



NECATI

NATIONAL EMPLOYMENT COUNCIL FOR THE AIR TRANSPORT INDUSTRY

CONSTITUTION

OF NATIONAL EMPLOYMENT COUNCIL FOR THE AIR TRANSPORT INDUSTRY (NECATI)

Promoting harmony in the Air Transport Industry

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Section 1: Name

The name of the council shall be the:-

NATIONAL EMPLOYMENT COUNCIL for the AIR TRANSPORT INDUSTRY (NECATI)

Section 2: Title

This Constitution shall be cited as the **CONSTITUTION AND RULES OF THE NATIONAL EMPLOYMENT COUNCIL FOR THE AIR INDUSTRY**

Section 3: Definitions

Any expressions used herein which are defined in the ACT shall have the same meaning as in the ACT unless inconsistent with the context.

“ACT” means The Labour Act [Chapter 28:01] as amended

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“Accreditation Committee” means Committee consisting of the 2 chairpersons or independent chairperson, 2 councilors (1 apiece from employer and employee party), General Secretary and Labour Officer.

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“ALTERNATE” means A person appointed to act on behalf of a representative of the Council in the absence of the latter.

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“Air Transport Industry” means, without in any way limiting the ordinary meaning of the expressions, the **Industry** in which **Employers and Employees** are associated together for the purpose of one or more of the following activities;

- a) the carriage of passengers, mail and/or cargo by air, for hire or reward on scheduled and non-scheduled flights.
- b) the provision of one or more of the following services for hire or reward;
 - i. Air charter
 - ii. Flight training and instruction,
 - iii. Medical Air Rescue Services
 - iv. Air Ambulance
 - v. Air search and Rescue
 - vi. Aircraft hire and
 - vii. Special aerial services including agriculture and surveys, and
 - viii. Passenger and cargo handling services.
- c) the regulation of aviation activities and provision of airport facilities and security.
- d) the servicing, maintenance, overhaul or repair of aircraft, aircraft engines and any part or component thereof and shall include all operations and activities incidental thereto.
- e) The operations of Employer`s association and Employees Associations in the Air Transport Industry.

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“COUNCIL” means The National Employment Council for the Air Transport Industry (NECATI)

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“Designated Agent” means A person appointed by the Council in terms Section 63 of the Act.

“Representative” means A person appointed by any part to represent such Part of the Council.

“Party” means an employer, certified Employer's Organization or Federation of such organizations or a certified Trade Union or Federation of such Unions engaged in, or certified in respect of the Air Transport Industry.

“Secretary” means The General Secretary.

Section 4: Status Of The Council

Pursuant to the provisions of Section 60 of the Act, the Council shall be a body corporate capable of suing and being sued, of purchasing or otherwise acquiring, holding or alienating property, movable or immovable, and of performing any other function which its constitution requires or permits it to do, or which a body corporate may by law do.

Section 5: Scope

This constitution shall apply to all employers/operators and employees in the air transport industry in Zimbabwe.

Section 6: Aims And Objectives Of The Council

The objectives of the Council shall be;

- 6.1 To consider and regulate, in accordance with the provisions of the Act, matters of mutual interest to the parties and to prevent and settle disputes;
- 6.2 To promote good relationships between employers and employees;
- 6.3 To encourage the establishment of good health and safe conditions of service in premises in which work is done, with regard to structure, ventilation, lighting, sanitation, cleanliness, machinery, prevention of accidents and generally to promote the reasonable interests of all concerned in the industry.
- 6.4 To ensure that the provision of any Collective Bargaining Agreement and any Regulations pertaining to the Air Transport Industry are observed by the Parties to the Council and administer such agreements.
- 6.5 To advance social justice and democracy in the Air Transport Industry workplace.
To give effect to the fundamental rights of employees
- 6.6 To provide a legal framework within which employees and employers can bargain collectively for the improvement of conditions of employment in the Air Transport Industry
- 6.7 To promote fair Labour standards, securing the just, effective and expeditious resolution of disputes and unfair Labour practices.
- 6.8 To promote the growth of members in the Air Transport Industry.

- 6.9 To promote creation of employment opportunities in the Air Transport Industry.
- 6.10 To provide employees and employer`s training and education on Labour related issues.

Section 7: Powers And Functions Of The Council

The Council shall have all powers and functions expressly or impliedly conferred on an Employment Council by the Labour Act including the following powers and functions:

- 7.1 To supervise and enforce concluded collective bargaining agreements;
- 7.2 To advocate or lobby on legislative and other matters affecting the Sector and to participate in or secure membership of any association or organization concerned with the protection or regulation of the industry;
- 7.3 To recruit such employees as may be considered necessary for the Council's operations.
- 7.4 To recruit Designated Agents and recommend to the Ministry of Public Service, Labour and Social Services for appointment.
- 7.5 To determine remuneration for Council administrative staff
- 7.6 To purchase, take options over, receive by way of donation or in exchange, take on lease, hire or otherwise acquire, any movable or immovable property and any rights or

privileges which the Council may consider necessary or convenient for the conduct of its affairs in terms of this Constitution;

- 7.7 To maintain, repair, improve, manage, develop, exchange, lease, mortgage, sell, donate, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Council;
- 7.8 To obtain funds for all or any of its purpose in such a manner as shall from time to time be considered reasonable by Council and not limited to levies on employees and employers in any undertaking within the Air Transport Industry;
- 7.9 To enter into such contracts of any kind as may be considered necessary or desirable for the purpose of the Council's operations and to pay all such necessary or valid expenses, costs and charges as may arise from the carrying out of all or any of the Council's objectives;
- 7.10 To receive money on deposit or loan and to borrow or raise money in such manner as the Council may reasonably deem fit and, in particular, by obtaining overdraft facilities from its banker or bankers and to secure the repayment of any money borrowed, raised or owing by mortgage, pledge or other charge upon all or any of the Council's property or assets without prejudice to the viability of council;
- 7.11 To invest any funds that is surplus to the Council's immediate requirements as per the directive given by the Council and also to deal with such surplus funds in a manner determined by the Council from time to time;

- 7.12 To establish committees provided for herein to which the Council may, subject to any conditions which it may impose, delegate any of its functions provided that a decision of any such committee may be ratified, reversed or varied by the Council and (before invest)
- 7.13 To provide for the composition, powers, terms of reference method of operation and procedure of every committee, which shall be defined and approved by Council.
- 7.14 To approve allowances and other benefits to Councilors, Administrative Staff and any other officials as the council deems fit
- 7.15 Supervise the secretariat on the running of the affairs of the council

Section 8: / Membership To The Council

- 8.1 Any employer operating in Zimbabwe, certified Employer's Organization or any certified Trade Unions engaged in, or certified in respect of the Air Transport Industry, is eligible for admission as a member to the Council.
- 8.2 The membership to the Council shall be any registered Employers organization(s) (Employer Party) and any registered Trade Union(s) (Employee Party) whose members are engaged in the Air Transport Industry as defined in section 3(b).
- 8.3 There shall be parity of votes (representatives) between the employer party and the employee party of the council.

- 8.4 Whenever an additional Employers Organization or Trade Union is registered in terms of the Act, in respect of interests falling within the Air Transport Industry, such employers' organization or Trade union may be granted membership to the Council.
- 8.5 The votes (representatives) of an employee member of the council shall be allocated in relation to other employee members of the council proportionately according to the number of members of the employee member.
- 8.5 The votes (representatives) of an employer member of the council shall be allocated in relation to other employer members of the council proportionately according to the number of members of the employer member.
- 8.6 The distribution of votes in the employment council amongst the trade unions and the employers' organizations shall be subject to review every twelve months.
- 8.7 At the beginning of each year and not later than 31st January each year the Secretariat shall provide the Accreditation Committee with a schedule showing the number of employers/company entities falling within the council and the number of employees falling within the council and each party to council and any other new party admitted to council shall submit schedules of their membership statistics to the Accreditation Committee which would determine their seats (representatives) to the Board of Council.
- 8.8 Following the submission of all schedules as provided under 8.7 above. the Accreditation Committee shall not

later than 5th February of each year present a proposal to the Full Council on the allocation of seats to respective trade unions and employers organizations in the council.

- 8.9 If the membership of a particular trade union or employers' organization is not adequate for it to be allocated a seat (representative) it shall not be admitted to the council nor awarded observer status.
- 9.0 A registered Employers' organization representing employers or trade union representing employees in the Air Transport industry may apply to the Full Council to be admitted to the Council as a party member as follows;
- a) Formal application on its letterhead for admission into Council as an employer party member or employee party member.
 - b) Copy of Certificate of Registration in terms of the Labour Act.
 - c) Copy of Employers organization or Trade Union Constitution.
 - d) State its physical offices, contact details, and full names of its office bearers
 - e) Details of membership statistics in the Air Transport industry.
- 9.1 In the event that the Full Council declines any application, it shall provide the trade union or employers' organization concerned with reasons for the decline.
- 9.2 A trade union or employers' organization aggrieved by the determination of the Full Council concerning the admission of new parties and allocation of votes may appeal to the Registrar.

Section 9: Appointment of Representatives and Alternates

- 9.1 The Council shall consist of equal representation from the Employers Association and the Employees Association appointed by their respective parties to the Council.
- 9.2 The representation in 9.1 shall be 8 members appointed from the Employers Association and 8 members appointed from Employees Association.
- 9.3 The appointed members to the council shall be personnel employed in the industry in terms of definition of Air Transport Industry on section 4 on Interpretations and membership automatically ceases as soon as the member is no longer employed in the Air Transport Industry with the exception of an independent chairperson as per Section 10.
- 9.4 Whenever equal Employer and Employee representation is upset by admission or withdrawal of a party to the Council, the Council shall review its representatives as necessary to restore equality.
- 9.5 The names of such representatives and their alternates shall be advised to the Council. Each party shall appoint alternates in the same manner as such representatives and each such alternate shall only attend any meeting of the Council in the absence of the substantive representative of the same party.
- 9.6 Subject to 9.4, an alternate shall automatically cease to be a member when the member representative returns for Council business.

- 9.7 A representative or alternate of the Council may be withdrawn by the party which appointed him/her by giving one month notice and that party may appoint another in his/her stead.
- 9.8 A representative or alternate of the Council may resign by giving one month's notice in writing to the Council and to the party which appointed him/her.
- 9.9 If a seat on the Council becomes vacant through withdrawal, resignation, incapacitation or death or infirmity of a representative or alternate, any representative so appointed to fill the vacancy shall hold office for his/her predecessor.

Section 10: / Appointment and Term of Office of Chairman

10.1 Chairman

The Council shall appoint a Chairperson from the representatives appointed from the parties to the Employment Council or an independent person from outside the Council.

10.1.1 Non Independent Chairperson

- a) The non-independent chairperson shall be appointed from the representatives appointed from the parties to the Employment Council as per Section 9
- b) The Chairperson shall hold office for a period of twelve months from the date of AGM
- c) When an office falls vacant for any reason, the party that held the chairmanship shall appoint an interim chairperson until the next AGM

10.1.2 *Independent Chairperson*

- a) The independent chairman shall be appointed from outside the Employment Council
- b) The Chairperson shall hold office for a period of twelve months from the date of AGM
- c) When an office falls vacant for any reason, the council may elect a councilor at its next Council meeting as interim chairperson until the AGM
- d) Where the chairperson is not present the Vice Chairperson shall act and chair all Council meetings
- e) Where both the Chairperson and the Vice Chairperson are not present the council shall appoint one of the councilors as the interim Chairperson

10.2 Vice Chairman

- a) The Council shall appoint a Vice Chairperson in such a manner so as to ensure that both positions are not held by either the Employer Association or Employee Association
- b) In the event of the Council appointing an independent chairperson the vice chairperson will rotate between the two parties during the Chairperson's absence.
- c) The Vice- Chairperson shall hold office for a period of twelve months from the date of appointment
- d) When an office falls vacant for any reason, the council may elect another councilor at its next Council meeting
- e) Vice-Chairperson shall in the absence of the Chairperson, exercise the powers and perform the duties of the Chairperson.

- f) If both the office bearers are not present then the Council shall elect on an interim basis from members present, the Chairperson for that meeting who shall exercise the powers and perform the duties of the Chairperson.

Section 11: / Duties of the Chairperson and Vice Chairperson

11.1 Duties of the Chairperson

- a) Shall preside and enforce order at all meetings.
- b) Shall sign minutes after confirmation.
- c) Shall endorse accounts for payment after approval by the Council.
- e) Shall sign all cheques on the Council`s banking accounts.
- f) Shall perform such duties as by usage and custom pertain to the office.

11.2 Duties of the Vice Chairperson

- a) Perform the duties of the chairman in the absence of the chairman

Section 12: / Removal of Office Bearers

12.1 Any of the Chairperson or the Vice Chairperson may be removed from office on the decision of a majority of the members of the Council through a vote of no confidence.

12.2 Any office bearer may be recalled from such office by the respective party by giving three calendar months' notice save for circumstances in which an office bearer is no longer employed in the industry, removal shall be automatic without notice.

Section 13: Officials

The Council shall appoint a Secretariat which shall be responsible for the running of the Council affairs. The Secretariat shall comprise of:

- a) The General Secretary
- b) The Accountant/Accounts and Administration officer.
- c) The Designated Agent(s) as enshrined in Section 63 of the Act
- d) Office secretary/receptionist
- e) Office orderly/messenger

Section 14: Meetings of The Council

- 14.1 The Council shall hold an Annual General Meeting of the Council during the month of September each year. Special meetings shall be called upon a requisition signed by the representatives of any party and may also be called by the Chairperson or by the General Secretary after consultation with the Chairperson.
- 14.2 Notice of any meeting of the Council showing, in detail the business to be transacted, shall be sent to all representatives in writing at least seven working days before the date of the meeting, provided that, in the case of Special Meetings the Chairperson may authorize a shorter notice.
- 14.3 Such a quorum shall constitute 2/3 majority from either party.
- 14.4 If within thirty minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same day of the week following or in the event of

such a day being a public holiday, to the first working day thereafter at the same time and place. At such an adjourned meeting the representatives present shall form a quorum.

- 14.5 If a representative or the alternate is absent from any meeting, the voting power of the employers or the employees, as the case maybe, shall be reduced as may be necessary to preserve equality of voting power.
- 14.6 At any meeting of the council, the minutes of the last preceding meeting shall be read by the Secretary and, after confirmation, signed by the presiding officer. The business and minutes of council meetings shall be conducted in English.
- 14.7 All motions shall be reduced to writing and shall be read by the presiding officer. No motion shall be considered unless seconded. Except where otherwise provide in this constitution, all matters forming the subject of motions shall be decided by a majority vote of those present entitled to vote.
- 14.8 Points of procedure on which the Constitution is silent, shall be decided by a majority vote of those present entitled to vote.
- 14.9 At every meeting of the council all decisions made by the joint Committees during the period of the date of the previous Council meeting shall be confirmed, reserved or amended as the Council may decide.
- 14.10 The Council shall hold an Annual General Meeting at which a report will be presented by the Chairperson and audited financial accounts for the preceding year shall be presented to the meeting for adoption.

Section 15: / Sub Committees

- 15.1 The Council may establish sub Committees consisting of equal representation of the employer and employees of the parties affected by the subject matter.
- 15.2. Subject to (15.1) there shall be the following sub committee
- 15.2.1 Exemptions Committee (ad hoc)
 - 15.2.2 Procurement Committee
 - 15.2.3 Finance Committee (ad hoc)
 - 15.2.4 Human Resources Committee (ad hoc)
 - 15.2.5 Legal and Audit Committee (ad hoc)
- 15.3 The composition of a subcommittee shall be determined by the Council.
- 15.4 The Chairperson of subcommittee shall be appointed from amongst the members present at the Sub Committee Meeting.
- 15.5 The jurisdiction of the Sub Committee shall be determined by the Council and the committee shall carry out such functions as the Council may decide.
- 15.6 Meetings of Sub Committees shall be sanctioned by the Council. The General Secretary shall be the Secretary of any such Sub Committee.
- 15.7 All decisions of the Sub Committee may be confirmed, reserved or amended as the Council may decide.
- 15.8 Notice of any meeting of a Sub Committee shall be given to each member at least seven days before the date of the meeting. To every such notice, an agenda showing the

business to be transacted shall be attached. Any Sub Committee meeting which, having been properly constituted, does not complete the business on hand in any sanctioned meeting shall report back to the Council to seek approval of an extension. This procedure may be repeated until the committee has concluded its business and is ready to report to Council.

15.9 The provisions of sub-clauses (5), (6) and (8) of clause 8 of this Constitution shall apply in respect of the conduct of meetings of any Sub Committee.

15.10 Recommendations of Sub Committee meetings shall be presented to members of the Council.

Section 16: / Revenue and Expenditure of the Council

16.1 Expenditure

- a) The Expenses of the Council shall be met from a fund which shall be raised by a levy from all employers and their employees operating in the aviation industry.
- b) Funds shall be used for the payment of administration expenses of the Council and in the furtherance of the objectives of the Council.
- c) All payments from the Council funds shall require Council approval and shall be signed by the authorized signatories.

16.2 Revenues

- a) The levy shall be a percentage of basic pay per month per employee with the employer paying an equal amount per employee. This is subject to review and

such review shall be advised to the Registrar.

- b) All monies received shall be deposited to the credit of the Council account.

16.3 Financial Statements

- a) Statements showing the income and expenditure of the Council and the financial position shall be submitted quarterly by the General Secretary.
- b) The Secretary shall submit to Council a statement showing
 - I. Income and expenditure accounts
 - II. Financial position of the Council
 - III. Cash flow Statement

The Financial year of the Council shall be the 1st of January to 31st of December of every year. These statements shall be subject to an audit and the audited statement shall be distributed to the Council.

16.4 Investments

- I. Any funds surplus to the immediate requirements of Council shall be invested as the Council may direct.

Section 17: Signatures To Bank Account

The council shall operate a main account(s) and sub operating account(s). The main operating account shall be the main account while the sub operating account will be for the Council Secretariat with transacting limits set by the council from time to time.

The following shall be the authorized Signatories to the Council Bank Account;

a) Main Accounts

- 1) Chairperson
- 2) General Secretary
- 3) Two employee's representatives
- 4) Two employer representatives

The signing arrangement shall have group categories A and B. The categories shall be as follows:

Category A 1) Employer Representatives

Category B 1) Employee Representatives

2) General Secretary

For a payment to be valid, it must be signed by two signatories one from group A and another from group B.

b) Sub operating Account

- 1) General Secretary
- 2) Designated Agent
- 3) Accountant

For the sub account(s) at least two signatories must sign a transaction to be valid

Section 18: / Dispute Resolution

- 18.1 Council disputes arising from disputes of right shall be governed by Part XII of the Labour Act
- 18.2 Council disputes of interest shall be governed by the Arbitration Act [Chapter 7:15]
- 18.3 Subject to (17.1 and 17.2) the dispute/s shall be referred accordingly in the event of three council meetings failing to settle such dispute / deadlock.

Section 19: / Council Deadlocks

No issue or deliberation shall be considered as a deadlock until at least three (3) meetings of the Council are held of which a maximum of not more than two meetings are held on the same day.

Section 20: / Administrative Procedure Rules

The Council shall from time to time determine at its discretion policies and procedures for the Council pertaining to its operations.

Section 21: / Amendments

- 21.1 This Constitution may be amended by resolution of a majority of the representatives but no amendment shall be considered unless at least fourteen working days' notice is made before the date of the meeting at which it is to be considered.

21.2 In the event of an amendment to this Constitution being proposed the following procedure shall be followed:

21.2.1 At least fourteen days' notice of the proposed amendments shall be given to each Councilor,

21.2.2 Amendments shall be passed by a majority of two thirds of the Council as a whole,

Amendments to the Aims and Objectives of the Council shall require the unanimity of the Council as a whole.

21.2.3 Any member or secretariat staff may initiate amendments. All proposed amendments shall be sent to the General Secretary for action.

21.2.4 Amendments shall have legal force once approved by the Minister of Public Service, Labour and Social Services.

Section 22: / Winding Up

22.1 Upon winding up of operations, the Council shall transfer assets of the Council to such other organization or organizations as the Council may so determine and approved by the Registrar.

22.2 Withdrawal of party shall be through a written application citing reasons to that effect to the Full Council

22.3 Subject to (18.2) the withdrawing party shall give three months' notice.

DONE AND SIGNED AT HARARE THIS 28 DAY OF MARCH 2025

FOR THE EMPLOYEES

) NAME TARASITUKA TIMBER Signature [Signature]

) NAME ALEXANDER Nkomo GUCHU Signature [Signature]

FOR THE EMPLOYERS

) NAME Gahkayi Chimhanga Signature [Signature]

) NAME J. Bostwana Signature [Signature]

GENERAL SECRETARY

NAME [Signature] Signature [Signature]

CHAIRPERSON

NAME O.V. KUPIKA Signature [Signature]



T.T. A.N.G.
J. O.V.K. E.C. R.C.

