OFFICE UNITS which represent the basic organizational or administrative UNIT of the UNION, situated in a geographically defined and administrative area or region, grouped together, shall constitute a BRANCH of the UNION for the purpose of decentralizing its organizational and administrative functions, and, of which there shall be any member depending on the needs of the administration.
- (2) The composition of the FULL TIME- OFFICE BEARERS of the UNION who have secured membership rights as provided for under RULE THREE (3) shall also have the status of a BRANCH and subject to all control and discipline as with other branches, including the BYE LAWS that govern their functions.
- (3) Every BRANCH shall have a COMMITTEE OF MANAGEMENT which shall be responsible to the UNION for the organizational and administrative aspect of the UNITS that constitute it and, be representative of that grouping of UNITS in the COUNCIL of the UNION by the following Office Bearers, together with additional representation based on the respective membership strength of each branch as set out hereunder.
  - (a) Ex-Officio  
Representation by CHAIRMAN  
HONY SECRETERY and  
HONY TREASURER; Plus

(b) Proportionate representation by ONE (1) additional member each for every complete unit of Four Hundred (400) members or major fraction thereof.

(4) Every Branch shall be responsible, subject to the discretion of the COMMITTEE OF MANAGEMENT of the Union for the regulation of the relations between their UNITS and its members, between UNITS and UNION'S REGIONAL and District Offices, and between the membership in the Branch and the UNION itself, through the UNION'S REGIONAL OFFICE and , in special circumstances direct with the UNION'S SECRETARIAT for;

(a) Control, administration and proper functioning of the UNITS that constitute it, and

(b) The execution of UNION decisions within its confines.

### **RULE EIGHT: COUNCIL**

(1) The general government of the UNION shall be vested in the COUNCIL , which shall have authority subject to the decisions of the DELEGATES CONFERENCE and General Membership meetings;

(a) To do all such acts as it may deem necessary or expedient for the furtherance of the objects of the UNION.

(b) To control and direct the EXECUTIVE COMMITTEE AND to confirm, amend or set aside any decision or action of the EXECUTIVE COMMITTEE.

(c) To fill vacancies in the EXECUTIVE COMMITTEE, COUNCIL or amongst the elected Office Bearers under RULE NINE.

- (d) Expel any member of the UNION under RULE THREE.
  - (e) To suspend from office any members of the COUNCIL or EXECUTIVE COMMITTEE other than an OFFICE BEARER of the UNION, for the period not exceeding six months for a breach of these rules, or action detrimental to the interests of the UNION. The decision of the COUNCIL shall be final.
  - (f) To suspend or remove from office any OFFICE BEARER of the UNION or the GENERAL SECRETARY, under the provision of RULE TEN sections(3) and (4).
  - (g) To call any strike or to authorize any stoppage of work on any UNIT, BRANCH,UNITS applicable to a particular employer , or a section thereof and to call off any strike or to order a resumption of work by any UNIT or BRANCH, or a section thereof.
  - (h) To specially delegate any of its powers to the EXECUTIVE COMMITTEE in specified matters.
- (2) The COUNCIL shall consist of representations of BRANCHES elected by the branches, as set out under RULE SEVEN, Section (3)sub sections(a) and (b), in addition to TWO(2) representatives elected by the body comprising the FULL TIME STAFF of the UNION which shall have the status of that of a BRANCH for this purpose.

The OFFICE BEARERS of the UNION shall be ex-officio members of the COUNCIL.

Every member of the COUNCIL shall be an ex-officio member of the COMMITTEE of the respective UNIT and BRANCH.

- (3) Every BRANCH shall have the right to elect alternate members to the COUNCIL, in equal number of those represented in the COUNCIL, under the RULE, to act as substitutes for those members. Alternate members acting as substitutes shall have all the rights of COUNCIL members at the Meeting they attend.

- (4) Only members selected to the COUNCIL or duly elected substitutes and OFFICE BEARERS of the UNION shall have the right to vote at meeting of the COUNCIL.
- (5) Meetings of the COUNCIL shall be held at least THREE (3) times every year or, as may be determined by the EXECUTIVE COMMITTEE. At least TEN(10) days notice of such meetings shall be given. An emergency meeting of the COUNCIL may be summoned by the GENERAL SECRETARY at twenty four(24) hours notice.
- (6) A SPECIAL meeting of the COUNCIL may be convened at the written request of one fifth( $1/5^{\text{th}}$ ) of its members or, five (5) members of the EXECUTIVE COMMITTEE, stating the object for which such meeting is convened, addressed to the GENERAL SECRETARY, who shall call such meeting of the COUNCIL within two (2) weeks of such request. At least seven(7) days notice of such meeting shall be given to members of the COUNCIL.
- (7) The quorum for a meeting of the COUNCIL, shall be thirty (30) representing six (6) branches.
- (8) The GENERAL SECRETARY, Head Quarters ASSISTANT SECRETARIES AND THE OFFICE ASSISTANT shall be ex-officio members of the COUNCIL, but without the right to vote.
- (9) Members of the COUNCIL who fail to attend three (3) consecutive meetings, without reasonable excuse given to the COUNCIL shall be deemed to have resigned such office.

**RULE NINE: OFFICE BEARERS AND EXECUTIVE COMMITTEE**

(1) : The OFFICE BEARERS of the UNION shall be

(a) The President	01
(b) The Deputy President	01
(c) Two Vice Presidents	02
(d) The Hony. Treasurer	01
(e) The Convener - Committee 'A' – Administration	01
(f) The Deputy Convener.-Committee 'A'-Administration	01
(g) The Convener- Committee 'B' – Finance	01
(h) The Deputy Convener –Committee 'B'- Finance	01
(i) The Convener – Committee 'C' - Disciplinary	01
(j) The Deputy Convener – Committee 'C' - Disciplinary	01
(k) The Convener – Committee 'D'- Media	01
(l) The Deputy Convener – Committee 'D' - Media	01
(m) The Convener – Committee 'E' Special Events/Membership Drive	01
The Deputy Convener - Committee 'E' Special Events/Membership Drive	01
(n) The Convener - Committee 'F' Educational Programmes/Seminars	01
(o) The Deputy Convener - Committee 'F' Educational Programmes/Seminars	01
(p) Branch Chairman	12
(q) General Secretary	01
<b>Total</b>	<b>30</b>

(2). The OFFICE BEARERS as set out in section (3) shall be elected by the DELEGATES CONFERENCE while the other shall be nominated by the President at a meeting of the council, within one (1) month of his election, all of whom shall hold office, subject to these rules , till the election of OFFICE BEARERS at the next BIENNIAL DELEGATES CONFERENCE and , at the subsequent meeting of the COUNCIL.

(a) The Executive Committee shall have the power to make an acting appointment to any of the office bearers of the UNION including the GENERAL SECRETARY and such acting appointees will have the same rights of the permanent officials and shall also be signatories to cheques where appropriate.

- (3) The Executive Committee shall consist of OFFICE BEARERS as in Rule Nine (1) including the 12 Branch Chairmen and 12 members of the six (6) Committees nominated by the President consisting minimum of four (4) female members.
- (i) Elected at Bi-ennial Delegates' Conference
    - (a) President
    - (b) Two(2)Vice Presidents
    - (c) The Hony Tresurer
    - (d) Six(6) members to the Council
  
  - (ii) Nominated by the President at the next meeting of Council
    - (a) The Deputy President
    - (b) The five Convenors of the Committees
    - (c) The Editor
    - (d) The five Deputy Convenors of the Committees
    - (e) The Deputy Editor
  
  - (iii) The GENERAL SECRETARY shall participate in all MEETINGS of EXECUTIVE COMMITTEE but without the right to VOTE
    - a) A meeting of the Ex-Co shall be convened by the General Secretary on the request made by the President to deal or decide on matters of importance.
  
  - (iv) The members elected to the EXECUTIVE COMMITTEE by the COUNCIL, shall hold office subject to these rules, till the next election of members to the EXECUTIVE COMMITTEE by the COUNCIL.
  
  - (v) The President, Deputy President Treasurer and the two Vice Presidents shall not hold any Elected Office in the Branches.



- (4) The general administration of the UNION shall be vested in the EXECUTIVE COMMITTEE subject to the general control and direction of the COUNCIL.
- (5) The EXECUTIVE COMMITTEE shall have authority to;
  - (a) Appoint such officers and staff as may be necessary for the efficient working of the UNION and to determine their terms and conditions of employment.
  - (b) Take disciplinary action and /or terminate the service of any member of the staff if so warranted.
  - (c) Suspend and report to the COUNCIL and if so warranted. Recommend the termination of the GENERAL SECRETARY for further action by the COUNCIL
  - (d) Interpret the Constitution.
  - (e) Appoint Special Committees for any specific purpose.
  - (f) Authorize any expenditure of UNION funds in accordance with these rules.
  - (g) Suspend from office a BRANCH COMMITTEE OF MANAGEMENT or a member thereof and take such disciplinary action, other than expulsion, as it may deem necessary or against individual members, for breaches of RULE FIVE. All action taken by the EXECUTIVE COMMITTEE under this rule shall be reported to the next meeting of the COUNCIL.
  - (h) Frame regulations not inconsistent with these rules for the proper constitution and functioning of UNITS, BRANCHES, the election of members to the COUNCIL and DELEGATES CONFERENCE and, for the maintenance of UNION discipline, provided that no such regulations shall come into force unless they are approved by the COUNCIL.
  - (i) Act in any way not inconsistent with these rules in furtherance of the objects of the UNION.
  - (j) Take any action which the COUNCIL is empowered to take under these rules in a situation where the COUNCIL cannot meet provided that such action shall be reported thereafter.

- (k) Exercise the powers of the COUNCIL under RULE EIGHT (1).
  - (l) Whenever urgent action is required in the opinion of the EXECUTIVE COMMITTEE.
  - (m) Approve for enrollment or reject any application for MEMBERSHIP in the UNION, at its discretion and , without assigning any reasons thereto.
- (6) The EXECUTIVE COMMITTEE shall be responsible for;
- (a) Giving effect to all decisions of DELEGATES CONFERENCE, GENERAL MEMBERSHIP MEETINGS and MEETINGS of the COUNCIL
  - (b) The proper administration and functioning of the UNION and its UNITS and BRANCHES together with REGIONAL and DISTRICT OFFICES.
  - (c) Dealing with and giving necessary direction and advice in relation to all disputes with employer or between members that may be brought to its notice.
  - (d) The maintenance of UNION discipline.
  - (e) Dealing with all matters not provided for in these rules arising for UNION decision or action.
  - (f) Summon meetings of the COUNCIL at least once every four (4) months and submitting to the COUNCIL all matters requiring decision by the COUNCIL under these rules as well as all matters requiring such decision in the opinion of the EXECUTIVE COMMITTEE.
  - (g) The quorum of the meeting of the EXECUTIVE COMMITTEE SHALL be FIFTEEN.
  - (h) Members of the EXECUTIVE COMMITTEE and OFFICE BEARERS of the UNION who fail to attend three(3) consecutive meetings without reasonable cause shall be deemed to have resigned such office.

## **RULE TEN: SUSPENSION AND REMOVAL FROM OFFICE**

- (1) Any elected officer or representative of the UNION, BRANCH, or UNIT shall be subject to removal and replacement at any time by a meeting of the body that elected him.
- (2) Any Office Bearer shall be subject to removal from office on a decision by the COUNCIL based on a resolution to that effect with voting in favour of such action by not less than two thirds(2/3rds) of those present.
- (3) If the EXECUTIVE COMMITTEE decides that any Office Bearer should be removed from the office, a Special Meeting of the COUNCIL shall be summoned for that purpose. The EXECUTIVE COMMITTEE may in such case suspend the Officer concerned, pending a decision of the Special Meeting of the COUNCIL, provided that the Special Meeting of the COUNCIL is held within six (6) weeks of the date of suspension. If for any reason the Special Meeting of the COUNCIL is not held as required above, the Officer suspended shall be deemed to have been restored to office.
- (4) If the Executive Committee decides that the GENERAL SECRETARY should be removed from office, the Executive Committee may suspend the General Secretary pending a decision of the Council by a simple majority at the next meeting of the Council or at a Special Meeting of the Council summoned for any other purpose or for this purpose exclusively, provided the Agenda includes the removal of the General Secretary as an item.
- (5) The members nominated to the Executive Committee by the President under Rule 9(3) shall be removed from the office for reasons the Executive Committee and Council shall deem necessary.

## **RULE ELEVEN: MEETINGS**

- (1) The PRESIDENT shall be ex-officio Chairman at all GENERAL MEMBERSHIP MEETINGS, MEETINGS OF THE COUNCIL and EXECUTIVE COMMITTEE and all DELEGATES CONFERENCES except that of the BIENNIEL DELEGATE CONFERENCE where he shall only constitute ONE (1) of the THREE(3) who shall form the PRESIDIUM.

- (a) Only persons who have officiated at least as CONVENORS of ESTATE UNITS but who at the same time do not hold office or serve as a member of the outgoing EXECUTIVE COMMITTEE shall be eligible to be elected to the PRESIDIUM.
  - (b) With the exception of the BIENNIAL DELEGATES CONFERENCE for which the PRESIDIUM shall be responsible for the proper conduct of the business of all such meetings if the PRESIDENT is absent, or for any reason fails to function as Chairman at any such meeting , the Deputy President or ONE of the VICE PRESIDENTS shall be elected to the Chair or, in their absence any member accepted by the majority of the members present shall act as Chairman.
- (2) No meetings of the UNION shall be terminated before the conclusion of the business without the consent of the majority of the members present.
  - (3) Any matter arising for decision at any meeting of the UNION shall in all cases, where a decision is taken, be decided by a simple majority unless otherwise provided in these rules. Where voting results is a tie, the Chairman shall have a casting vote in addition to his vote.

**RULE TWELVE : DELEGATES CONFERENCE BIENNIAL/  
SPECIAL**

- (1) The Supreme authority of the UNION shall be vested in the DELEGATES CONFERENCE to be held biennially on such date as may be determined by the COUNCIL, and specially as provided for hereunder;
- (2) The DELEGATES CONFERENCE shall be composed of members of the UNION elected by the BRANCHES on the following basis of representation.  
ONE(1) DELEGATE for every constituted and functioning UNIT and , one additional Delegate each for every additional FIFTEEN(15) members representative of the UNIT and/or BRANCH, as per UNION records.

- (3) The CONVENOR, for the time being, of each respective UNIT shall be the ex-officio DELEGATE of the UNIT unless substituted by the UNIT at an election conducted for that purpose and other additional DELEGATES shall be those members who are jointly sponsored by each estate of the next fifteen (15) members in a particular UNIT or BRANCH as provided for.
- (4) The BIENNIAL DELEGATES CONFERENCE may be held on any day or days after the thirty first (31<sup>st</sup>) day of March in any year and, accredited DELEGATES shall send their completed nomination on/or before that date.
- (5) Six (6) weeks notice of the BIENNIAL DELEGATES CONFERENCE and three (3) weeks notice of a SPECIAL DELEGATES CONFERENCE shall be given to the general membership.
- (6) Resolution for the Agenda of the BIENNIAL DELEGATES CONFERENCE may be submitted only by ESTATE UNITS and BRANCHES or by the EXECUTIVE COMMITTEE or by the COUNCIL. UNIT and BRANCH resolutions shall be submitted to the GENERAL SECRETARY not less than twenty one (21) days before the date of the CONFERENCE. ALL such resolutions shall be circulated to BRANCHES not less than fourteen (14) days before the CONFERENCE.
- (7) The Agenda of the BIENNIAL DELEGATES CONFERENCE shall include;
  - (i) Confirmation of the Minutes of the previous BIENNIAL DELEGATES CONFERENCE and, of any SPECIAL DELEGATES CONFERENCE and GENERAL MEMBERSHIP MEETING that may have been held during the period under review.
  - (ii) President's Address.
  - (iii) Adoption of the REPORT and AUDITED STATEMENT OF ACCOUNTS submitted by the EXECUTIVE COMMITTEE on behalf of the COUNCIL.
  - (iv) General Secretary's Address.

- (v) Election of OFFICE BEARERS under RULE NINE (3) (1)
  - (vi) Consideration of Resolutions submitted under RULE TWELVE (6)
  - (vii) Amendments of the Constitution under RULE TWENTY ONE
  - (viii) Appointments of AUDITORS under RULE SIXTEEN. No other matter shall be taken up until the above items on the Agenda have been dealt with.
- (8) A SPECIAL CONFERENCE OF DELEGATES be summoned for any specific purpose by the COUNCIL or on the requisition of not less than FIVE(5) BRANCHES, provided that such COMMITTEE of the BRANCH, in written statement of the purpose for which the CONFERENCE is requested with original of the register of attendance of the general membership in the BRANCH who attended the meeting where such request was decided upon, and the voting in that connection, in support of the request where a SPECIAL DELEGATES CONFERENCE is summoned on a requisition as provided above, the CONFERENCE shall be held within six (6) weeks of the receipt of such requisition. The notice of a SPECIAL DELEGATES CONFERENCE shall include a statement of specific purpose for which the CONFERENCE is convened.
- (9) The QUORUM of a DELEGATES CONFERENCE, either BIENNIAL or SPECIAL, shall not be less than ONE FOURTH (1/4) of the total number of DELEGATES, elected in each case under RULE TWELVE(2) and (3).
- (10) Member of the EXECUTIVE COMMITTEE not elected as DELEGATE shall be DELEGATES ex-officio, but without the right to vote.

### **RULE THIRTEEN: GENERAL MEMBERSHIP MEETINGS**

- (1) A GENERAL MEMBERSHIP MEETING may be summoned by the EXECUTIVE COMMITTEE to decide upon any matter of major importance to the UNION that is placed before it by either the EXECUTIVE COMMITTEE or THE COUNCIL.
- (2) The decision of a GENERAL MEMBERSHIP MEETING shall have the same force and authority as a decision of a DELEGATE CONFERENCE under RULE TWELVE.
- (3) Not less than three(3) days notice shall be given to the membership in respect of such meeting.

### **RULE FOURTEEN: GENERAL SECRETARY**

- (1) The GENERAL SECRETARY shall be appointed by the EXECUTIVE COMMITTEE on such remuneration as may be determined from time to time by the COMMITTEE.
- (2) The GENERAL SECRETARY shall be an ex-officio member of the UNION but shall not have the right to vote.
- (3) The GENERAL SECRETARY shall subject to the direction and control of the EXECUTIVE COMMITTEE.
  - (a) be responsible for the proper maintenance of the UNION registers and records.
  - (b) submit notices and statements required by the TRADE UNIONS ORDINANCE and the REPORT AND AUDITED STATEMENT OF ACCOUNTS.
  - (c) submit reports and documents called for by the EXECUTIVE COMMITTEE and submit to the EXECUTIVE COMMITTEE matters requiring its consideration.

- (d) summon and attend meetings of the EXECUTIVE COMMITTEE and GENERAL and GENERAL MEMBERSHIP MEETINGS of the UNION.
- (e) sign on behalf of the UNION and certify copies of entries in books or documents.
- (f) be responsible for the proper conduct of UNION correspondence, negotiations and disputes.
- (g) speak on behalf of the UNION.
- (h) be responsible for the property owned by the UNION, the supervision of the UNION staff and for the proper, conduct of the day to day business of the UNION.

### **RULE FIFTEEN: FUNDS**

- (1) The FUNDS of the UNION shall be deposited in such Bank or Banks as the EXECUTIVE COMMITTEE may determine, in the name of the UNION.
- (2) The withdrawal of the whole or part of the FUNDS deposited in the said Banks shall be upon the joint signatures of the PRESIDENT, the GENERAL SECRETARY and the TREASURER.
- (3) The TREASURER shall be responsible to the EXECUTIVE COMMITTEE for the deposit with the UNION'S bankers of all the monies received by the UNION and not duly expended, within seven days of receipt.
- (4) The FUNDS of the UNION shall not be spent for any purpose other than the furtherance of the objects mentioned in this CONSTITUTION.
- (5) THE TREASURER shall be responsible for preparing and submitting a monthly statement of accounts to the EXECUTIVE COMMITTEE, or as may be required by the EXECUTIVE COMMITTEE. THE TREASURER shall also be responsible for preparing the BIENNIAL STATEMENT OF ACCOUNTS for the DELEGATES CONFERENCE and for the purpose of the TRADE UNION ORDINANCE



## **RULE SIXTEEN: AUDIT AND INSPECTION OF BOOKS**

- (1) The BIENNIAL DELEGATES CONFERENCE shall appoint an AUDITOR or AUDITORS, approved by the REGISTRAR OF TRADE UNIONS, other than a member of the UNION, for the purpose of auditing the accounts of the UNION, and such audit shall be duly completed and reported on or before the BIENNIAL DELEGATES CONFERENCE.
- (2) The CONVENOR and members of COMMITTEE 'B' shall be responsible for the INTERNAL AUDIT of the BOOKS OF ACCOUNTS of the UNION and , shall scrutinize, check and approve the monthly or other periodical STATEMENTS OF ACCOUNTS before submitting them to the EXECUTIVE COMMITTEE and/or COUNCIL, AND DELEGATES CONFERENCE.
- (3) The Union's REGISTERS OF MEMBERS and its BOOKS OF ACCOUNTS shall be made available for inspection to members provided seven(7) days notice , in writing, is given to the GENERAL SECRETARY.

## **RULE SEVENTEEN: THE TRUSTEES**

- (1) The TRUSTEES of the UNION shall be;
  - (a) The President
  - (b) The Two (2) Vice Presidents
  - (c) The Hony. Treasurer and
  - (d) The General Secretary
- (2) All property, movable and immovable of the UNION shall be vested in the TRUSTEES, for the use and benefit of the UNION and its members, and shall be under the control of the TRUSTEES, subject to those rules.

**RULE EIGHTEEN: EDUCATIONAL & ORGANISATIONAL WORK**

- (1) THE EXECUTIVE COMMITTEE of the UNION shall have the power to take all proper steps for the promotion of the INDUSTRIAL, CULTURAL, SOCIAL, RECREATIONAL and POLITICAL knowledge of the members of the UNION.

**RULE NINETEEN: AFFLIATION, AMALGAMATION & DISSOLUTION**

- (1) The UNION shall affiliate itself to, or disaffiliate itself from or become amalgamated with any other association or federal body as have the same or similar objects and methods, provided that the votes of at least ONE HALF of the DELEGATES entitled to vote are recorded at the DELEGATES CONFERENCE and that at least SIXTY SEVEN percent (67%) of the votes recorded are in favour of the proposal.
- (2) The UNION may be dissolved and the FUNDS thereof disposed of provided that the votes of at least ONE HALF of the MEMBERS of the UNION entitled to vote are recorded and that at least two thirds of the votes so recorded are in favour of the proposal.
- (3) After discharging the liabilities of the UNION the FUNDS may be applied to such objects of local and public utility as may have been decided by the GENERAL MEMBERSHIP MEETING.

**RULE TWENTY: STRIKES**

- (1) A General Strike of the UNION shall only be called by the sanction of the COUNCI, where no less than Seventy Five percent (75%) of the BRANCHES being represented and, so deciding by a majority vote in favour of the proposal.

- (2) A strike of the UNIT or UNITS of the UNION exceeding seven (7) days or a strike of any BRANCH or BRANCHES exceeding ten (10) days shall require the sanction of the EXECUTIVE COMMITTEE.

**RULE TWENTY ONE: AMENDMENTS TO OR REPEAL OF THE CONSTITUTION**

- (1) It will be open to the BIENNIAL or a SPECIAL DELEGATES CONFERENCE to make any change or addition, in this CONSTITUTION, or repeal and substitute in FULL this CONSTITUTION by another CONSTITUTION, by resolution to that effect, provided that at least TWO-THIRDS of the VOTES recorded on any such resolution are in favour of the change, addition, repeal and substitution are in favour of the change , addition, repeal and substitution as set out therein.
- (2) A copy of the CONSTITUTION for the time being in force shall be furnished by the GENERAL SECRETARY to any MEMBER on demand, on the payment of a sum of RUPEES TEN (Rs. 10/-).
- (3) A similar copy of the CONSTITUTION of the Union shall be exhibited and/or available for perusal by any MEMBER or person entitled to examine it, at the UNION'S REGISTERED OFFICE.

GENERAL SECRETARY

No. 6, Aloe Avenue,  
Kollupitiya,  
Colombo 3.

## **THE CEYLON ESTATES STAFFS UNION**

### **RULES AND BY – LAWS GOVERNING THE ADMINISTRATION OF THE BRANCHES OF THE UNION**

BY VIRTURE OF THE AUTHORITY VESTED IN THE EXECUTIVE COMMITTEE UNDER RULE (9), SECTION (5), SUB-SECTION 9H) OF THE CONSTITUTION OF THE CEYLON ESTATES STAFFS' UNION, THE FOLLOWING ARE THE RULES AND BY – LAWS WHICH SHALL GOVERN THE WORKING AND ADMINISTRATION OF THE BRANCHES OF THE UNION

**(1) NAME:**

ALL ESTATE UNITS, which represent the basic organizational unit of the UNION, situated in a geographically defined area, be long to or attached to by demarcation and location, to one of the respective Regional Officer of the Major Management Agencies of the State, the Office of the Assistant Commissioner of Labour and or the Labour Officer and, the Labour Tribunal serving the area, grouped together with a view to effecting organized decentralization of the Administration of the UNION, shall constitute under the following named for the time being, the Branches of the UNION:

- (I) DIMBULLA
- (II) GALLE
- (III) HATTON
- (IV) RAYIGAM/ PASDUN KORALE
- (V) SEETHAWAKA
- (VI) MAHANUWARA
- (VII) NUWARAELIYA
- (VIII) PUSSELLAWA
- (IX) RUHUNU
- (X) SABARAGAMUWA
- (XI) UVA
- (XII) STAFF
- (XIII) SATHARAKORALE

## **(2) ADMINISTRATION**

The organizational affairs of each of the aforesaid BRANCHES shall be administered by a COMMITTEE OF MANAGEMENT the composition of which shall be as follows, all of whom shall serve on the COMMITTEE upto the Thirtieth day of June next to that of the succeeding year in which they took office:-

### **(i) Elected Officials**

The following shall be ELECTED at the BIENNIEL GENERAL MEETING of the BRANCH.

- (a) CHAIRMAN**
- (b) HONY TREASURER**
- (c) HONY AUDITOR**

### **(ii) The Chairman so elected shall have the privilege of proposing a Hony. Secretary. Deputy Branch Chairmen to represent each Regional Plantation Company within the Branch will be elected from the members representing the respective Regional Plantation Companies as mentioned below;**

- (a) Every CONVENER on an ESTATE UNIT that is situated in, attached to an constituted the respective BRANCH, shall be entitled to represent his UNIT on the COMMITTEE OF MANAGEMENT of the respective BRANCH and, in his absence, the DEPUTY CONVENER duly authorized, shall take his place thereon.**
- (b) ONE HONY. AUDITOR too shall be elected at this meeting but he shall not form part or sit in the COMMITTEE OF MANAGEMENT of the BRANCH his term of office will not expire till the membership next meet to elect NEW OFFICIALS for the BRANCH.**

<b><u>Branch</u></b>	<b><u>No. of Deputy Branch Chairman</u></b>	<b><u>Regional Plantation Companies</u></b>
Dimbulla	08	Agarapatana, Elpitiya, Horana, Hatton, Kotagala, Maskeliya, Talawakelle, Kelanivalley.
Galle	03	Elpitiya, Namunukula, Watawala
Hatton	06	Bogawantalawa, Hatton, Horana, Kelaniwalley, Madulsima, Maskeliya
Kandy	04	Elkaduwa, JEDB, SLSPC, Udapussellawa
N'Eliya	04	Agalawatte, Kelenivalley, Maturata, Udapussellawa,
Mathugama	04	Agalawatte, Horana, Kotagala, Namunukula
Pussellawa	04	Elpitiya, JEDB, Kahawatte, Pussellawa
Ruhuna	05	Kalubovitiyana, Mathurata, Morawakkorale Tea Producers Co-op Factory, Namunukula, Thalawakelle
Sabaragamuwa	04	Agalawatte, Balangoda, Hapugastenne, Kahawatta
Satharakorale	03	Chilaw, Kegalle, Kurunegala
Seethawaka	05	Bogawantalawa, Kelanivalley, Lalan, Malvattevalley, Pussellawa
Uva	08	Agarapatana, Balangoda, Hapugastenne, Kegalle, Madulsima, Maskeliya, Namunukula, Malwattevalley
<b>Total</b>	<b>58</b>	

- (iii) The Deputy Branch Chairmen so elected at the Branch Bi-ennial General Meeting will assist the Branch Chairman in organizing union activities. The Deputy Branch Chairmen shall be a member of the Council.

**(3) DISSOLUTION**

The COMMITTEE OF MANAGEMENT of the BRANCH shall be deemed to have gone out of office and officials there defunct, except the:

- (a) CHAIRMAN
- (b) HONY. SECRETARY and
- (c) HONY. TREASURER

on the thirtieth day of June next succeeding the calendar year following the year in which they were elected, whilst the three (3) aforementioned BRANCH officials shall have only caretaker status for the coming three (3) months during which period they shall hold the BIENNIAL GENERAL MEETING and elect NEW OFFICE BEARERS for the ensuing term.

- (i) If no BIENNIAL GENERAL MEETING of the BRANCH is called and, NEW Office Bearers elected by the 30<sup>th</sup> day of September, of that year , the aforementioned three (3) Office Bearers too shall be deemed to have become defunct, minus even the "care-taker" status to which they were entitled to during the preceding three (3) months thereby rendering the BRANCH itself defunct for all purposes.
- (ii) Where a BRANCH has been deemed to have become defunct, as provided for under the preceding sub-section of this rule, it shall be the duty of the GENERAL SECRETARY to take the following steps to reactivate the BRANCH.
  - (a) Freeze the Bank Account
  - (b) Call for an accounting of the finances of the administration of the BRANCH during the period under review and effected, from the respective CHAIRMAN, HONY. SECRETARY, HONY. TREASURER or, THE COMMITTEE OF MANAGEMENT as the case may be.

- (c) Arrange a suitable venue and summon a GENERAL MEMBERSHIP MEETING of the BRANCH, in consultation with the PRESIDENT of the UNION, who shall preside at such meeting, for the specific purpose of electing NEW OFFICE BEARERS for the ensuing term. Such meeting shall be held within the succeeding three (3) months ending the thirty first day of December of that year.
- (d) Take and handover to the NEW OFFICE BEARERS all books, documents, cash, record, equipment, etc., belonging to the Branch, from the custody of the previous officials, now defunct.
- (e) The HONY. AUDITOR shall audit the Statement of Accounts for the period under review under the authority of the UNION.

**(4) MEETING**

The BIENNIAL GENERAL MEETING of the BRANCH shall be held during the following periods by the following authorities, in the year next succeeding the calendar year in which the current office bearers were elected by

- (a) THE COMMITTEE OF MANAGEMENT of the BRANCH between the first day of April and the thirtieth day of June.
- (b) THE CARE-TAKER OFFICIALS between the first day of July and the thirtieth day of September.
- (c) The PARENT UNION – between the first day of October and the thirty first day of December.
- (c) The BIENNIAL GENERAL MEETING shall transact the following business before any other matter is taken up for disposal at such meeting :-
  - (a) Obituary, if any.
  - (b) Confirm Minutes of the previous GENERAL MEETING.
  - (c) Chairman's Review.



- (d) Adoption of the REPORT of the COMMITTEE of MANAGEMENT and the audited Statement of Accounts for the period under Review.
- (e) Members Forum in respect of matters arising on (d) above only.
- (f) Election of New Officer Bearers.
- (g) Address by (i) UNION Officials
- (h) Resolutions
- (i) Any other business.

Only matter of general and / or current importance shall be taken up for discussion at this Meeting and, the accent, should be towards a "Stock Taking" of the past working and "planning" for the immediate future.

- (ii) THE PARENT UNION and the Regional District Secretaries shall of right, attend this meeting and, it is mandatory on the part of the Branch Officials to keep them informed of the date, time and place where such meeting is scheduled to take place.
- (iii) Invitees to this meeting, other than those of the UNION shall only be with the prior concurrence of the PARENT UNION.

(iv) ORDINARY GENERAL MEETING:-

At least two (2) ORDINARY GENERAL MEETINGS of the BRANCH shall be convened by the HONY. SECRETARY, in consultation with his respective CHAIRMAN, during the tenure of their term of Office. The Meeting can transact ordinary business and shall be the forum for the membership of the BRANCH to "air" their grievances and to listen to speakers (Leadership and Invitees) on matters of general and current importance.

(v) BIENNIAL AND ORDINARY GENERAL MEETINGS:-

shall be summoned with at least fourteen (14) days notice, with the AGENDA of the business to be transacted together with the time, date and place thereof, in writing to the membership direct or through their ESTATE UNITS.

(vi) SPECIAL GENERAL MEETINGS:-

THE COMMITTEE OF MANAGEMENT of the BRANCH, fifteen (15) members thereof, or ONE HUNDRED (100) members of the BRANCH from at least TEN (10) ESTATE

UNITS may request the, HONY. SECRETARY, in writing, to summon a SPECIAL GENERAL MEETING of the BRANCH, stating the subject or subjects to be considered at such meeting and, the HONY. SECRETARY shall there-upon summon such meeting giving not less than fifteen (15) days notice, specifying the date, time and place and the object of such meeting to the members, in writing.

(vii) COMMITTEE OF MANAGEMENT:-

Meeting of the COMMITTEE OF MANAGEMENT of the BRANCH shall be convened by the HONY. SECRETARY in writing, stipulating the date, time and place thereof, together with the AGENDA setting out the nature of the business expected to be transacted at such meeting. At least one (1) clear week's notice of such meeting shall be given to the members of the COMMITTEE OF MANAGEMENT of the BRANCH.

(viii) Ten (10) Convenors of ESTATE UNITS may request the SECRETARY, in writing to summon a Meeting of the COMMITTEE OF MANAGEMENT setting out the subject or subjects to be considered at such meeting and, the HONY. SECRETARY shall thereupon summon such Meeting of the COMMITTEE OF MANAGEMENT of the BRANCH giving not less than ten (10) days notice, specifying the date, time and place and the object of such Meeting to the members, in writing.

**(5) QUORUM FOR MEETING:**

- (a) BIENNIAL MEETINGS: Twenty five percent (25%) of the general MEMBERSHIP, covering twenty percent (20%) of the ESTATE UNITS that comprise the respective Branch.
- (b) ORDINARY GENERAL MEETINGS: Twenty percent (20%) of the membership on roll.
- (c) SPECIAL GENERAL MEETING: Thirty percent (30%) of the membership, covering twenty five percent (25%) of the ESTATE UNITS that comprise the Branch.

(d) MEETING OF THE COMMITTEE OF MANAGEMENT:  
Thirty percent (30%) of its respective composition for the time being.

**(6) ELIGIBILITY TO HOLD OFFICE:**

Only members with more than ONE (1) year's standing in the membership of the UNION shall be eligible to be elected and hold Office in the Branch, its COMMITTEE OF MANAGEMENT or, represent the BRANCH in the COUNCIL of the UNION.

**(7) POWERS AND FUNCTIONS OF THE COMMITTEE OF MANAGEMENT**

The COMMITTEE shall be competent to, and shall.

- (a) Organize, supervise and recommend to the PARENT UNION any disciplinary action against any ESTATE UNIT and, Official thereof or any Official thereof or any Official or member of the BRANCH.
- (b) Give effect to all disciplinary action against any ESTATE UNIT and, Official thereof or any official or member of the BRANCH.
- (c) Ensure the proper administration and the functioning of the ESTATE UNITS.
- (d) Deal with and give all necessary advice and direction in relation to all disputes with employers or between members that may be brought to its notice.
- (e) Maintain close liaison with the REGIONAL and DISTRICT SECRETARIES who cater to the needs of the membership of their BRANCH.
- (f) Collect, disburse and correctly account for all INCOME and EXPENDITURE that accrue to the BRANCH from all sources, in addition to supervising this aspect in respect of the ESTATE UNITS attached to it.
- (g) Ensure maintenance of UNION discipline.

(h) Be responsible to the PARENT UNION for all activities of and in the BRANCH and deputise on its behalf when the need arises to do so.

**(8) BOOKS:**

Such Books as may be found necessary by the COMMITTEE OF MANAGEMENT shall be kept by and in the custody of the HONY. SECRETARY and HONY. TREASURER as applicable to their respective responsibilities, functions and duties.

**(9) FUNDS AND MANAGEMENT:**

ALL INCOME of the BRANCH shall be deposited in a CURRENT ACCOUNT with a Bank and shall be disbursed at the direction of the COMMITTEE OF MANAGEMENT only, under the joint signatures of the CHAIRMAN, HONY. SECRETARY and HONY. TREASURER of the respective BRANCH. A small cash balance can however remain in the custody of the HONY. TREASURER, with the concurrence of the COMMITTEE.

**(10) HONY. AUDITOR:**

The Books of Accounting, together with the Statement of Income and Expenditure in respect of the period ending the thirty first day of March of the year next to the succeeding calendar year in which the Auditor was elected, shall be vouched for and submitted by this Officer, together with a Report covering his Audit to the COMMITTEE OF MANAGEMENT of the BRANCH, through the CHAIRMAN, with copies thereof to the GENERAL SECRETARY and HONY. TREASURER of the PARENT UNION within ONE (1) month thereof or, report to the GENERAL SECRETARY his reasons for his inability to do so, in writing within the same period.

**(11) BRANCH REPRESENTATION AT PARENT UNION LEVEL:**

Every BRANCH shall be entitled to be represented on the COUNCIL of the PARENT UNION on the following basis, and by the following persons respectively:

- (a) EX-OFFICIO: CHAIRMAN  
HONY. SECRETARY  
HONY. TREASURER

(b) **PROPORTIONATE REPRESENTATIONS:**

On the ratio of ONE (1) COUNCIL MEMBER for every complete unit of FOUR HUNDRED (400) members on the Roll or, major fraction thereof.

- (i) The members of the COUNCIL to be elected under (b) above shall be decided upon by a majority vote and by the COMMITTEE OF MANAGEMENT as its very first meeting, following the Biennial General Membership Meeting of the BRANCH.
- (ii) An equal number of substitute COUNCIL members too shall be elected at this meeting, who will be entitled to deputise for any COUNCIL member where he would not be able to be present on behalf of his BRANCH. A copy of such authorization shall be sent to the GENERAL SECRETARY and respective CHAIRMAN of the BRANCH. Such substitute members shall enjoy the same rights and privileges as any COUNCIL member elected under (b) above at the respective meeting he is to participate.

**(12) INFORMATION TO PARENT UNION:**

The HONY. SECRETARY of the BRANCH shall furnish within ten (10) days of the election of the new office Bearers of the BRANCH and, the subsequent meeting of the COMMITTEE OF MANAGEMENT, the following to the GENERAL SECRETARY, in writing:-

- (i) (a) Two copies of the REPORT and audited Statement of Accounts adopted by the membership, together with the membership statistics for the period under review.
- (b) NEW Office Bearers of the BRANCH, elected at the BIENNIAL GENERAL MEETING to serve during the ensuing term.
- (c) Names and addresses of the members elected by the COMMITTEE OF MANAGEMENT to represent the BRANCH in the COUNCIL of the UNION and, their substitutes.

- (ii) NOTICES OF ALL General and Committee Meetings convened by him, whenever such meetings are being convened.
- (iii) MINUTES OF ALL Meetings, both General and that of the COMMITTEE, within two (2) weeks of the date of such Meetings.
- (iv) Notes of ALL conferences and discussions held with any MANAGEMENT AGENCY and / or Officer of the LABOUR DEPARTMENT where the REGIONAL or DISTRICT SECRETARY did not participate.
- (v) Notes of any discussion held with any fraternal UNION, on any matter, officially.
- (vi) Quarterly Statements in duplicate, of the Expenditure incurred supported by the Bank Statement of the respective month ending the quarter, to the General Secretary.

**(13) PROCEDURES TO BE ADOPTED IN CONNECTION WITH RESOLUTIONS**

All resolutions taken up and passed at either COMMITTEE or GENERAL MEETINGS, which are intended to be dealt with by the COUNCIL or EXECUTIVE COMMITTEE OF THE UNION shall be forwarded to the General Secretary, under signature of the HONY. SECRETARY for such consideration.

**(14) MEETINGS**

The Chairman of the Branch or in his absence, the Deputy Chairman, and in his absence, one of the Vice Chairmen, shall preside at all meetings convened by the Branch. The President of the UNION however shall have the right to preside at any meeting of the Branch if in his opinion the situation warrants it.

The presiding Chairman shall exercise a casting vote, in addition to his own, in the case of a tie in the voting.

**THE CEYLON ESTATES STAFFS' UNION**  
**BY-LAWS GOVERNING THE ADMINISTRATION OF**  
**ESTATE UNITS**

**BY THE AUTHORITY VESTED IN RULE NINE SUB-SECTION (5) (h) OF THE CONSTITUTION OF THE CEYLON ESTATE STAFFS' UNION, THE FOLOWING ARE THE RULES AND BYE-LAWS UNDER WHICH THE ESTATE UNITS SHALL FUNCTION**

**(1) MEMBERSHIP**

All members of the CEYLON ESTATE STAFFS' UNION who remit their subscriptions through the CHECK-OFF shall be eligible to participate in all activities of the UNIT inclusive of holding elected office therein.

- (a) Application for new membership will be entertained by the UNION only if such application are duly proposed and seconded by the members of the UNIT.

**(2) FUNDS**

The UNIT is hereby empowered to generate its own FUNDS by levying a reasonable amount, as subscriptions, on every member of the UNIT, monthly, and of which amounts the TREASURER of the UNIT shall be in charge, and disburse on the directions of the respective COMMITTEE of the UNIT.

**(3) ADMINISTRATION**

The affairs of the UNIT shall be administered by a COMMITTEE composed of the following, all of whom shall be elected annually, at a General Meeting of the membership of the UNIT, which shall be held within the first three (3) months of a calendar year.

- (a) Convener of the UNIT  
(b) Deputy Convener  
(c) Treasurer

- (d) Committee members sufficient to cater to the needs of all representative interests of the membership.
- (i) Any subsequent vacancy in the Committee shall be filled by electing a substitute member by a resolution of the COMMITTEE itself.
- (ii) The CONVENER of the UNIT shall chair all meetings of the membership and / or COMMITTEE which he shall convene himself, whilst the DEPUTY CONVENER shall act in his place during his absence.
- (c) A copy each of all minutes of all meetings (membership and Committee) shall be forwarded within a week of such meeting to the PARENT UNION, BRANCH UNION and REGIONAL SECRETARY respectively.
- (d) The Regional Secretary shall, on receipt of the minutes conveying the election of the Office Bearers of a UNIT, inform the names of such Officials to the estate's management, officially with copy to the Convener.
- (e) The CONVENER of the UNIT shall be the spokesman for the UNIT in all matters relating to the membership in dealing with the Regional Office, Branch Union or Parent Union and the Superintendent of the estate. He shall however always seek the guidance and advice of the Regional Secretary when dealing with matters of more than ordinary importance to the membership. He shall in no event have dealings with or attempt to deal with, a level of authority higher than that of the Superintendent of his respective estate, in matters concerning the membership, unless specifically authorized to do so in writing, by the Parent Union or, on its behalf, by the Regional Secretary.
- (f) A general membership meeting of the UNIT with two day's notice shall be held at least once, every month, where problems of the membership shall be freely discussed and minuted. The Branch Officials and the Regional Secretary shall be invited to all such meetings and shall have the right of participation.



(1) The quorum of the meeting of the COMMITTEE SHALL BE 30% of its composition INCLUSIVE OF THE CONVENER.

(g) The COMMITTEE of the UNIT shall meet, at short notice, whenever the occasion necessitates such meeting and, shall be the competent body to;

(i) Fix the quantum of the levy representing the Unit's internal membership dues, its collection and disbursement.

(ii) Enforce COUNCIL DECISIONS on the membership of the UNIT and ensure complete implementation and participation of such decisions.

(iii) Advise the Parent Union of any disciplinary action that may become necessary arising out of violation of non-implementation of COUNCIL DECISIONS and / or any other activity detrimental to the interests of the UNION or its membership.

(iv) Suspend from participation any member or official of the UNIT who indulges in anti-union activity detrimental to the interests of the Unit's membership. A report conveying such action together with reasons thereof shall be sent to the Parent Union immediately for follow up.

(v) Take a strike decision and implement same on any dispute of a parochial nature for a period not exceeding three (3) days of duration, as a token of protest only. Such decision and action must be communicated within the first twenty four (24) hours to the Regional Secretary, and through him to the Parent Union, in addition to the Branch Chairman and Hony. Secretary, and shall thereafter be permitted to continue the token strike for the balance two (2) days remaining thereof with their

concurrence. If for any reason either the Branch Officials or the Regional Secretary consider the token strike should not continue for more than 24 hours, whilst the UNIT itself, hold opposite views, the decision of the PARENT UNION shall be final, conclusive and binding on all parties.

- (vi) Where a spontaneous strike or walkout has been precipitated by any action of the employer provoking a section of the UNITS membership in that section, it shall be supported by the rest of the membership of that UNIT, unless otherwise decided upon by the Regional Secretary, Branch Officials and /or Parent Union. The provisions of sub-section (v) above shall apply to its duration and extension as well in the same context.
- (vii) Initiate and set up JOINT TRADE UNION COMMITTEES on respective estates, with other sections of the organized working class where participation, co-ordination and common action will be to the advancement to the working class in general and towards the finding of solutions to common problems, whenever such problems arise or wherever they continue to exist, and act in such context.
- (viii) Take an active part in the education and guidance of the non skilled section of the workers on the plantations to the common benefits and the unification of the entire workforce under one common banner and leadership and towards the achieving of which all encouragement and persuasion extended in the formation and establishment of our sister union. THE CEYLON PLANTATION SERVICES UNION, to the exclusion of any other unions on the plantations.

- (ix) Indulge in all activities of a social, cultural and national nature with the resident population of the plantations and contribute by active participation towards uplifting and making the lives of everyone more meaningful than hitherto.
- (x) Take an active role and make meaningful contribution by participation in the integration of the village and the plantation communities to their common benefits and advancement.

**(4) DISCIPLINARY ACTION:**

The COMMITTEE of the UNIT shall be competent to initiate action against any member of their respective units, disciplinary action for the following reasons;

- (a) Habitual indifference and / or absence from attending meetings of the UNIT without valid reasons, if such absence exceeds three (3) consecutive meetings of a UNIT.
- (b) Action in defiance of decisions of the COUNCIL, of the UNION and / or against the Constitution of the UNION.
- (c) Deliberately acting against the interests of a member or members of the UNIT.
- (d) Indulging in any activity that would cause disruption of the Trade Union Movement in general and specifically bring in to disrepute the UNION with any other fraternal Trade Union in the Plantation and / or country.

**(5) DUTIES AND OBLIGATIONS**

All Rules and By-Laws applicable to ESTATE UNITS shall be binding on each and every member of their respective UNITS in the UNION and shall be administered and enforced by the UNION through the Branch, Regional and UNIT Officials, as applicable.

**(6) MEMBERSHIP PARTICIPATION AT PARENT UNION LEVEL**

- (a) ALL MEMBERS shall be eligible and entitled to be present and participate in the ANNUAL RALLY of the UNION on the day succeeding the ending of the BI-ENNIAL DELEGATES FORUM which shall be notified through their respective ESTATE UNITS in addition to being advertised by a publication in the NATIONAL NEWSPAPERS of the Country in all FREE MEDIA.
- (b) Members having ONE (1) years standing in the membership of the Union, shall be eligible to canvass and secure DELAGATES STATUS, at the ratio ONE (1) DELAGATE for every fifteen (15) members whose names appear on the role of the PARENT UNION'S MEMBERSHIP REGISTER, irrespective of whether such members belong to the respective ESTATE UNITS or otherwise provided they hail from the same BRANCH as that of the DELEGATE to whom such sponsorship has been accredited by such members of the respective BRANCH.

Such accredited DELEGATE shall submit his or her DELEGATE application form, duly attested by fifteen (15) SEPARATE MEMBERS who have status to do so. No MEMBER can subscribe his name attesting his VOTE and conferring same to more than ONE DELEGATE and that two not more than on ONE occasion in respect of ONE Delegate Forum.

THE CONVENER OF THE ESTATE SHALL DE FACTO BE THE DELEGATE IN RESPECT OF THE FIRST FIFTEEN (15) MEMBERS OF HIS RESPECTIVE UNIT, WHILST THE BALANCE DELEGATES SHALL BE REPRESENTED ON THE RATIO OF 1 TO 15 OF THE RESIDUE.

All such sponsorship an attestation for DELEGATES shall be substantially on the following Form and, shall be forwarded by the prospective DELEGATES duly completed, under registered cover to reach the GENERAL SECRETARY of the UNION not later than 31<sup>st</sup> day of March in the bi-ennial year in which the DELEGATES FORUM is scheduled to take place.

The GENERAL SECRETARY shall in the first instance acknowledge receipt of such sponsorship form to the prospective DELEGATE and, thereafter advising, in due course, the eligibility or otherwise office DELEGATE STATUS for participation, depending on the eligibility and validity of his co-sponsors as contained in his application.

**SPECIMEN FORM OF  
DELEGATES SPONSORSHIP CARD**

We the undersigned members of the CEYLON ESTATE STAFFS' UNION do hereby joint accredit and sponsor COMRADE .....of ..... Estate as our nominee to represent us at the forthcoming biennial DELEGATES FORUM of the UNION.

<u>Membership Number</u>	<u>Name</u>	<u>Estate</u>	<u>Signature</u>
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1	(This procedure need not be adopted if names of the DELEGATES who represent the membership strength is elected and forwarded officially upto through the ESTATE UNIT itself)		
2			
3			
15			

**(7) GENERAL:**

EVERY ESTATE UNIT that fails, without valid reason to hold their Annual General Meeting and elect their respective Office Bearers within the first three (3) months in any calendar year or, within the extended time that may be granted by the UNION to do so, shall be deemed to have gone out of office and defunct for all purposes, as from the first day of April of that year, or at the end of the period given as an extension of time for that purpose, as the case be.

In such event, the Regional Secretary, District Secretary and/ or Branch Officials, as the case be, shall summon the membership of such UNIT to a General Meeting for the sole purpose of electing such office Bearers, in whom the management and administration of the functions of the UNIT will there after be vested.