



**CONSTITUTION AND RULES  
OF KENYA UNION OF  
POST PRIMARY EDUCATION  
TEACHERS  
(KUPPET)**



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***ARTICLE 4: THE AIMS/OBJECTIVES***

- 1.** To advocate for the establishment of Sound Ethical and Professional policies that guarantees job security and fair solution to the members’ grievances.
- 2.** To make every endeavour to organise all the teachers in the post primary institutions and to ensure absolute unity of the members for effective and efficient representation.
- 3.** To promote, improve and develop ethical principles to inculcate responsibility among the teachers to guarantee their health, professional, social and economic well-being.
- 4.** To develop the capacity of members through seminars, symposiums and workshops locally and internationally.
- 5.** To organise lawful processions or demonstrations to promote the members’ freedom of expression and collective rights.
- 6.** To participate in all matters aimed at providing quality education and formulation of sound policies towards common system of education.
- 7.** To make every endeavour to promote effective representation locally, nationally and internationally in collaboration with such other related organizations and/or agencies to protect the teachers’ interest and education generally.
- 8.** To negotiate with the government of Kenya / its agencies, any public or private institutions offering education or related services better terms and conditions of employment and thereby formulate clear representation and negotiating procedures including promotion and its packages.
- 9.** To join or to be joined in any research by the government of Kenya (its agency/ department/Ministry) any public or private organization/institution on matters related to teaching as a profession.
- 10.** To co-operate in or take part in research together with other societies, bodies, associations, unions or organizations within or outside the country having similar aims and objectives.
- 11.** To promote and protect the rights of teachers serving in education industry.
- 12.** To articulate the members’ interests in the formulation of education ordinances, policies and propagate the same to the members for smooth administration and dispensation of education.

13. To offer assistance and encourage teachers to form saving and credit societies, Burial and Benevolent Funds, academic institutions, land buying companies and/ or any amenities

**ARTICLE 17: BY-LAWS AND RULES OF PROCEDURE**

By-Laws and rules of procedure shall be appended to this constitution in order to regulate such matters as conduct of conferences, meeting of the National Governing Council and the National Executive Board and any other matters referred to it by the delegates' conference and the constitution.

**ARTICLE 18: INTERPRETATION**

In the event of question or doubt as to the interpretation of the provisions of the constitution or By-Laws, the registered constitution shall be considered authentic. The interpretation of the constitution and By-Laws is within the purview of the National Executive Board and constitution and by-laws committee.

**ARTICLE 19: AMENDMENTS AND ALTERATIONS OF SECTIONS OF THIS CONSTITUTION**

- 1. Alteration of any section/subsection(s) of this constitution shall only be made by a resolution noted and passed at the Delegates' Conference or Special Conference.  
All proposals for amendments shall be submitted to the Secretary General not less than 30 days before the date of such Delegates' Conference.
- 2. No alteration of these rules shall take effect until the date of registration thereof by the registrar of trade unions unless some later date is specified in the rules:
- 3. Notices of motion to amend the constitution must be submitted in writing to the secretary general not less than six (6) months before the annual delegates' conference. The notices shall be circulated to all branches at least three (3) months prior to the Delegates' Conference together with the comments which the executive Board may wish to communicate to the members.
- 4. A proposed amendment to the constitution shall be declared adopted if supported by not less than two thirds of the total votes cast.

**ARTICLE 20: DISSOLUTION OF THE UNION**

- 1. The Delegates conference shall be the only body authorised to decide upon the dissolution of

Kenya Union of Post-Primary Education Teachers, provided that a proposal to that effect has been placed before the Annual Delegates' Conference (ADC)/Special Delegates' Conference (SDC) agenda, and provided that at least six (6) months notice has been given to a specific motion to this effect.

- 2. A resolution calling for the dissolution of Kenya Union of Post-Primary Teachers shall be implemented, provided that it has secured at least two thirds majority of the votes cast. It shall be binding upon the Delegates to make specific provisions for the discharge of any financial obligations of Kenya Union of post primary Teachers, including obligations to its employees and for the disposal of its assets.

**ARTICLE 21: TRANSITIONAL PROVISIONS**

- 1. Current structures of the Union remain until the next Union elections.
- 2. Newly created offices shall become functional immediately after the elections of the occupants.
- 3. (a) The current trustees shall continue to serve up to the next delegates' conference following Kuppet national elections.  
(b) New trustees shall be elected at the next delegates' conference after the elections.
- 4. (i) The National Executive Board shall prepare a timetable to be followed in the conduct of county branch elections.  
(ii) The Secretary General shall issue notices of county branch elections guided by the timetable prepared by the National Executive Board in consultation with branch executive committees.
- 5. Principals/Deputy Principals/Head Teachers/Deputy Head Teachers who wish to vie for Union positions **must** resign their positions by January 1<sup>st</sup> 2011 notwithstanding article 9 (f) of this constitution.

**ARTICLE 22: AUTHORITY**

The undersigned, being at the time National Officials of the Union in the capacities as indicated and having authority on all matters of the Union herein, do authenticate and proclaim this document as the Union Constitution.

This .....day of .....2010.

.....  
NJERU KANYAMBA  
SECRETARY GENERAL

This .....day of .....2010.

.....  
**AKELO M. T. MISORI**  
**NATIONAL CHAIRMAN**

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***ARTICLE 1: PREAMBLE***

The trade union constituted by this constitution shall be called the **KENYA UNION OF POST-PRIMARY EDUCATION TEACHERS (KUPPET)**, with the headquarters in Nairobi.

**WHEREAS** the Kenya Union of Post Primary Education Teachers has been founded upon principles of social justice and professionalism and is dedicated to the achievement of greater unity among her members for the purpose of improving their standards of living, bringing justice and dignity at the workplace and securing social equity for all;

**WHEREAS** the union shall act as a mouth piece to her members, advocate and represent their interest at all levels with the intent of improving and protecting their professional, social and economic welfare;

**WHEREAS** the union has formulated and adopted the following rules to regulate relationship between members and between members and employers and to organize collective Bargaining for the purposes of meeting her objectives;

**AND WHEREAS** to these ends the **KENYA UNION OF POST-PRIMARY EDUCATION TEACHERS** shall be an honourable institution in which membership shall be a source of pride.

***ARTICLE 2: NAME***

The organisation shall be called; Kenya Union of Post-Primary Education Teachers (KUPPET), herein referred to as the UNION.

***ARTICLE 3: MOTTO***

Service, Justice and Integrity

3. (a) Upon admission, the teacher's full name shall be written in the Union's register showing the member's name in the Teachers' Register kept by the Teachers Service Commission and where possible the name of school/institution to which the member is assigned at the time of admission.

(b) The member shall be provided with membership card bearing his/her name in full, address and such further particulars that may be necessary to afford easy identification of the member.

4. No person shall be admitted to the union or to any of its Branches, unless he/she previously agrees to abide by the rules of the union contained in this constitution.

5. (a) Entry membership fee of Kshs.50 (fifty shillings only) to the Union shall be paid once and monthly subscription for all members shall be four hundred shillings (Kshs. 400.00).

(b) Monthly subscription shall, in as far as possible be collected through the check-off system.

(c) If at any time the National Governing Council is of the opinion that the allocation of the subscription should be revised they shall seek authority from Special Delegates Conference (S.D.C)/or Annual Delegates Conference (A.D.C).

(d) KUPPET shall operate on a closed shop system.

6. Any member of a Branch of the union who is transferred from one County branch to another, shall on payment of all dues, be entitled to a "DEEM it" which shall make him/her eligible for enrolment in the Branch.

7. Every member shall be at liberty to withdraw his/her membership from the union by clearly stating his/her resignation to the Branch Executive Secretary in which case the party withdrawing will cease to be entitled to enjoy any benefits or privileges of the union or any of its Branches. Under no circumstance shall any subscriptions or other donations paid to the union by a withdrawing member be refunded.

8. One shall cease to be a member of the union if he/she has been dismissed legally by his/her employer. Further more one ceases to be a member if he/she retires or resigns from the teaching service.

9. Honorary/Associate Membership may be conferred on any person who in the opinion of the Delegates Conference has rendered outstanding service to the cause of the Union/ Education or other persons not eligible for ordinary membership. Such honorary membership shall not carry any right to vote on any matter.

10. No Honorary Member shall be eligible to hold any office in the union.

Any teacher having been declared ineligible by the National Governing Council(NGC) shall remain ineligible until such a time as the Delegates conference may decide to admit his/her membership.

#### 4. RESOLUTIONS

(a) Every resolution shall be moved and seconded before being put to vote.

(b) A resolution shall be deemed as having been carried if passed by a simple majority.

(c) A declaration by the National Chairman/Branch Chairman that a resolution is carried and entry to the effect in the minutes of the proceedings shall be sufficient evidence of the declaration.

(d) Only organs of the union or any other committee(s) and not individuals/officers shall send resolutions for determination at the ADC/SDC.

(e) No members shall disclose/attempt to disclose information to unauthorized person matter(s)/issues being considered/being dealt with by the union organs without proper authority.

#### *DISCIPLINE*

A member or official may be suspended or expelled from the union as may be determined by the National Governing Council by 2/3 majority vote- if:

(a) He/she infringes any of the terms of the constitution or acts in a manner which is detrimental to the rest of the union. Provided that any member or official suspended or expelled shall have the right of appeal against such suspension or expulsion to the first delegates' conference or special conference following such action by National Governing Council. Notice of an appeal shall be forwarded or handed to the Secretary General within thirty days (30) of the date on which the decision of the National Governing Council was communicated to the person concerned.

(b) A member or official who has appeared before the National Governing Council (NGC) in accordance with sub-section (a) above of this constitution, (Rule), shall if he/she is dissatisfied with the decision of the National Governing Council (NGC) have the right to restate his/her case at the delegates conference or special conference where the matter will be considered.

(c) A member or officer attending a meeting of the National Governing Council (NGC) or delegates' conference in the terms or sub-section (a) and (b) of this rule shall be entitled to call witnesses in support of his case.

(d) Any decision taken by the National Governing Council (NGC) to suspend or expel a member or official shall become effective when ratified by Annual Delegates' conference or Special conference.

- (e) Upon expulsion of a member or official all monies due except subscription in arrears to the union by such member shall become payable. If payment is not made within fourteen days the union may take such steps as it considers necessary to secure settlement.
- (f) A member or official shall cease to be entitled to any of the benefits of membership including the right to vote and hold office:
- i. If the subscription or other charges due by him to the union are more than thirteen weeks in arrears OR
  - ii. During any period which he is under suspension in terms of this constitution.
- (g) It shall be lawful for the National Governing Council, to discipline any member of the union in any way it may deem necessary either by recommending censure, fine or suspension. Expulsion of a member shall be referred to Annual Delegates Conference (ADC)/Special Delegates conference (SDC).
- (h) No officer shall be suspended or removed from office unless he/she has been given an opportunity of being heard by relevant organ of the Union. Such officer shall have the right of appeal in writing within 14 days of any action.
- (i) The branch of the Union may initiate disciplinary procedure on a member and recommend such action to the National Governing Council.
- (j) Full time officials serving suspension shall be entitled to half salaries.

#### ***ARTICLE 16: INDUSTRIAL ACTION/DISPUTE***

1. In an event of any professional/industrial dispute arising between members and their employers, the members concerned shall make it known to their Branch Executive Committee.
2. In no case shall a cessation of work be threatened or take place without the sanctioning by National Governing Council.
3. In an event of a strike/sit in/being called with instruction of the National Governing Council, no one shall call off the strike unless dully authorized by the National Governing Council.
4. A member who desires to have steps to be taken with regard to increase or improvements in conditions of employments shall pass such desires to the Branch Executive Secretary who shall report the claim to the secretary general for consideration by the National governing Council.

to improve their social and economic ventures.

14. To acquire any deeds, loans or “by purchase or lease” any movable or immovable objects properties of the union in order to meet these objectives as may be decided by the National Governing Council from time to time.
15. To seek and obtain legal advice/protection on matters affecting the union and member(s) whether directly or indirectly arising out of relations between the union/members and the employer(s).
16. To establish KUPPET branch offices based on County demarcations.
17. To establish at National level sub-committees such as:- Finance and Administration Committee, Industrial Relations and Research Committee/any other committees decided upon by the Delegates Conference.
18. To affiliate to workers organizations locally / internationally for a united front to champion the rights of Teachers and promote education for all.
19. To sensitize members on HIV/AIDS/ Drugs/Substance abuse at the work place.
20. To advocate against child labour/abuse/trafficking.
21. To provide a conducive environment for arbitration of disputes at workplace and to liaise with other organizations/agencies to enhance cohesion and conciliation at the workplace.
22. To create/and advocate for gender equity and mainstreaming at the workplace.

#### ***ARTICLE 5: MEMBERSHIP***

1. All teachers in secondary and tertiary institutions of good conduct and reputation, certified, licensed or authorized to teach, shall have the right of admission to any of the branches of the Union upon payment of the entrance fee as provided for in the rules of the union.
2. If in the opinion of any Branch the applicant’s professional conduct makes it undesirable that his/her name should not be on the Roll of members, the matter shall be referred to the National Governing Council for enquiry by the professional standards committee of the union.

by the Branch Governing Council. A list of replacement must be sent to the Secretary General fourteen days to the conference.

(3) The secretary General shall avail the replacement lists thereof to the Executive Board a week to the conference.

(4) The quorum to the conference shall be a third (1/3) of delegates to attend.

#### ***FUNCTIONS OF THE DELEGATES' CONFERENCE***

(a) The Delegates' Conference shall be the supreme authority of the UNION and its decisions shall be final and binding on all members.

(b) The Delegates' Conference shall adopt financial statements/reports.

(c) The Delegates' Conference shall approve the budget proposal presented by NGC for the following year.

(d) The Delegates' Conference shall determine the broad basic policies and programmes of the Union for the future.

(e) The Delegates' Conference shall delegate powers to the National Governing Council for the purposes of setting up specialized departments and other advisory bodies at the Secretariat to carry out the aims and objectives of the Union.

(f) The Delegates' Conference shall deal with educational matters affecting the union and the Republic of Kenya.

(g) The Delegates Conference' shall consider all matters related to membership and discipline.

(h) Shall consider amendments of the Union constitution.

#### ***2. NATIONAL GOVERNING COUNCIL (NGC)***

(a) The NGC shall comprise; Elected National Officials namely, The National Chairman, The National Vice Chairman, The Secretary General, The Deputy Secretary General, National Treasurer, Assistant National Treasurer, Secretary Gender & Programmes, Secretary Tertiary, Secretary Secondary, Organizing Secretary, Branch secretaries from the counties and twelve nominee women representatives.

(b) The quorum shall be a third (1/3) of members expected to attend.

#### ***FUNCTIONS OF THE NATIONAL GOVERNING COUNCIL (NGC)***

(a) (i) Shall meet twice in a year.

(ii) Shall meet as and when the National Executive Board so determines.

(iii) Shall meet within 14 days if 1/3 of the National Governing Council signs a requisition for a meeting.

(b) Shall supervise executive authority of the union on all matters.

#### ***ARTICLE 12: UNION FUNDS***

The Treasurer shall cause a Bank account to be opened and maintained in the name of the Union and shall ensure that all monies belonging to Union received by him/her is paid to the said Bank account within seven days of receipt of such monies.

(i) Expenditures shall be governed by financial regulations of the Union within the framework of the annual budget, drafted by the Finance Committee upon the proposals submitted by the Treasurer and the Secretary General/Executive Secretary/branch treasurer.

(ii) The budget shall be submitted to the National Governing Council/the Branch Governing Council by the finance committee/branch treasurer.

(a) The accounts of Kenya Union of Post Primary Education Teachers shall be closed on December 31<sup>st</sup> of each year and shall be audited by qualified accountants registered according to national standards by 31<sup>st</sup> March of the following year. The financial and auditors' reports shall be presented to the last meeting of the National Governing Council of each year. The auditors' reports shall be presented to the Annual Delegates' Conference/Special Delegates' conference.

(b) Union funds may be spent only as provided for by the Labour Relations Acts in force.

(c) Signatories to the Union accounts shall be; Treasurer, the Secretary General, the Chairman, and/or a Trustee.

(d) The National Treasurer shall pay to all branches the total monthly dues entitled to each branch at a rate of 65% (sixty five per cent).

(e) The Treasurer shall be permitted to retain in cash a sum not exceeding 10,000.00 (Ten Thousand shillings) (for sundry expenses) or as shall be determined from time to time by the National Governing Council.

#### ***ARTICLE 13: AUDITORS***

1. The Delegates conference shall appoint a qualified accountant(s) to audit the accounts of the Union as soon as possible after the end of each financial year and shall submit a general report on the financial position of the Union by 31<sup>st</sup> of March the following year.

2. A copy of the audited report shall be available/displayed conspicuously at the registered union offices.



## **ARTICLE 14: MEETINGS**

### **1. THE CHAIR**

(i) In all meetings the Chairman shall declare that a quorum has been attained before such a meeting looks into the agenda of the day.

(ii) The Chairman shall call the meeting to order with a word of prayer from a member.

In all meetings the following procedure shall be followed:

(a) Agenda shall be proposed and moved/adopted or amended before it is debated.

(b) A resolution shall be passed out if it has been arrived at by consensus/division.

(c) Members shall only address the agenda of the day and one being debated.

(d) A member who wishes to debate an agenda shall catch the eye of the chair by a show of hands.

(e) The agenda shall be addressed through the chair.

(f) Any member who shall show disrespect to the chair/out of order shall be reprimanded by the chair. Continued defiance shall be punishable by suspension/exclusion from the meeting by the chair.

2. Notwithstanding the absence of quorum, a properly convened meeting of the Union shall be authorised to conduct the following business.

(i) The Confirmation of Minutes

(ii) The passing of accounts for payment

(iii) Any other business which in the opinion of the meeting is of such importance and urgency as to require immediate consideration/action except conducting elections/removing officials.

### **3. MINUTES**

The Secretary General/Branch Secretaries shall cause minutes to be made of all business transacted at meetings of the Union. Minutes which have been confirmed and signed by the Chairman of the meeting in which they were made shall form conclusive evidence of the business transacted thereat.

11. Associate/honorary members shall not be obliged to pay any fees or subscription.

12. Members of the Union shall be at liberty to join other Educational Organizations, so long as the rules and regulations of such organizations are not contrary to the rules and regulations of Kenya Union of Post- Primary Education Teachers (KUPPET).

## **ARTICLE 6: ORGANISATION STRUCTURE**

There is established the organs of the UNION namely;

1. Delegates Conference (DC), 2. National Governing Council (NGC), 3. The National Executive Board (NEB), 4. Trustees, 5. Branch Governing Council (BGC), 6. Branch Executive Committee (BEC), 7. School/Institutions representative (SR/IR).

### **The Annual Delegates Conference (ADC)**

(i) There shall be convened annually in the month of November/December, at such date and place as may be fixed by National Governing Council (NGC) an annual delegates' conference of the UNION.

(ii) The notice to the Annual Delegates Conference shall be issued by the Secretary General as directed by the National Governing Council.

(iii) The notice regarding the Annual Delegates' Conference; while being issued, shall be within four weeks before the conference.

(iv) The National Governing Council (NGC) may convene a special Delegates Conference whenever necessary provided that **not less than two weeks** notice is given. Such conference shall have similar powers and functions as the annual delegates' conference.

(v) Unless expressly provided for, the Delegates' Conferences **for the purposes of elections** shall be held on the 5<sup>th</sup>.year not later than the second week of December following Kuppet National elections.

### **DELEGATES TO THE CONFERENCE**

(1) The delegates attending the conference shall be; Members of the National Executive Board, the members of the National Governing Council, trustees and delegates from the 47 county branches.

(2) Each county branch shall send ten (10) delegates to the conferences all of whom must be bona-fide registered officials of the branch. Any replacement of the delegates must be approved

- (s) Shall ensure 5% of Union income is deposited to manage pension scheme for full time officers of the Union.

### **3. THE NATIONAL EXECUTIVE BOARD (NEB)**

There shall be established the National Executive Board (NEB). This Board shall comprise, ten elected national officials working full time and shall include: The National Chairman, the National Vice Chairman, the Secretary General, Deputy Secretary General, the National Treasurer, Assistant National Treasurer, Secretary Gender, Secretary Tertiary, Secretary secondary and National Organizing Secretary. This organ shall be based at the secretariat and shall have mandate to transact the business of the union at the headquarters. The National Executive Board and other employees shall form the secretariat staff.

The quorum of the National Executive Board shall be two thirds (2/3).

#### **FUNCTIONS OF THE NATIONAL EXECUTIVE BOARD (NEB)**

- (a) The National Executive Board (NEB) shall be responsible for the day-to-day affairs of the union.
- (b) Shall exercise delegated authority on behalf of the National Governing Council.
- (c) The Executive Board shall conduct meetings at least once each month or as may be necessary.
- (d) Shall exercise authority/ mandates to negotiate/enter into Collective Bargain Agreement (CBA) with the Government/Employer/any other authority on behalf of the members.
- (e) Shall implement the policies of the Union as outlined in the aims and objectives of the union under the direction of Delegates' Conference.
- (f) Shall make decisions binding the Union in circumstances of emergencies/when National governing council has not met.
- (g) Shall recruit and determine terms of service for secretariat staff
- (h) Shall interpret rules and regulations between meetings of the Delegate conferences.
- (i) Shall determine terms of reference for various Union committees and honoraria for the committee members.

### **4. BRANCH GENERAL ASSEMBLY (BGA)**

- (a) There shall be branches of the union as shall be established by the National Governing Council on county frame work structure of governance.

- (b) Every branch of the union duly formed shall report the same to the Secretary

### **BY-ELECTIONS**

In the event of resignation/removal/ceasing to hold office/death of any Union Official the position shall be filled in the following manner awaiting branch assembly/delegates conference.

The assistant to act until the next branch assembly/delegates conference is convened. In case a vacancy arises in the assistants' positions the vacancy to be filled during the delegates' conference/branch general assembly.

#### **Reasons for By-Elections**

- (a) Transfer from branch.
- (b) Deployment to other ministries/promotion by employer
- (c) Death
- (d) Resignation
- (e) Being abroad for more than 6 months
- (f) On conviction of criminal offence
- (g) Removal from office by court and there is no pending appeal.
- (h) Expulsion by the delegates' conference

### **COMMITTEES**

There shall be established committees at the secretariat.

The mandate and scope of operations of such committees so formed shall be determined by the National Governing Council.

The National Governing Council shall develop by-laws to operate such committees.

Membership to any of the committees shall be five including the chairperson except finance committee which shall be seven.

The Secretary General and the Chairman shall be ex-officials of such committees and shall have voting rights.

#### **Finance committee.**

The Finance Committee shall be composed of not more than seven members appointed by the National Governing Council.

The finance committee shall meet at such a time the Secretary General in consultation with the National Chairman may determine.

The chairperson shall be appointed by the members in their first meeting. The national treasurer shall be secretary of the finance committee.

The committee shall assist the National Treasurer to draw annual budgets for the Union.

#### **Professional and Standards Committee**

The committee shall comprise not more than five members appointed by the National Governing council.

The committee shall deal with such matters of standards and professional issues.

#### **The Constitutional and By-Laws Committee**

(a) The National Governing Council shall establish a Constitutional and By-Laws Committee to:

- (i) Review all proposals to amend the constitution and By-laws and advise the National Governing Council accordingly.
- (ii) Provide advice on constitutional matters referred to it by the Delegates Conference
- (iii) To constantly check and review articles in the union constitution to be in conformity with policies and regulations affecting labour practices

(b) The Constitutional and By-Laws Committee shall be composed of not more than five members appointed by the National Governing Council. The chairperson shall be appointed by the members in their first meeting.

#### **ARTICLE 11: PENSION**

(a) The National and Branch governing Councils shall formulate by-laws to regulate pension schemes for full time Union officials and employees.

(b) The National Governing council shall make such pensions payable to Union officials upon the end of service for such officers on terms spelt out in the by-laws.

(c) All full time officials of the Union shall qualify for a pension (lump sum only) at the end of their five year term of office calculated as per by laws.

(d) 5% of the Union monthly income shall be deposited to an account specifically created to facilitate pension and benevolent.

Shall ensure that the business of the Union is properly transacted between the Annual Delegates' Conferences.

(d) Shall ensure that the decisions and policies of the Delegates' Conferences are fully executed.

(e) Shall supervise the administrative machinery of the union at all levels, and enforce decisions of the union as determined/passed by Delegates Conference.

(f) Shall ensure adherence to the constitution, rules and regulations, standing orders, by-laws of the union and take such steps as may be deemed necessary for such purposes.

(g) Shall initiate the process of discipline and recommend to the Delegates 'conference such action(s) for ratification.

(h) Shall solicit funds through loans, advances, overdrafts and mortgage for Union projects.

(i) Shall maintain the union finances and submit a report and a statement of accounts to the Annual Delegates Conference of the Union.

(j) Shall recommend removal of any official(s) from its meetings for a period not exceeding one year for gross misconduct/having acted contrary to the union constitution after two consecutive warnings. .

(k) Shall maintain the union projects at National levels.

(l) Shall develop by-laws at National and branch levels.

(m) Shall exclude from the union any branch which in their opinion has failed to comply with the rules of the union. The decision shall be ratified by the ADC/SDC.

(n) Shall recommend removal from office any officers on full time for gross misconduct/flouting of the constitution/rules provided that 2/3 of members endorse. This shall be ratified by the Delegates conference

(o) Shall direct the deputy Secretary general to issue notice of a meeting if the secretary General/ any other officer acting on his/her instruction to issue notice is incapacitated in any way provided two thirds requisition of members endorse.

(p) The National Governing Council (NGC) shall determine the allowances for the Trustees.

(q) Shall approve the establishment of new Kuppet branches.

(r) (i) Shall establish pension and benevolent funds at national and Branch levels to cater for officers working full time and secretariat staff.

(ii) Shall prepare by-laws to run pension and benevolent funds.

(iii) Shall nominate twelve (12) women representatives to the National Governing Council considering regional balance.

(g) The funds of every branch shall be the common property of the union. Any such property held by any union branch which shall secede or be dissolved shall be sent at once to the Head Office by the officials with a detailed statement of receipts and expenditures. Should any member of such a branch wish to remain in the union he/she shall be custodian of the union in the branch.

(h) The Branch Governing Council shall meet at least once a school term.

(i) The quorum for Branch Governing Council meeting is a third (1/3).

(j) Branch Governing Council shall have power to discipline any of the members and officials of the Branch, provided such action be reported to the Secretary General within 14 days for a consideration by the National Governing Council.

(k) The Branch Governing council shall direct the assistant secretary to issue notice in the event the branch executive secretary fails to issue a notice, provided ½ of the members sign requisition.

#### **6. BRANCH EXECUTIVE COMMITTEE (BEC)**

(a) The Branch Executive Committee shall consist of the Chairman, the Vice Chairman, the Executive Secretary, the Assistant Secretary, the Treasurer, the Assistant Treasurer and Secretary Gender, Secretary Tertiary, Branch Organizing Secretary and Secretary Secondary and three (3) women representatives.

(b) The Branch Executive Committee shall meet at least once every month.

(c) The quorum for Branch Executive Committee meeting shall be two thirds (2/3).

#### **FUNCTIONS OF THE BRANCH EXECUTIVE COMMITTEE**

(a) To carry on vigorous mobilization and campaign and organizational work among teachers in order to help realize the aim and objectives of the union.

(b) To pay relentless attention to the sentiments and remarks of the members of the teaching profession in Kenya and to report the same to the office of the Secretary General.

(c) To recruit new members and to ensure the collection of all union dues within their jurisdiction.

(d) To keep union records for membership update and to report any irregularities to the Secretary General.

(e) To help organize the teachers within the area where the branch operates and to do everything possible to co-ordinate their efforts, activities and work.

#### **4. Branch Assistant Executive Secretary**

Shall assist branch Executive Secretary and shall act for him in his absence.

#### **5. Branch Treasurer**

(a) Shall maintain clear records of Branch funds/books of accounts.

(b) Shall be responsible for the funds of the branch.

(c) Shall ensure that no payment is made from Branch funds under his/her control unless a payment voucher has been prepared and authorized in accordance with the provisions of the Trade Unions (accounts provisions/regulations).

(d) Shall keep a cash amount not exceeding five thousand shillings (5,000/=) for sundry expenses.

#### **6. Branch Assistant Treasurer**

Shall assist the Branch Treasurer and act for him/her in his absence.

#### **7. Secretary Gender**

(a) Shall be responsible for coordinating Gender issues among members within the branch.

(b) Shall assist the Executive Secretary in addressing Gender issues with the TSC/other agencies.

#### **8. Secretary Tertiary**

(a) Shall be involved in coordinating Tertiary institutional issues and ensure their effective attention by the branch officers.

(b) May represent the Branch Secretary in committees where Tertiary institutions are concerned.

#### **9. Secretary secondary.**

(a) Shall be involved in coordinating secondary school issues.

(b) May represent the Branch Executive Secretary in committees where secondary schools are involved.

#### **10. Branch Organising Secretary**

Shall be responsible for organizing the Union's meetings, workshops, at the branch and other events/activities, off-stage (beforehand) and on-stage (during), as directed by the BEC and/or BGC, in liaison with the Branch Chairman, the Branch Executive Secretary and the Branch Treasurer.

### ***UNION ELECTIONS***

(a) Except as otherwise expressly provided for, all officers shall be elected every five years by secret ballot at the delegates' conference (for National Officials) and at

(b) Branch general Assembly (for branches of the union).

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(c) Unless expressly provided for National Union elections shall be held at the end of the 5th year, not later than 2<sup>nd</sup> week of December.

(d) Only such members of the union not in arrears for more than 13 weeks with their subscriptions shall be eligible for election as officials of the union.

(e) Every officer of the union shall vacate his/her office on the expiry of five years but shall be eligible for re-election;

(f) Principals/Deputy Principals/Head teachers/Deputy Head teachers of institutions shall be eligible for elections as officials of the union provided they show proof of resignation at least five months prior to the elections. Members appointed to such positions cease to be Union officials.

1. (a) Persons contesting National Elections shall submit their intention to vie for positions to the National Governing Council through the Secretary General four weeks prior to the date of elections attaching bank pay-in slips of deposit of nomination fee to the Union bank account to the application.

(b) Upon receipt of the names of contestants the Secretary General shall publish the names of contestants and conspicuously display the names on the Union notice boards.

2. The members of the National Governing Council shall be branch secretaries representing the counties.

3. Elections shall be supervised by accredited government officers from the Ministry of Labour and Human Resource Development/in accordance with the Labour Relations Act in force.

4. Those vying for seats at all levels shall deposit a non-refundable fee as follows:

(a) For National Seats – Ksh. 50,000 (Fifty Thousand shillings only)

(b) For Branch Seats – Ksh. 10,000 (Ten Thousand shillings only)

The fees shall be subject to review by the National Governing Council from time to time.

5. Branch elections shall precede national elections and shall be presided over by Government Labour Officials in their respective counties.

6. The National Executive board shall coordinate/ensure branch elections adhere to the constitution.

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General who shall upon approval by the National Governing Council (NGC) apply to the Registrar of Trade Unions for the Branch Registration Certificate.

(c) The branch general assembly shall be convened at least once annually.

(d) The quorum for Branch General Assembly meetings shall be a third (1/3).

(e) The branch shall elect members of both the Branch Governing Council (BGC) and the Branch Executive Committee (BEC).

(f) Shall approve financial statements/records at the branch Annual General Assembly (BGA).

(g) Shall be convened by the Executive Secretary of the Branch in consultation with the Branch Chairman on the resolutions of the Branch Governing Council.

(h) The Branch General Meeting shall have the power to elect branch officials every five years/replace officials through by-elections where/when necessary.

(i) The Branch shall be expected to have the capacity to run their own affairs in so far as finances are concerned.

#### **5. BRANCH GOVERNING COUNCIL (BGC)**

(a) The Branch Governing Council shall consist of:  
The Chairman, Vice Chairman, Executive Secretary, Assistant Executive Secretary, Treasurer, Assistant Treasurer, Secretary Gender, Secretary Tertiary, Secretary secondary, Branch Organizing Secretary. A branch shall co-opt committee members to represent various constituencies. A third must comprise the gender balance.

(b) The Branch Governing Council (BGC) shall appoint a branch Auditor and employ any other staff that may be deemed necessary. No one shall hold office in any branch that has not paid all the annual subscription (dues) for the preceding year and any other levies in full and does not show sufficient interest in the union.

(c) The Branch officials shall be elected every five years. The out-going officials shall be eligible for re-election.

(d) Any Branch shall have power to employ an elected full time Executive Secretary and any other employees they deem necessary.

(e) No branch shall take action, publish views, deal with any matter that commits the union as a whole without due consultation with the National Executive Board.

(f) (i) All branches shall send to the Head Office copies of balance sheets/other returns within 21 days after the branch governing assembly.

(ii) Shall deposit at least 5% of their branch monthly dues as pension for full time branch staff.

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## ***ARTICLE 7: OFFICERS OF THE UNION***

### **NATIONAL OFFICE**

National Chairman, National Vice Chairman, Secretary General, Deputy Secretary General National Treasurer, Assistant National Treasurer, Secretary Tertiary, Secretary secondary, secretary Gender and National Organizing Secretary.

### **BRANCH OFFICES**

Chairman, Vice Chairman, Executive Secretary, Assistant Executive Secretary, Treasurer, Assistant Treasurer, Secretary Gender and , Secretary Tertiary, Secretary Secondary and Branch Organizing Secretary.

## ***ARTICLE 8: DUTIES AND FUNCTIONS OF THE OFFICES***

### **NATIONAL OFFICES**

#### **1. The National Chairman:**

- (a) Shall preside at all conferences/meetings/forums at which he is present except branch meetings.
- (b) Shall lead all Union delegations.
- (c) Shall enforce strict observance of the constitution and rules of the union and perform such duties as by usage and custom pertaining to his/her office.
- (d) Shall cast a deciding vote in case of a tie of vote on top of his

#### **2. The Vice National Chairman**

- (a) Shall in the absence of the National Chairman Preside over all conference meetings and forums except branch and regional meetings.
- (b) Shall in the absence of the National Chairman lead Union delegations.
- (c) Shall perform any other duties he/she may be delegated by the National Chairman and while performing such duties, shall enjoy the same privileges as the National Chairman.

#### **3. The Secretary General**

- (a) Shall be the Chief Executive Officer and Spokesman of the Union.
- (b) Shall in consultation with the National Chairman issue notices of all meetings/conferences in accordance with the provisions of the constitution.
- (c) Shall in consultation with the National Chairman prepare agenda for meetings/conferences.

(d) Shall record minutes of all conferences, meetings of National Governing Council and National Executive Board.

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(e) Shall communicate to the relevant organs of the Union every disciplinary issue from the branches.

(f) Shall work in and ensure compliance with the union constitution and Labour Relations Act.

(g) Shall ensure membership register of the Union is prepared.

(h) Shall maintain liaison with county branches and union committees within the union structure.

(i) Shall keep the seal of the Union.

(j) Shall authorize all expenditure of union funds.

#### **4. Deputy Secretary General**

- (a) Shall assist the Secretary General and act in his/her absence.
- (b) Shall perform any other constitutional duties assigned to him/her by the Secretary General.
- (c) Shall enjoy the privileges of the office of the Secretary General while acting in that capacity

#### **5. The National Treasurer**

- (a) Shall be accountable for union funds and shall keep and maintain all necessary books of accounts.
- (b) Shall ensure that no payment is made from union funds under his/her control unless a payment voucher has been prepared and authorized in accordance with the provisions of the Labour Relations (accounts) regulations.
- (c) Shall on behalf of National Governing Council prepare and submit to the Annual Delegates Conference/Special Delegates Conference a report on the financial position of the union together with a statement of income, and expenditure at the end of every financial year.
- (d) Shall pay to all branches the total monthly dues entitled to each branch at a rate of 65% (sixty five per cent).
- (e) The treasurer shall deposit 5% of the Union's monthly income to an account specifically created to facilitate pension.

#### **6. Assistant National Treasurer**

Shall assist the National Treasurer and Act in his/her absence.

Shall enjoy the privileges of the office of the National Treasurer while acting in that capacity.

## 7. Secretary Gender

- (a) Shall be responsible for coordinating Gender issues among members.
- (b) Shall assist the Secretary General in addressing Gender issues with the TSC/other agencies.

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## 8. Secretary Tertiary

- (a) Shall be involved in coordinating Tertiary institutions issues at the secretariat
- (b) Shall represent the Union in committees of Tertiary institutions including disciplinary issues.

## 9. Secretary Secondary

- (a) Shall be involved in coordinating secondary school issues at the secretariat.
- (b) Shall represent the union in committees of secondary schools including disciplinary issues.

## 10. National Organizing Secretary

- (a) Shall be responsible for organizing the Union's meetings, workshops, conferences and other events/activities, off-stage (beforehand) and on-stage (during), as directed by the NEB and/or NGC, in liaison with the National Chairman, the Secretary General and the National Treasurer.
- (b) Shall perform any other duties of the Union as may be assigned/delegated by the NEB, NGC/ and/or the Secretary General.

## BRANCH OFFICES

### 1. The Branch Chairman

- (a) Shall preside at all Branch Governing Council and Branch Executive Committee meetings at which he/she is present.
- (b) Shall enforce observance of the constitution and rules of the union and perform such other duties as by usage and customs pertains to his/her office.
- (c) Shall cast a deciding vote in case of a tie in a meeting.

### 2. Branch Vice-Chairman

- (a) Shall act in the absence of Chairman and perform such duties as may be delegated by the Chairman for Branch Governing Council.
- (b) While performing such duties in the absence of the Chairman shall have the same privileges as the Chairman.

### 3. Branch Executive Secretary

- (a) Shall be the executive officer/spokes person of the Branch.
- (b) Shall issue notices of all meetings of the Branch.
- (c) Shall record minutes of all Branch meetings.

- (d) Shall be eligible to vote.
- (e) Shall ensure maintenance of branch membership register/all other records.
- (f) Shall in consultation with the Branch chairperson prepare agenda for meetings.
- (g) Shall authorise branch expenditures.

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- (f) To submit reports and statements of accounts to the Branch General Meeting and a copy to the Secretary General.
- (g) To undertake all such activities as may further the aims and objectives of the union.
- (h) To help execute the policy and programme of the union and carry out instructions received from union secretariat at the Head Office.
- (i) To plan and maintain union projects in the branch for the teachers on behalf of the National Governing Council.
- (j) Shall submit annual returns to the Registrar of Trade Unions as required by law.
- (k) Shall coordinate activities of the Union as spelt out in the constitution and National Governing Council during strikes and lock-outs.
- (l) Nominate three(3) women representatives in their first meeting after election.

## 7. TRUSTEES.

There shall be 4 trustees. Three shall be elected at the Delegates' conference after five years. The fourth trustee slot shall be for the founder Secretary General, until the occupant is rendered ineligible.

- (a) The trustees shall hold office for at least five years and shall jointly be vested with the custody of the property of the union.
- (b) The trustees shall hold the union's Account in TRUST and may be signatories to the Union bank accounts.
- (c) The trustees shall oversee handing over and taking over from the preceding to succeeding officers within seven days (7) upon the registration of new officers.
- (d) The trustee shall hold meetings at least once every school term and shall be facilitated by the Executive Board.
- (e) A trustee may be removed from office at the ADC/tender voluntary resignation.
- (f) The trustee shall have the authority to scrutinize the books of account of a branch national office and recommend to the National Governing Council/Annual Delegates Conference (ADC/SDC) the cause of action to be taken.
- (g) Shall keep inventory for union property at the Branches and National office.

