

THE CONSTRUCTION INDUSTRY FEDERATION OF ZIMBABWE

THE RULES PARTS I TO VII

MAY 1992

RULES OF
THE CONSTRUCTION INDUSTRY FEDERATION OF ZIMBABWE

INDEX TO RULES

**RULE NO.
PAGE**

PART I – INTRODUCTION

| | | |
|-----|----------------|---|
| 1.1 | EFFECTIVE DATE | 1 |
| 1.2 | DEFINITIONS | 1 |

PART II – MEMBERSHIP, ENTRANCE FEES AND ANNUAL SUBSCRIPTIONS

| | | |
|-----|--|---|
| 2.1 | ESTABLISHMENT OF MEMBERSHIP – TRANSITIONAL PROVISION | 3 |
|-----|--|---|

MEMBERSHIP AT CONCLUSION OF TRANSITIONAL PERIOD

| | | |
|------|---|---|
| 2.4 | DIVISIONS, CATEGORIES AND CLASSES | 3 |
| 2.5 | APPLICATIONS | 3 |
| 2.10 | APPLICATIONS APPROVED | 4 |
| 2.11 | REFUND – ADMISSION INTO LESSER CATEGORY | 4 |
| 2.12 | RIGHTS WHILE ON PROBATION | 4 |
| 2.13 | PROBATIONARY PERIOD | 4 |
| 2.19 | APPLICATION FOR UP-GRADING OR TRANSFER TO ANOTHER DIVISION | 5 |
| 2.20 | APPLICATION FOR ADDITIONAL REGISTRATION | 6 |
| 2.21 | SUB-CONTRACTING IN A DIVISION FOR WHICH MEMBER IS NOT REGISTERED | 6 |
| 2.22 | SUCCESSFUL TENDERS ABOVE CATEGORY OF REGISTRATION | 6 |
| 2.24 | FEES TO BE PAID FOLLOWING UP-GRADING | 6 |
| 2.25 | FURNISHING DETAILS OF CONTRACTS | 7 |
| 2.26 | MEMBER BRINGING INDUSTRY INTO DISREPUTE | 7 |
| 2.27 | DORMANT MEMBERS | 7 |
| 2.28 | MEMBERS CHANGE OF CONTROL | 7 |
| 3. | ENTRANCE FEES AND ANNUAL SUBSCRIPTIONS | 9 |
| 3.3 | PROHIBITION – USE OF FEES FOR ELECTIONEERING OR POLITICAL PURPOSE | 9 |

PART III – NOMINATION AND ELECTION OF OFFICE BEARERS AND OFFICIALS

| | | |
|-----|---|----|
| 4.1 | THE PRESIDENT | 9 |
| 4.2 | NOMINATIONS OF OFFICE BEARERS AND OFFICIALS | 9 |
| 4.3 | THE SENIOR VICE-PRESIDENT | 9 |
| 4.4 | THE JUNIOR VICE-PRESIDENT | 10 |
| 4.5 | IMMEDIATE PAST PRESIDENT | 10 |
| 4.6 | ELECTED MEMBERS | 10 |

| | | |
|---|--|-----------|
| 4.7 | STANDING COMMITTEE CHAIRMEN | 10 |
| 4.8 | REGIONAL COMMITTEE CHAIRMEN | 10 |
| PART IV – MEETINGS | | |
| 5.1 | GENERAL MEETINGS – MOTIONS | 11 |
| 5.2 | STAR MEETING FINES | 11 |
| PART V - BALLOTS | | |
| 6. | BALLOTS – FEDERATION AND REGIONAL | 12 |
| 7. | POSTAL BALLOTS | 12 |
| PART VI – THE SECRETARY | | |
| 8. | THE SECRETARY DUTIES | 14 |
| PART VII – MEMBERSHIP, DIVISIONS, CATEGORIES AND CLASSES | | |
| 9.1 | CLASSES OF MEMBERS | 15 |
| 9.2 | FULL MEMBERS | 15 |
| 9.3 | ASSOCIATE MEMBERS | 15 |
| 9.4 | SPECIAL MEMBERS | 15 |
| 9.5 | HONARARY MEMBERS | 16 |
| 9.6 | DIVISIONS | 16 |
| 9.7 | APPLICATIONS ON PRESCRIBED FORM | 16 |
| 9.8 | CATEGORIES: GENERAL AND ELECTRICAL CONTRACTORS | 16 |
| 9.9 | GENERAL CONTRACTORS | 17 |
| 9.10 | CLASSES OF TRADES: SUB-CONTRACTORS | 17 |
| 9.11 | CATEGORIES: SUB-CONTRACTORS | 17 |
| 9.12 | CATEGORIES: ASSOCIATE AND SPECIAL MEMBERS | 18 |
| ALPHABETICAL INDEX..... | | BACK PAGE |

RULES OF THE CONSTRUCTION INDUSTRY FEDERATION OF ZIMBABWE

The Management Committee of THE CONSTRUCTION INDUSTRY FEDERATION OF ZIMBABWE has been pleased in terms of Clause 41 of the Constitution, to make the following rules:-

PART I – INTRODUCTION

1. GENERAL

1.1 These Rules may be cited as the Rules of THE CONSTRUCTION INDUSTRY FEDERATION OF ZIMBABWE and shall come into effect on the date on which the Constitution is certified by the Industrial Registrar, in terms of the Act.

1.2 Unless inconsistent with the context, all words and expressions used herein which are defined in the Act, shall have the meanings therein defined, and any words importing to the masculine gender shall include females, unless inconsistent with the context:-

“ACT” means the Labour Relations Act, No. 16/85

“CONSTRUCTION INDUSTRY” means without in any way limiting the ordinary meaning or expression, the activities embracing any aspects of Civil, Building Work and/or as defined in the Certificates of Registration and/or the Constitutions of the constituent Members of this Federation, and/or as defined in the Employment Regulations/Agreements for the respective Industries and Members.

“CHIEF EXECUTIVE” means the full time Executive Officer for the time being of The Federation.

“CIFOZ” means the Construction Industry Federation of Zimbabwe

“DIRECTOR” means the Chief Executive of the Federation

“EMPLOYER” means a firm which is engaged in the Industry and employs or provides work for any person in the industry.

“FEDERATION” means the Construction Industry Federation of Zimbabwe

“FINANCIAL YEAR” means the period of 12 (twelve) months ending on the 31st of March.

“FIRM” means a company, Private or Public, a Partnership or an Individual carrying on business activities serving the needs of the Construction Industry of Zimbabwe,

“FIXED DATE” means the date on which this Constitution is certified by the Industrial Registrar in terms of the Act.

“INDUSTRY” means the Construction Industry.

“MANAGEMENT COMMITTEE” means the Management Committee in the Federation.

“MEMBER” means any Individual, Firm or Association who becomes member of the Federation in any of the classifications referred to in Rule 9.

“MONTH” means a calendar month.

“REGION” means the area which embraces the district of a particular region as described in Clause 27.1 of the Constitution.

“REGIONAL MEMBER” mean the region in which a Member has been registered.

“REGISTERED ADDRESS” means the principal and permanent address of the Member from which the Member carries on a business.

“REGISTERED REGION” means the region which embraces the district within which area the “Registered Address” of the Member is located.

“RULES” means Rules made in terms of Clause 41 of the Constitution.

“SECRETARY” means the Secretary for the time being of the Federation and whose duties may be undertaken by the Chief Executive.

“SECONDARY/INDUSTRY” includes manufacturing, fabrication, assembly, processing, blending, mixing, packaging, or other upgrading process.

“STAR MEETING” means extraordinary meeting as described in Clause 31.2 of the Constitution.

“ZIMBABWE” means the territorial limit of the Republic of Zimbabwe.

PART II – MEMBERSHIP, ENTRANCE FEES AND ANNUAL SUBSCRIPTIONS

2. ESTABLISHMENT OF CIFOZ MEMBERSHIP – TRANSITIONAL PERIOD

2.1 On the fixed date, the President of:-

- 2.1.1 The Federation of Civil Engineering Contractors and
- 2.1.2 The Zimbabwe Master Builders and Allied Trades Association
- 2.1.3 Having been empowered by their Associations, shall dissolve their respective Associations, and enjoin their Members to this Federation, Rules and Bye-laws in accordance with Rule 2.2

2.2 The Presidents of the two Associations, as described in Rule 2.1., shall on the fixed date, submit to the Chief Executive a completed Membership Registration form as prescribed, for every Employer, who immediately before the fixed date, was a member in good standing with that particular Association.

2.3 The Management Committee shall, at its discretion, place an Applicant into a particular division, category and/or class of Trade, if applicable, of Membership, as described in Rule 3 ., upon receipt of the completed prescribed Membership Registration form, in terms of Rule 2.2.

- 2.3.1 An Applicant shall not be downgraded from his present category, if he applied to continue in that category; provided the Applicant can satisfy the Management Committee that he has on an aggregate in any one calendar year, over the past three years completed contracts in accordance with the value of contracts, as described in Rule 9.
- 2.3.2 When the Management Committee has placed an Applicant into a particular division, category and/or class of Membership, the Chief Executive, in his capacity as Secretary, shall thereupon enter the name and details related to the Applicant in the Register of Members, as a Member of the Association, and
- 2.3.3 Advise the Member, in writing, that his application for Membership has been received, and that registration as a Member has taken place and,
- 2.3.4 Advise the Member of the division, category and, if applicable, class of trade of Membership for which he has been registered and
- 2.3.5 The Region in which the Member has been registered as his “Registered Region” and
- 2.3.6 Within 1 (one) calendar month of the fixed date, forward a copy of the Constitution and Rules to him.

MEMBERSHIP AT CONCLUSION OF TRANSITIONAL PERIOD

2.4 DIVISIONS, CATEGORIES AND CLASSES

The Management Committee shall prior to 15 December of each year:-

- 2.4.1 Establish the membership divisions, categories and classes of each member, by agreement with members at a General Meeting for the ensuing financial year, i.e. 1 April to 31 March.

APPLICATIONS

- 2.5 Applications shall be made on the prescribed form as required in terms of Clause 11.1 of the Constitution and the admission for a particular Class applied for, shall be at the sole discretion of the Management Committee.
- 2.6 A Candidate shall be duly proposed and seconded by Members of the Federation who were admitted to Membership in terms of Rule 2. of these Rule, or of at least two years standing.
- 2.7 The Secretary shall acknowledge receipt of the application Form. The entrance fee and subscription shall be paid by the applicant only after the application has been approved by the Management Committee, whereupon an official receipt shall be issued by the Secretary.
- 2.8 The Secretary shall, within 14 (fourteen) days from date of acknowledgement post the Candidate's name and other relevant details on the Notice Board of all established Regional Committee Offices, for a period of not less than 14 (fourteen) calendar days.
- 2.9 At the next meeting, after expiry of the 14 (fourteen) days, as provided for in Subrule 2.8., the Management Committee in meeting, shall by majority vote, in accordance with Clause 23.4. of the Constitution , elect or reject the Candidate.
 - 2.9.1 The Proposer and Seconder of a Candidate for membership may be required to appear before the Management Committee when the application is considered.
- 2.10 If the application is approved by the Management Committee, the Applicant shall forthwith be administered as a Member on Probation for a period of 12 (twelve) months, from date of such approval.
 - 2.10.1 The Secretary shall thereupon:-
 - 2.10.1.1 Enter the name and details of the new Member in the Register as a Probationary Member, as required by Clause 11 of the Constitution and :-
 - 2.10.1.2 Advise the new Member in writing that:-
 - 2.10.1.3 His application for membership has been approved, as a Member on Probation and,
 - 2.10.1.4 That the term of probation will be 12 (twelve) months from date of confirmation by the Management Committee and,
 - 2.10.1.5 Advise the Member into which division, category and, if applicable, class or classes of trade, he has been classified by the Management Committee in accordance with Rule 9, and of the amount of the entrance fee and annual subscriptions to be paid and,

- 2.10.1.6 The Region in which the Member has been registered as his "Registered Region", and,
 - 2.10.1.7 Forward a copy of the Constitution and these Rules to him.
 - 2.10.1.8 Advise him that during the probationary period he shall not tender for any contracts above the category in which he is registered, apply for registration in a higher category than the one in which he is registered or hold office on any Committee or Sub-Committee of the Federation.
- 2.11 If a Member is admitted to membership in a lesser Category than that for which he has applied, the Secretary shall provide the Member with the reasons for such a decision, in writing.
- 2.12 Subject to Rules 2.10.1.8 and Rules 2.19 to 2.24 inclusive, a Member on probation shall enjoy full rights and be subject to all obligations of membership, save that he shall not, during his probationary period, be entitled to propose or second any application for Membership.
- 2.13 During the probationary period, as provided for in Rule 2.10., the Member shall submit full written details, on the prescribed form, of all contracts entered into by the Member.
- 2.13.1 This form shall be submitted by the Member to the Secretary within 14 (fourteen) days of signing the contract and this shall be used to monitor the Member's progress during the probationary period. The forms referred to in Rule 2.13.1. And any written report shall be filed by the Secretary for production before the Management Committee in terms of Rule 2.14.
- 2.14 After expiry of the Probationary period, as provided for in Rule 2.10.1.4., the Management Committee shall, at its next meeting, receive a report from the Secretary on the Member, who has been on probation.
- 2.14.1 Such report, including the Probationary Member's original application shall be considered by the Management Committee. The said Committee shall in meeting by voting, in accordance with Clause 23.4., of the Constitution, confirm or not, the election of such Member.
- 2.15 If the Member's election is confirmed by the Management Committee the Probationary Member shall be admitted as a Member forthwith.
- 2.15.1 The Secretary shall thereupon: -
 - 2.15.1.1 Enter the change of the Member's status in the Register, as required by Clause 15 of the Constitution, and
 - 2.15.1.2 Advise the Member in writing, that his application for Membership has been accepted.
- 2.16 If the Management Committee refuses to confirm the election of a Probationary Member: -
- 2.16.1 The Secretary shall advise the applicant in writing, within 14 (fourteen) days of the meeting, stating the reasons for such refusal.

- 2.16.2 The Applicant shall have the right within 60 (sixty) days from date of the meeting, to claim re-consideration of the application by the Management Committee.
- 2.16.3 At the Meeting of the Management Committee, at which the application is to be re-considered, the Applicant shall be entitled to state his case personally and, may at the same meeting, call witnesses in support of his case.
- 2.16.4 After presentation of the case, the Applicant and Witnesses, if any, shall withdraw from the meeting.
- 2.16.5 The previous decision of the Management Committee shall be deemed to be rescinded, and the said Committee shall then by voting in accordance with Clause 23.4., of the Constitution, elect or reject the application for Membership.
 - 2.16.5.1 If the application is approved, the Candidate shall be a duly elected Member, and the Secretary shall follow the procedure as prescribed in Rule 2.15.
 - 2.16.5.2 In the event of a Candidate being rejected on appeal, no further application for membership of such Candidate shall be considered within 12 (twelve) months.
- 2.17 The entrance fee; but none of the subscriptions paid or payable and/or levies impose, shall be refunded to any Candidate whose Membership, in terms of Rule 2.16., is not confirmed as aforesaid.
- 2.18 The probationary period, as provided for in Rule 2.10. may be extended for a further period, not exceeding 12 months at the absolute discretion of the Management Committee
- 2.19 RECLASSIFICATION**
 - 2.19.1 The provision of this Rule and Rules 2.20. to 2.24. inclusive, shall not apply to a Probationary Member.
 - 2.19.2 After classification into a division, category and/or class, a Member may apply to be up-graded to a higher category, or transferred to another division, class and/or a lower category, to the Management Committee.
 - 2.19.3 The said Committee, after due consideration, and in its absolute discretion, may accept, vary or reject such application.
 - 2.19.4 In the event of change, the Secretary shall note such change in the Register of Members, and advise the member accordingly.
- 2.20 Notwithstanding the provision in Rule 2, a Member, after registration in any division, category or class may apply to the Management Committee for up-grading and/or for additional registration in any other division/s, category and/or such other classes of trades.
 - 2.20.1 The Member applying for up-grading and/or additional registration shall complete and sign the form of application as prescribed by the Management Committee.
 - 2.20.2 The Management Committee, after due consideration, and in its absolute discretion may accept, vary, or reject such application.

- 2.20.3 A General Contractor Member whose application has been successful for registration in additional categories and/or classes, if applicable, as described in Rule 9.10.1. shall pay the highest annual subscription/s of any one of the categories and/or classes, if applicable, for which he is so registered, or was previously registered plus half the annual subscription related to each such additional registration for each such additional categories and/or classes, if applicable, as described in Rule 9.10.1
- 2.20.3.1. If such additional registration is approved the additional subscription payable shall be from the date of such approval and shall be proportionately reduced on the same basis as outlined in Rule 3.2., and thereafter payable in accordance in Clause 16 of the Constitution.
- 2.20.4 Where a Member's application has been successful for upgrading to a higher category and/or transferred to another division, the provisions as described in Rule 2.24., shall apply.
- 2.20.5 Where a Member's application has been successful for additional registration he shall, from the date of approval, pay the full entrance fee for such additional registration in accordance with the scale as determined by the Management Committee in terms of Rule 3, within twenty-one (21) days from the date of approval.
- 2.20.6 A Member whose application has been successful for upgrading to a higher category and/or who is transferred to another division shall from the date of approval pay the difference between the previous and up-graded entrance fee, in accordance with the scale as determined by the Management Committee in terms of Rule 3, within twenty-one (21) days from the date of approval.
- 2.20.7 The Secretary shall thereupon enter the details of such changes, additional Divisions, Categories and/or Classes in the Register of Members.
- 2.21 Except as in provided for in Rule 2.19.1. , if a Member undertakes a sub-contract to any other firm in a Division for which he is not registered, as an electrical contractor or sub-contractor in the building sector, or any other aspect of sub-contractor in the Industry, the Member shall be required to register for such Division, Category and/or Classification, and shall accordingly submit an application for such registration in accordance with Rule 2.
- 2.22 Except as is provided for in Rule 2.19.1., a Member who tenders or negotiates successfully for any contract related to any category immediately above the category in which he is registered, shall be liable to pay the difference in entrance fee and annual subscription for that higher category, from the closing date of such tender. The amounts and date of payment shall be provided for in Subrule 2.24.

- 2.23 A Member, who is up-graded in terms of Rule 2.22. shall not be permitted to tender for contracts related to any category above the category in which he is so registered for a period of twelve months from the date of such up-grading.
- 2.24 Except as is provided for in Rule 2.19.1. a member, who has been upgraded shall pay the Federation the difference between the previous and upgraded annual subscription, in accordance with the scale as determined by the Management Committee in terms of Rule 3, within twenty-one (21) days from the date of such up-grading, the difference payable shall be proportionately reduced on the same percentage basis as outlined in Subrule 3.2., thereafter:-
- 2.24.1 In accordance with clause 16., of the Constitution.
- 2.25 A Member or Probationary Member may be called upon by the Management Committee to furnish full written details of any contract he has entered into in the Industry since his membership of the Federation if the Management Committee feels he may have been operating in a manner likely to bring the Industry into disrepute.
- 2.26 If, upon investigation of the contracts submitted by a Member or Probationary Member in terms of Rule 2.25., it is apparent that the Member is bringing the Industry into disrepute, disciplinary action may be taken against him by the Management Committee in accordance with Clause 18 of the Constitution.

DORMANT MEMBERS

- 2.27 A Member who has ceased to enter into Contracts and is completely inactive in the Industry for a period of 6 (six) months or more may, prior to the 31st December in any year submit an application to the Management Committee for Dormant Membership
- 2.27.1 The Management Committee after due consideration, and in its absolute discretion, may accept or reject such application.
- 2.27.2 A Member whose application has been successful, shall have his annual subscription reduced with effect from 1st April in the year following the application, in accordance with the annual subscription for Dormant Members, as determined by the Management Committee in terms of Rule 3.
- 2.27.3 A Member shall, within twenty-one (21) days of recommencing activities, advise the Secretary and pay the Federation the difference between the Dormant annual subscription and his previous Category or Categories related to the annual subscriptions in accordance with the scale as determined by the Management Committee in terms of Rule 3.
- 2.27.4 The difference of Annual Subscription payable shall be proportionately reduced on the same percentage basis as outlined in Subrule 3.2., thereafter:-

2.27.4.1 In accordance with Clause 16 of the Constitution.

2.27.5 A Dormant Member shall not hold office on any Committee or Sub-Committee of the Federation and neither shall he be allowed to vote. If elected to hold office on a Committee or Sub-Committee, prior to becoming a Dormant Member, he shall resign such office immediately his application is approved in term so Rule 2.27.2. A Dormant Member may be co-opted into a Committee or Sub-Committee of the Federation.

2.28 MEMBERS CHANGE OF CONTROL

2.28.1 It shall be the duty of every Member and Probationary Member to notify the Management Committee, in writing of any change in the effective control of such Member Company within 30(thirty) days of such change becoming effective.

2.28.2 A change in the effective control of a Company shall be deemed to have taken place if there is a change in the ownership of the shares of that Company carrying more than 50% (fifty percent) of the total voting rights attaching to all the issued shares of that Company, or if the persons who were Directors of the Company at the time when the Company became a Member of the Federation, cease to constitute a majority of the Directors of the Company.

2.28.3 A change in the effective control of a partnership shall be deemed to have taken place when the persons who were partners at the time when the partnership become a Member of the Federation, cease to constitute a majority of the partners.

2.28.4 A change in the control of the business of a sole Proprietor shall be deemed to have taken place whenever there is any change in the identity of the Proprietor.

2.28.5 If the Management Committee in its sole and absolute discretion decided that the control of any Member has so changed as to warrant a new application for membership being made, the Management Committee shall have the right without assigning any reason to terminate the membership of such a Member by giving the Member 14 (fourteen) days notice in writing. A member whose membership has been terminated in terms of this Clause, shall be eligible to re-apply for membership in terms of Rules 2.5. to 2.10., inclusive

2.28.5.1 If the application for membership is approved in terms of this Sub-Rule, the Management Committee may, in its sole and absolute discretion, waive the probationary period as prescribed in the rules, and admit the applicant as a Member.

2.28.6 for the purpose of this section, the term “any change in control” shall be deemed to include the participation of any Proprietor, Partner or Director in the affairs of a firm, other than the firm holding membership established to carry on as a business as a “Construction Contractor” or “Construction Sub-Contractor”. Such a firm shall be obliged to apply for membership of the Federation.

2.28.7 A Company which is associated with any Member and carries on business as a “Construction Contractor” or “Construction Sub-Contractor” within Zimbabwe, and which is a Holding, Subsidiary or Associated Company in relation to that Member, shall apply for membership of the Federation in the manner provided for in rules 2.5 to 2.10., inclusive.

2.28.8 A Partnership shall be admitted to membership as a single Member, irrespective of the number of Partners.

3. ENTRANCE FEES AND ANNUAL SUBSCRIPTIONS

The Management Committee in its absolute discretion shall determine the Entrance Fee payable by an Applicant for Membership, whether such application shall be full, associate or special Membership.

- 3.1 The Management Committee shall, prior to the 15th December of such year:-
- 3.1.1. at its sole discretion establish the total funds required for the running of CIFOZ in the ensuing Financial Year and,
 - 3.1.2. shall prior to the 31st December of each year fix the annual subscription payable by each Member, by agreement with Members at a General Meeting for the ensuing Financial Year, i.e. 1st April to the 31st of March.
- 3.2 The proportion of the annual subscription payable by a Member in terms of Clause 16 of the Constitution shall be:-
- 3.2.1 if admitted to membership during the second quarter of the Financial Year:
seventy five per centum;
 - 3.2.2 if admitted to membership during the third quarter of the Financial Year: fifty per centum;
 - 3.2.3 if admitted to membership during the fourth quarter of the Financial Year: twenty-five per centum.
- 3.3 The Federation shall be prohibited from using dues, entrance fees or annual subscriptions for electioneering for the Federation or for political purposes.

PART III – THE FEDERATION

4. NOMINATION AND ELECTION OF OFFICE BEARERS AND OFFICIALS

4.1 THE PRESIDENT

4.1.1 The First President of the Federation shall be elected by a majority vote from among the Delegates present at the Inaugural General Meeting of the Federation.

4.1.2 He shall hold office up to the conclusion of the first Congress or Annual General Meeting of the Federation and shall be eligible for re-election

- 4.1.3 The President shall be elected annually by the Management Committee at its final regular meeting preceding the Annual General Meeting of the Federation each year, and the result of such election shall be confirmed at the Annual General Meeting of the Federation thereafter.
- 4.1.4 He shall hold office for a period of one year up to the conclusion of the next Congress or Annual General Meeting of the Federation, and shall be eligible for re-election.

4.2 NOMINATIONS OF OFFICE BEARERS AND OFFICIALS

- 4.2.1 Nominations of Candidates for election to the offices of Senior Vice-President, Junior Vice-President and additional elected members for election to the Management Committee, in terms of the Constitution, shall be submitted in writing to the Chief Executive not less than 7 (seven) days before the Annual General Meeting and shall be signed by the member proposing the nomination and by the Member seconding the proposal. The Member nominated shall state whether or not he accepts the nomination

4.3 THE SENIOR VICE PRESIDENT

- 4.3.1 The first Senior Vice President of the Federation shall be elected by a majority vote from among the Delegates present at the Inaugural General Meeting of the Federation
- 4.3.2 He shall hold office up to the conclusion of the first Congress or Annual General Meeting of the Federation and shall be eligible for re-election thereafter:-
- 4.3.3 The Senior Vice President shall be elected annually by the Management Committee at its final regular meeting preceding the Annual General Meeting of the Federation each year, and the result of such election shall be confirmed at the Annual General Meeting of the Federation thereafter.
- 4.3.4 He shall hold office for a period of one year up to the conclusion of the next Congress or Annual General Meeting of the Federation, and shall be eligible for re-election.

4.4 THE JUNIOR VICE PRESIDENT

- 4.4.1 The first Junior Vice President of the Federation shall be elected by a majority vote from among the Delegates present at the Inaugural General Meeting of the Federation.
- 4.4.2 He shall hold office up to the conclusion of the first Congress or Annual General Meeting of the Federation and shall be eligible for re-election thereafter.
- 4.4.3 The Junior Vice President shall be elected annually by the Management Committee at its first regular meeting after the Annual General Meeting of the Federation each year.

- 4.4.4 He shall hold office for a period of one year up to the conclusion of the next Congress or Annual General Meeting of the Federation, and shall be eligible for re-election

4.5 THE ACTING IMMEDIATE PAST PRESIDENT

- 4.5.1 Up to and until the first President of the Federation adopts the title of Immediate Past President, in accordance with Clause 19.5., of the Constitution, the Inaugural General Meeting of the Federation, shall elect an Acting Immediate Past President by a majority vote, from among the Delegates present, and entitled to vote.
- 4.5.2 The Person elected to fill the position of Acting Past President will act as, and assume the office of Immediate Past President.
- 4.5.3 He will adopt the title of Immediate Past President, and shall, subject to the provision of the Constitution and the Rules, retain this office and title until the expiration of the period of the office of President.

4.6 ELECTED MEMBERS

- 4.6.1 The additional Members shall be elected to the Management Committee by a majority vote from among Members present at the Inaugural General Meeting of the Federation
- 4.6.2 The elected Members shall hold office up to the conclusion of the first Annual General Meeting of the Federation, and shall be eligible for re-election, thereafter:-
- 4.6.3 The elected Members, of whom half will be elected at alternate Annual General Meetings, shall hold Office for a period of two years, except only that at the first Annual General Meeting subsequent to the introduction of this clause all shall be elected simultaneously, of whom half shall be so elected for one year only.

4.7 STANDING COMMITTEE CHAIRMAN

- 4.7.1 Standing Committee Chairmen shall be elected in terms of Clause 26 of the Constitution.

4.8 REGIONAL COMMITTEE CHAIRMEN

- 4.8.1 Regional Committee Chairmen shall be elected in terms of Clause 28 of the Constitution.

PART IV – MEETINGS

5. THE FEDERATION – GENERAL MEETINGS

- 5.1 All motions to be dealt with at a General Meeting shall be reduced to writing and shall be delivered to the Secretary not less than fourteen (14) days before the date of the Meeting.
- 5.2 The Management Committee shall, at its next meeting following a Star Meeting, fine a Member who has failed to attend a Star General Meeting, the sum of \$25.00.
- 5.2.1 Unless prior to such Star General Meeting the Member concerned deposits a completed proxy form, as described in Clause 33.3., of the Constitution, or a written notice, with the Secretary, explaining his absence and the Management Committee accepts such explanation as reasonable.

PART V – BALLOTS

6. BALLOTS – FEDERATION AND REGIONAL

- 6.1 A ballot by Members entitled to vote, by the Management Committee, (or by Regional Members of a Region) or by any Committee shall be conducted at a meeting of the said Management Committee, or such Committee, as the case may be, or by Postal Ballot.
- 6.2 A Ballot by Members of the Federation eligible to vote, shall be conducted either at a General Meeting of the Federation or by Postal Ballot.
- 6.3 Notwithstanding the provisions of Subclause 6.6., a Ballot may be conducted among Members eligible to vote, attending a meeting of the Management Committee, or any Committee of the Federation , or a General Meeting on any matter, without notice, if so required by a majority of the Members present and entitled to vote at such meeting, as determined by a show of hands.
- 6.4 Subject to the provisions of Subrule 6.3., a Ballot shall be held:-
- 6.4.1 whenever the President deems it necessary or desirable, or;
- 6.4.2 Whenever it is required in terms of Subrule 6.3., by not less than six Members of the Management Committee, or;
- 6.4.3 By not less than twenty Members of the Federation entitled to vote, or;
- 6.5 Whenever those circumstances arise under which the holding of a Ballot is required in terms of the Act.
- 6.6 A Ballot, other than a Postal Ballot, shall be conducted in the following manner:-
- 6.6.1 Subject to the provisions of Subrule 6.1., the Secretary shall give to every Member entitled to vote, not less than three days notice in writing, of the intention to hold a Ballot, which notice shall state:-
- 6.6.1.1. The matter to be determined by the Ballot,
- 6.6.1.2. The place at which the Ballot is to be conducted;
- 6.6.1.3. The date and time of the Ballot;
- 6.6.1.4. No Ballot shall be invalidated by reason only of the fact that any Member failed to receive notice as aforesaid.
- 6.7. The Chief Executive shall appoint two Scrutineers to supervise the Ballot, and to ascertain the result thereof.
- 6.8. The Ballot Box shall be inspected by the Scrutineers and sealed by the Secretary in their presence, prior to the issue of Ballot Papers.

- 6.9. The Secretary shall, in the presence of the Scrutineers and during the hours fixed for taking the Ballot, issue to each Member, entitled to vote, on his demand, one Ballot Paper which such Member shall personally complete, personally fold, and personally place in the Ballot Box.
- 6.10. On completion of the Ballot, or as soon thereafter as possible, the result thereof shall be ascertained by the Scrutineers in the presence of the Secretary, who will announce the result.

7. POSTAL BALLOT

- 7.1 A Postal Ballot shall be conducted in the following manner:-
- 7.2 The Secretary shall forward to every Member of the Federation, who is entitled to vote, a Ballot Paper. A Statement giving full particulars of the matter from which the question has arisen, shall accompany each Ballot Paper.
- 7.3 Each Ballot paper issued in terms of Subrule 7.2., shall be accompanied by a stamped addressed envelope, specially marked for the return of the ballot paper. No such ballot paper or envelope shall bear any mark by which it may be connected or identified with the Member, to whom it is sent.
- 7.4 Each ballot paper shall clearly set out the time and date on or before which the completed paper must be returned to the Secretary, which date shall not be less than 21 (twenty-one) days from date of issue by the Secretary.
- 7.5 Two Scrutineers shall be appointed by the Chief Executive to supervise any ballot, and to ascertain the result thereof.
- 7.6 The ballot box or boxes shall be inspected by the Scrutineers and sealed by the Secretary, in their presence, prior to the issue of ballot papers.
- 7.7 Completed ballot papers shall be returned by post to the Secretary, who shall deposit them in a sealed ballot box or boxes. Completed papers deposited in the ballot box by the Secretary must remain and be enclosed in the envelope provided in terms of Sub-rule 7.3.
- 7.8 Ballot papers returned after the time and date specified in the ballot paper shall be disregarded.
- 7.9 On completion of a ballot, or as soon thereafter as possible, the result thereof shall be ascertained by the Scrutineers, in the presence of the Secretary who shall forthwith advise the Chief Executive, who will advise the President of the Federation.
- 7.10 All ballot papers shall be so framed that the question to be determined can be answered by the insertion of a cross or crosses in the appropriate place.
- 7.11 Ballot papers shall not be signed or marked in any way, apart from the mark required to be made in recording the vote. Papers bearing any other marks, shall be regarded as spoilt and shall not be counted.

- 7.12 On completion of a ballot, after the result has been announced, all ballot papers, including spoilt papers, shall be placed in a sealed container, which shall be retained by the Secretary for not less than 3 (three) months, during which period the ballot papers shall, on a written demand, from not less than 25% (twenty-five per centum) of the Members, who were entitled to participate in the ballot, be re-counted by two Scrutineers appointed by the Chief Executive.

PART VI – THE SECRETARY

8. THE SECRETARY

- 8.1 The Secretary appointed in terms of Section 25., of the Constitution, and subject to the provisions of that Section, shall be responsible for:-
- 8.1.1 Keeping such Books and Accounts as may be required by law, or determined by the Chief Executive.
- 8.1.2 The receipt of requisitions for, and the issuing of notices of all meetings of the Management Committee and of Congress or, General Meetings of the Federation
- 8.1.3 The receipt of requisitions for, and the issuing of notices of all meetings of any Committee or Sub-Committee.
- 8.1.4 The conduct of all correspondence of the Federation, keeping the originals of all letters received, and copies of letters despatched.
- 8.1.5 Attending all meetings of the Management Committee, and all General Meetings of the Federation, and the recording of all minutes of such meetings
- 8.1.6 Attending all meetings of any Committee or Sub-Committee and the recording of all minutes of such meetings.
- 8.1.7 Issuing official receipts for all moneys received by him on behalf of the Federation, and the banking of such monies as soon as possible.
- 8.1.8 Maintaining a Register of all Members of the Federation in terms of Clauses 12., of the Constitution.
- 8.1.9 The submission to the Management Committee of Reports on the financial position of the Federation whenever required to do so by the said Committee.
- 8.1.10 Ensuring compliance with the provision of the Act relating to Employers Organizations.
- 8.1.11 The proper performance of such other duties as may be imposed on him by the Constitution, or these Rules, or which may be allocated to him by the Chief Executive.

PART VII – MEMBERSHIP: DIVISIONS, CATEGORIES AND CLASSES ESTABLISHED IN TERMS OF RULES 2 AND 3

9. CLASSES OF MEMBERS

- 9.1 Membership of the Federation shall be classified as follows:
- 9.1.1 FULL MEMBER or
- 9.1.2 ASSOCIATE MEMBER or
- 9.1.3 SPECIAL MEMBER or,
- 9.1.4 HONORARY MEMBER.

9.2 FULL MEMBER

9.2.1 Full membership of the Federation may be granted to any Employer in Zimbabwe whose firm is engaged in the Industry and employs or provides work for any person in the Construction Industry.

9.3 ASSOCIATE MEMBER

9.3.1 Associate Membership of the Federation may be granted to a firm in Zimbabwe, who is not an employer in the Industry, but who is engaged in an activity serving the needs of the Construction Industry in Zimbabwe as described in Rule 9.12.2.

9.4 SPECIAL MEMBER

9.4.1 Special Membership of the Federation may be granted to any individual, firm, organization or association, who does provide a service to Members of the Federation.

9.5 HONORARY MEMBER

9.5.1 The Management Committee by a 75% (seventy five percent) majority of those present and voting at a regular meeting of the Management Committee, may, as a token of appreciation for outstanding services rendered in the advancement of the objects of the Federation, elect as an Honorary Member of the Federation, any person who has rendered meritorious service directed towards the fulfillment of the objects of the Federation. An Honorary Member shall be entitled to all the benefits of ordinary Membership without the payment of any fee, subscriptions or levies as prescribed in Section 16 of the Constitution and Rules 3 and 10, but shall not be entitled to a vote in his capacity as an Honorary Member, nor be eligible for election to the Management Committee nor be taken into consideration in determining the Representatives of the Federation as an Employers organization, in terms of the provisions of the Act.

9.6 DIVISIONS

9.6.1 Applications for ordinary Membership shall be made for one of the following divisions: -

- 9.6.1.1 General Contractors
- 9.6.1.2 Electrical Contractors
- 9.6.1.3 Sub-Contractors
- 9.6.1.4 Associate Members
- 9.6.1.5 Dormant Contractors
- 9.6.1.6 Special Members

9.7 Applications shall be made on the prescribed form, as required in terms of Rule 2.5., and the admission to a particular division, category and/or class or classes applied for shall be at the sole discretion of the Council.

9.8 CATEGORIES: GENERAL AND ELECTRICAL CONTRACTORS

9.8.1 Applicants in the following divisions shall be admitted to Membership and registered in a category in accordance with the value of contracts which they are capable of and who the Management Committee feel are capable of and prepared to undertake, as follows:-

9.9 GENERAL CONTRACTORS

9.9.1 BUILDING

| CATEGORY | | VALUE OF CONTRACT |
|----------|-------|-------------------|
| A | up to | Unlimited |
| B | up to | \$15 000 000.00 |
| C | up to | \$10 000 000.00 |
| D | up to | \$ 3 000 000.00 |
| E | up to | \$1 500 000.00 |
| F | up to | \$1 000 000.00 |

9.9.2 CIVIL ENGINEERING

| Category | | Value Contract |
|----------|-------|-----------------|
| A | up to | Unlimited |
| B | up to | \$15 000 000.00 |
| C | up to | \$10 000 000.00 |
| D | up to | \$ 3 000 000.00 |
| E | up to | \$1 500 000.00 |
| F | up to | \$1 000 000.00 |

9.9.3 ELECTRICAL CONTRACTORS

| Category | | Value Contract |
|----------|-------|----------------|
| A | up to | Unlimited |
| B | up to | \$6 000 000.00 |
| C | up to | \$2 000 000.00 |
| D | up to | \$1 000 000.00 |
| E | up to | \$500 000.00 |

9.10 CLASSES OF TRADES: SUB-CONTRACTORS

9.10.1 Applications for Membership in this division shall be for one of the classes of trade, as described below:-

- 9.10.1.1 Acoustics Engineering, Heating, Ventilation, Air Conditioning and Refrigeration Engineers.
- 9.10.1.2 Art Metal Work, Aluminium and Steel Window Specialists
- 9.10.1.3 Bricklaying
- 9.10.1.4 Ceiling Specialists
- 9.10.1.5 Demolishers
- 9.10.1.6 Excavation and Earthmoving, Roadworks, Tennis Courts, Swimming Pools, etc
- 9.10.1.7 Fencing, Precast Walling and Structures
- 9.10.1.8 Fire Protection and Sprinkler Engineers
- 9.10.1.9 Glazing
- 9.10.1.10 Joinery and Shop Fitting
- 9.10.1.11 Painting And Decorating, Signwriting
- 9.10.1.12 Patent Flooring and Floor Layers, Roof Waterproofing And Tanking
- 9.10.1.13 Plastering
- 9.10.1.14 Plumbing, Drain Laying and Sheet Metal Works
- 9.10.1.15 Roof Slating, Tiling and Sheeting

- 9.10.1.16 Scaffolding, Formwork Specialists
- 9.10.1.17 Structural Engineers, Steel Reinforcing Engineers.
- 9.10.1.18 Wall Tiling, Mosaic and Marble Worker, Terrazzo Specialists, Reconstructed Stone Work.

9.11 CATEGORIES: SUB-CONTRACTORS

9.11.1 Applicants in this division shall be admitted to Membership related to a class of trade described in Rule 9.10.1., and registered in a category in accordance with the value of the Contracts of which they are capable and who the Management Committee feel are capable of and prepared to undertake, as follows: -

| 9.11.1.1 | Category | Value Contract |
|----------|----------|----------------|
| | A up to | Unlimited |
| | B up to | \$6 000 000.00 |
| | C up to | \$2 000 000.00 |
| | D up to | \$1 000 000.00 |
| | E up to | \$500 000.00 |

9.11.2. For the purpose of this Rule, "Sub-Contractor" shall mean a Member who contracts to carry out any class of work for a General Contractor (Building or Civil), as described in 9.10.1 above.

9.12 CATEGORIES: ASSOCIATE AND SPECIAL MEMBERS

9.12.1 Applicants in this division shall be admitted to membership in a category in accordance with the Region in which the Member conducts business: -

| Category | Region |
|----------|--------------|
| A | Mashonaland |
| B | Matebeleland |
| C | Midlands |
| D | Manicaland |
| E | Other |

The Regions are established in terms of Clause 27 of the Constitution.

9.12.2 For the purpose of this Rule, "Associate Member" means a Member who supplies construction materials, plant and services to the Industry, whether they are supplied or manufactured by the Member or merely sold by the Member.

9.12.3 For the purpose of this Rule, "Special Member" means a member as described in Rule 9.4.

ALPHABETICAL INDEX**CONTENTS****RULE****A**

| | |
|--------------------------------------|------|
| Additional Registration | 2.20 |
| Admission – Into Lesser Category | |
| - Refund | 2.11 |
| Annual Subscriptions | 3 |
| Annual Subscriptions Payable – | |
| Proportion Of | 3.2 |
| Applications | 2.5 |
| - Additional Registration | 2.20 |
| - Approved | 2.10 |
| - Form Of Application | 9.7 |
| - Reclassification | 2.19 |
| - Rejection Of Probation Application | 2.16 |
| - Transfer To Another Division | 2.19 |
| - Up-Grading To Another | 2.19 |
| Division | 2.20 |
| | 2.23 |
| - Use Of Prescribed Form | 9.7 |
| Approved Application | 2.10 |
| Associate Membership | 9.3 |

B**BALLOTS**

| | |
|--------------------------|---|
| - Federation And Regions | 6 |
| - Postal | 7 |

C

| | |
|----------------------------------|------|
| Categories | 2.4 |
| | |
| - Admission Into Lesser – Refund | 2.11 |
| - Associate Members | 9.12 |
| - Electrical Contractors | 9.8 |
| - General Contractors | 9.8 |
| - Special Members | 9.12 |
| - Sub- Contractors | 9.11 |
| Chairmen – Standing Committee | 4.7 |
| | |
| Chairman – Regional Committees | 4.8 |
| Change Of Control Of Firm Etc | 2.28 |
| Classes | |
| - Of Members | 9.1 |
| - Associate Members | 9.3 |
| - Full Members | 9.2 |
| - Honorary Members | 9.5 |

| | |
|-------------------|-----|
| - Special Members | 9.4 |
|-------------------|-----|

CONTENTS**RULE**

| | |
|-----------------------------------|------|
| Classes Of Trades – | |
| Subcontractors | 9.10 |
| Committees – Standing Committee | |
| Chairmen | 4.7 |
| Contracts – Furnishing Details Of | 2.25 |
| Control Of Firm, Company Etc | |
| - Change Of | 2.28 |

D

| | |
|-------------------------|------|
| Date – Effective | 7.1 |
| Definitions – General | 1.2 |
| Divisions Of Membership | 2.4 |
| Divisions Of Membership | 9.6 |
| Dormant Members | 2.27 |
| Duties Of Secretary | 8 |

E

| | |
|-------------------------------------|------|
| Effective Date | 1.1 |
| Elected Members – Federation | 4.6 |
| Elections | 4 |
| Electioneering – Prohibition | 3.3 |
| Electrical Contractors – Categories | 9.8 |
| Entrance Fees & Annual Subs | 3 |
| Establishment Of Membership – | |
| Transitional Period | 2.1 |
| Expulsions | 2.26 |

F

| | |
|--|------|
| Fees To Be Paid On Up-Grading | 2.24 |
| Fees Entrance And Annual Subscriptions | 3 |
| Fees Prohibition Use Of | 3.3 |
| Fines – Star Meeting | 5.2 |
| Form – Prescribed Application Form | 9.7 |
| Full Members | 9.2 |
| Furnishing Details Of Contracts | 2.25 |

G

| | |
|--------------------------------|------|
| General Meeting - Motions | 5.1 |
| General Provisions – Tendering | 10.3 |

H

| | |
|-----------------|-----|
| Honorary Member | 9.5 |
|-----------------|-----|

| | | | |
|--------------------------------------|------|---------------------------------------|------|
| I | | | |
| Immediate Past President | 4.5 | | |
| J | | | |
| Junior Vice – President | 4.4 | | |
| K | | | |
| | | L | |
| M | | | |
| Meetings – General – Motions | 5.1 | | |
| - Star | 5.2 | | |
| Membership – Establishment Of | 2.1 | | |
| Membership | | | |
| - Categories | | | |
| Associate & Special | 9.12 | | |
| General & Electrical | 9.8 | | |
| Sub-Contractors | 9.11 | | |
| -Classes Of Trades Subcontractors | 9.10 | | |
| -Divisions | 9.6 | | |
| Probationary Membership | 2.10 | | |
| -Transitional period | 2.1 | | |
| Motions – General Meetings | 5.1 | | |
| N | | | |
| Nomination And Election Of Office | | | |
| Bearers And Officials – Federation | 4.2 | | |
| O | | | |
| Office Bearers And Officials | | | |
| - Election Of | 4. | | |
| P | | | |
| Past – Immediate Past President | 4.5 | | |
| Postal Ballots | 7. | | |
| Prescribed Application Form | 9.7 | | |
| President The: Nomination & Election | 4.1 | | |
| President – Senior Vice | | | |
| Nomination & Election | 4.3 | | |
| President – Junior Vice | | | |
| Nomination And Election | 4.4 | | |
| President – Immediate Past | 4.5 | | |
| Probationary Membership – | | | |
| - Contract Details | 2.13 | | |
| - Rights While On Probation | 2.12 | | |
| - Period Of Probation | 2.10 | | |
| - Application To A Higher Category | 2.19 | | |
| - Payable | 3.2 | | |
| Q | | | |
| Quorum – See Constitution | | | |
| | | R | |
| | | Reclassification – Application | 2.19 |
| | | Refunds – Admission Into Lesser | |
| | | Category | 2.11 |
| | | Regional Committee Chairmen | 4.8 |
| | | Rights Of Probationary Members | 2.12 |
| | | S | |
| | | Secretary – The Duties | 8 |
| | | Senior Vice President | 4.3 |
| | | Special Members | 9.3 |
| | | Standing Committee Chairman | 4.7 |
| | | Star Meetings – Fines | 5.2 |
| | | Sub-Contractors | |
| | | - Categories | 9.11 |
| | | - Classes Of Trades | 9.10 |
| | | - Contracting In A Division For Which | |
| | | Member Is Not Registered | 2.21 |
| | | T | |
| | | Tendering | |
| | | - Tendering | 10.2 |
| | | - General Provisions | 10.3 |
| | | - Successfully For Contract Above | |
| | | His Category | 2.22 |
| | | The Secretary | 8 |
| | | Trades – Sub-Contractors | 9.10 |
| | | Transfer To Another Division | |
| | | - Application | 2.19 |
| | | Transitional Period | 2.1 |
| | | U | |
| | | Up-Grading – Application | 2.19 |
| | | Up-Grading – Fees To Be Paid | 2.24 |
| | | V | |
| | | Vice – President – Junior | 4.4 |
| | | Vice – President – Senior | 4.3 |