



South African Institute of
Occupational Safety and Health

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of
Occupational Safety
and Health**

CONSTITUTION

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CONSTITUTION

1. Purpose of Constitution

To provide for an institutional framework for the implementation of the duties and responsibilities of the Institute.

2. Name of the Institute

The name of the Institute is the **South African Institute of Occupational Safety and Health**, hereinafter referred to as "**the Institute**" or "**Saiosh**"

3. Legal Status

- 3.1 Saiosh is a registered non-profit organisation recognised by SAQA as a professional body to register health and safety practitioners in South Africa. Saiosh is committed to the prevention and reduction of work place incidents and accidents in South Africa. Saiosh is doing this by promoting Professional Occupational Safety and Health Management and Practices amongst its members and stake holders at large.
- 3.2 The Institute may establish committees and ad hoc committees for such periods as the Institute may consider necessary to achieve the objectives or perform the functions of the Institute.
- 3.3 Every committee may, subject to such conditions as the Institute may determine, establish ad hoc or sub committees for such periods as the committee may consider necessary to achieve the objectives or perform any of the functions of that committee.
- 3.4 The Institute may impose membership fees or levies on members; solicit for donations, sponsorships or grants; impose fees on the processing and/or sale of documentation; charge such fees for seminars and conferences; or use other means to attract the funds to meet the needs of its business plan.
- 3.5 All actions, suits or other proceedings at law, by or against any committee, office bearer or employee acting on behalf of the Institute, must be brought by or against the Institute.
- 3.6 Will continue to exist even when its membership changes and there are different office bearers.
- 3.7 Members or office bearers of the organisation do not have rights over things that belong to the organisation.

4. Interpretation

In this constitution, unless inconsistent with the context,

- 4.1 Chapter, article, clause and paragraph headings are for purpose of reference only and shall not be used in interpretation

Unless the context clearly indicates a contrary intention, words connoting:

- a. any gender, includes the other gender
- b. the singular includes the plural and vice versa
- c. natural persons include artificial persons and vice versa

5. Definitions

In these rules, unless the contrary intention appears:-

“Chief Executive Officer” means the person appointed by Council to direct and control the Institute’s operations.

“Council” means the Committee of Management of the Institute

“Financial Year” is the period from 1st July each year and closing on the following end of June and has the meaning given for the financial control of the Institute’s funds

“Occupational Safety and Health” means the application of the practices, arts and sciences for the quality of the work life and organic life environment including, but not restricted solely to, accident prevention, occupational health and hygiene through investigation, rehabilitation, occupational medicine, engineering, ergonomics, quality assurance and quality improvement, research, education, evaluating training programs and as may be amended from time to time by resolution of Council

“President” means the titular head of the Institute and may include Chairperson to mean;-

- (a) in relation to the proceedings at a Council Committee meeting or Extraordinary General meeting, the person presiding at the committee meeting or extraordinary general meeting; or,
- (b) otherwise than in relation to the proceedings referred to in paragraph (a), if that person is unable to perform the functions, the Vice – President will perform the function

“Secretary” means the Secretary referred to in Section 11.

“Treasurer” means the Council member/s appointed to monitor and administer the Institute’s accounts for and on behalf of the Council

“Vice-President” means the Vice-President referred to in Section 11.

6. Objectives

To provide a recognised and authoritative organisation for Occupational Health and Safety Professionals to

- Professionally register health and safety practitioners.
- Promote occupational safety and health.
- Liaise with all persons, institutions or others having similar objectives
- Advance the science and art of occupational safety and health.
- Further the profession of occupational safety and health.
- Maintain and protect the professional interests (of members).
- Provide guidance in fields of occupational safety and health.
- Establish a method and procedure for sustainable development and growth.

- Develop the professional advancement of occupational safety and health.
- Provide members and interested persons, bodies with reference material and news via the electronic media.

7. Powers of the Institute

The Institute shall have all such powers as may be necessary to enable it to carry out its functions and fulfil its objectives and without limiting the generality thereof it shall have the following powers, to:

- 7.1 Appoint Members, according to their levels of qualification and experience in compliance with the criteria as detailed in Membership Grades below, as Registered Members of the Institute;
- 7.2 Establish committees and ad hoc committees;
- 7.3 Appoint any person or persons necessary for the effective running of the Institute.
- 7.4 Formulate the general policy of the Institute;
- 7.5 Approve the annual financials of the Institute;
- 7.6 Own assets and equipment needed to achieve the objects of the Institute;
- 7.7 Approve and implement policies and procedures of the Institute;
- 7.8 Raise the finance necessary to meet the objectives of the Institute;
- 7.9 Determine disbursements to cover the cost of committees and ad hoc committees;
- 7.10 Purchase such information as is needed to achieve its objectives;
- 7.11 Make rules relating to Institute meetings, financial matters, general procurement and administrative matters which are in accordance with the provisions of this constitution;
- 7.12 Report on the compliance to standards in the industry.
- 7.13 The Institute shall:
 - 7.13.1 Exist in its own right, separately from its members.
 - 7.13.2 Be able to own property and other possessions.
 - 7.13.3 Be able to sue and be sued in its' own name.

8. Functions of the Institute

- 8.1 The Institute may take on the power and authority that it believes it needs to be able to achieve the objectives of the organisation.
- 8.2 Attract member associations that represent the occupational safety and health industry.
- 8.3 Facilitate the election of a Council.
- 8.4 Draw up and implement a marketing and strategic business plan.
- 8.5 Report back to the members and the industry on the achievements of its objectives and on the state of standards compliance within the industry.

- 8.6 Make available to members of the Institute information on training programmes, so as to assist with a member's career path.
- 8.7 Facilitate the attainment of world-class compliance standards by the industry.
- 8.8 Develop local appropriate occupational safety and health research and develop knowledge to global standards.
- 8.9 Register members professionally in terms of SAQA recognition of professional body.

9. Membership /Professional Designations

The Institute shall have the following Membership Grades /Professional Designations:

- **Technical Member** – TechSaioSh
- **Graduate Member** – GradSaioSh
- **Chartered Member** – CMSaioSh

Underlying qualifications and experience:

- **Technical Member** – TechSaioSh
NQF 5 (10 credits) or equivalent plus 2 years' experience
- **Graduate Member** – GradSaioSh
NQF 6 National Diploma (360 credits) plus 3 years' post graduate experience
- **Chartered Member** – CMSaioSh
NQF 7 Degree plus minimum 5 years' post graduate experience plus port folio of evidence assessment.

Fellowship:

Fellow membership may be granted to Chartered Members who have served the Institute continuously and diligently for at least 10 years. Fellowship will only be granted when, on receipt of a minuted, unanimous recommendation from the Council and the recommendation is approved by Council. Fellows have full voting rights.

Honorary Member:

May be granted to any person whom the Institute wishes to honour or reward for support of an exemplary nature and will only be granted if Council agrees unanimously. Honorary members do not have voting rights

Retired Members:

These are Members in any of the Membership Grades who have retired on pension; do not perform consultancy work and who wish to retain their membership of the Institute. They are required to notify the National Registrar of their change of circumstance and are exempt from paying subscriptions. Retired members retain their voting rights.

Corporate Members:

Corporate membership is available to any organisation or company that subscribes to the aims and objectives of the Institute.

Associate Member:

May be granted to persons not meeting the underlying criteria for professional registration but subscribes to the aims and objectives of the Institute.

Application for Membership:

Application for membership must be done via the Institute's online application system at www.saiossh.co.za. The application will only be considered if it is completed in full and all the required supporting documents are uploaded.

The Membership Manager will inform the applicant of the outcome of the application grading. Appeals against the grade of Membership awarded may be lodged to the National Registrar who will present the appeal at a Council meeting whose decision will then be final.

On receipt of the annual subscription fee from a successful applicant, a Certificate of Membership will be issued to the new member. The certificate of Membership remains the property of the Institute and shall, on request, be returned by the member to the Institute.

Certificates of Membership will only be valid while supported by proof of payment of the current annual subscription

The Council may grant or refuse any application for membership at its sole discretion without giving any reason for its decision. Council may also cancel /withdraw a member's Certificate of Membership at its sole discretion, without giving any reason for its decision

Members may at any time apply for their membership to be upgraded by submitting a request with supporting documentation to the Membership Manager at info@saiossh.co.za. The request for upgrading will be evaluated as described above.

10. Subscriptions

All members shall pay Annual Subscriptions to the Institute (with the exception of Retired members, as noted under the heading of Retired Members)

The annual subscriptions shall be due on the first day of March of each year. Any member who is in arrears for more than 3 months shall have his /her membership suspended. Application for re-instatement will be considered on payment of the arrear subscriptions plus the application fee.

New Members admitted after 30 September shall pay the full following year's annual subscription. This means that they receive a 15 month membership at a 12 month subscription rate.

Council may, at its discretion, remit in whole or in part the annual subscription of a member.

11. Council

The Council of the Institute shall have the following Office Bearers

President
Vice-President
Registrar
Secretary
Treasurer
Public Relations Officer
Education Officer and
Immediate Past President

The Council shall consist of the Institute's Founder Members. Some of the Office Bearers' positions may be combined.

With the passage of time the Founder Members may no longer be available to serve on Council and at that time the Council will be comprised of newly nominated and elected members of the Institute.

The Council may therefore, from time to time, invite and appoint members to sit on Council, for the collective purpose of achieving the Institute's objectives.

Such invited /nominated members must be either Graduate, Chartered or Fellow members.

The Executive Committee of Council shall consist of not less than three from the following, the President, Vice President, Registrar, Secretary and Treasurer. The Executive Committee may take any decision on behalf of Council. No Executive Committee decision can, however, be made by less than 3 members

The office of a member of Council shall be VACATED:

- If he /she resigns his /her office
- On termination of membership
- If he /she is absent from three (3) consecutive Council meetings without leave of absence

Removal of an Office Bearer from office:

- In the event of an office bearer being convicted of a criminal offence or any offence or activity which brings the Institute into disrepute, the Council shall institute a formal investigation which may lead to any of the following sanctions:
 - a. No justification for any action
 - b. A written reprimand from the Council
 - c. The removal of the Office Bearer from office
- The Respondent shall have the right of appeal against a decision of removal from office
- In the event that such situation may arise the Institute will obtain the services of an independent party to adjudicate the matter
- The ruling from such independent party shall be final.

12. Meetings

Annual General Meeting:

The Annual General Meeting of the Institute shall be held not later than 31 December of each year. The Secretary shall send the notice of the Annual General Meeting to all the members of the Institute at least 30 days prior to the scheduled date of the meeting.

A Quorum shall consist of a minimum of 20 members in good standing. In the event of there being no Quorum the meeting shall stand adjourned for 15 minutes after which, if no more members arrive then the members so present shall constitute the quorum. Any matters requiring a vote shall require two thirds of those present to approve the motion.

The AGENDA of the Annual General Meeting shall consist of:

- The President's Annual Report
- The Financial Report
- The Membership Report

Members who are in good standing with the Institute may request in writing for an item to be placed on the agenda for discussion at the Annual General Meeting. Only items received in writing by the Secretary 14 days before the meeting will be considered and placed on the agenda for discussion.

Election of Council Office Bearers does not take place at the AGM. This is a function of the Council and must be done as prescribed in the Constitution.

Council Meetings:

Council shall meet at such time and place as it may from time to time determine. An Extraordinary Council Meeting may be called at any time by the Secretary on the instructions of the President.

The following conditions shall govern Council Meetings:

- Fourteen days Notice of Meeting of Council will be sent by the Secretary to each member of Council
- The notice calling a meeting shall specify the time and place of the meeting and the agenda for the meeting.
- The President of the Institute or, in his absence, the Vice-President shall take the CHAIR at every meeting of the Council. If at the appointed time for any meeting, the President or Vice-President is absent, the members present shall choose a chairman from amongst the Executive Committee members.
- A Quorum for a Council meeting is Two Thirds (66%) of the eligible members of the Council and who shall be present. If there is no quorum present 15 minutes after the appointed time for the meeting to start, the meeting shall stand adjourned after which a new meeting shall be called.
- At the reconvened meeting and if there is still no quorum present, the meeting may proceed as if it is duly constituted.
- Resolutions passed at any Council meeting shall generally be arrived at by consensus. In the event of this being impossible, the decision shall be by a majority of votes. In the case of an equality of votes, the chairman shall have a casting vote.
- The affairs and business of the Institute shall be managed by the Council which may exercise all such Powers of the Institute as provided for in this Constitution
- Conduct any legal Financial Transactions required to further the objectives of the institute.
- The National Secretary will keep an accurate record of the discussions and any decisions/actions required, taken at such meeting so as to be a true record of the proceedings of the Council.

Extraordinary General Meetings:

A special meeting of the Institute, designated an Extraordinary General Meeting, can be called for at any time, by any Graduate or Chartered Members of the Institute. The Council shall convene an Extraordinary General Meeting within thirty days after receipt of a written application by at least 10% of the Institute's Graduate and Chartered Members, provided that such application shall specify the purpose for which the meeting is required. Only such business as may be specified in the Notice convening the meeting shall be dealt with at the meeting. The Notice of such Extraordinary General Meeting, giving the date, time and venue shall be given by the Secretary at least 14 days prior to the date of the said meeting and shall specify the purpose for which the meeting is being called

At all Extraordinary General Meetings, 50% Graduate and Chartered Members, personally present, shall constitute a quorum. In the event of there not being a quorum within 30 minutes of the appointed time for the meeting, it shall stand adjourned for 14 days and the Secretary will give notice of a new meeting. If the new meeting fails to attract a quorum, it shall be deemed that members do not wish to support the original request for the meeting and the meeting shall be disbanded.

The President of the Institute or, in his absence, the Vice-President shall take the Chair at an Extraordinary General Meeting of the Institute. If, at the appointed time for any meeting, the President or Vice-President is absent, the members present may choose a chairman from amongst themselves, preferably an Executive Council member or another member of Council.

13. Finance

Council Accounts:

Books of Account shall:

- be maintained to a recognised standard
- be kept at the registered office of the Institute or at such other place as Council may decide
- be submitted, together with other relevant financial records, to a competent person for an Annual Audit and the results of the Audit presented to the Annual General Meeting in the form of the Annual Financial Report, which shall include a balance sheet and a Profit and Loss Account, for ratification by the members
- The Annual Audit Report shall be open for inspection by any member.
- Signing Powers for financial transactions will be vested in the President, Secretary and Registrar and any two of these persons' signatures will be necessary for the financial transactions of the Institute. The Treasurer will be given authority to do electronic fund transfers (EFT).
- Funds of the Institute shall be held in a Bank Account and /or such other Accounts as the Council may approve.
- Receipts shall be issued for any income received by the Institute in the form of members' annual subscriptions, income derived from seminars, donations, payments for services rendered or any other monies and the funds placed in accounts.
- All Payments shall be made by electronic fund transfer. For electronic banking the bank will require a copy of the Council Resolution authorising an Executive member to access this facility.
- No cash payments are to be made except for the use of petty cash.

- The income and property of the Institute, when so ever derived, shall be applied solely towards the promotion of the objects of the Institute as set forth in this constitution. The Institute may make payment in good faith or remuneration to any officer or servant of the Institute or to any member thereof, in return for services actually rendered to the Institute.
- The Institute may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the Institute. The payment must be a reasonable amount for the work that has been done.

14. Procedure for winding up or dissolving the Institute

- The Institute may close down if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down.
- When the Institute closes down it has to pay off all its debts. After doing this, if there is property or money left over it should not be paid or given to members of the Institute.
- It would be given in some way to another non-profit organisation that has similar objectives. The Institutes general meeting will decide which organisation that should be.

15. Changes to the Constitution

- The constitution can be changed by a Council resolution.
- The resolution has to be agreed upon and passed by not less than two thirds of the members who are present at the annual general meeting, or special general meeting. Members must vote at this meeting to change the constitution.
- Any annual general meeting may vote upon such a notion, if the details of the changes are set out in the notice of meeting as referred to in Section 13.
- The notice must indicate the proposed changes to the constitution that will be discussed at the meeting.

16. General

The members of Council, or any committee established by Council, shall be indemnified by the Institute against losses and expenses incurred by them in or about the discharge of their respective duties, such as may arise from their own wilful default.

The Registered Office of the Institute shall be:

MRM Office Park
AAT House, Unit 1
Village Road
Kloof, Durban
3610

17. Availability of the Constitution

The Constitution is available for perusal (and downloading) on the Institute's website at www.saioh.co.za