

# **INSTITUTE** **FOR WORK AT HEIGHT**®



**INSTITUTE**  
**FOR**  
**WORK AT HEIGHT**  
**Constitution**

Registration No 2008/023831/08

**1. PREAMBLE**

- 1.1. This constitutional document is a product of the Institute for Work at Height's (hereinafter "IWH") desire to align both trade and professional body so as to optimize effectiveness in its set objectives.
- 1.2. It should be noted that this document forms the primary scope and delineation of the entity's memorandum of incorporation to be developed in due course. This by implication aligns all salient matters with the companies' Act of 2008.
- 1.3. The intent of the organizational structure defined is to adequately distribute power whilst maintaining operational efficiency. To this end the organizational structure closely resemble that of a federal system. In the tradition of the separation of powers doctrine, the IWH will be organized in the following branches:
  - 1.4. Legislative Branch, consisting of the National Executive Council (hereinafter "NEC").
  - 1.5. The Executive Branch, consisting of the President hereinafter called "the President" and various committees as set out in 8 which will function under his auspices.
  - 1.6. The Judicial Branch consisting of the Constitutional Council, which will function as the advisor to the NEC in regard to constitutional matters, arbitration of differences between chambers and other organizations within the framework of the IWH and as adjudicator of appeals in disciplinary matters between chambers and their members.

## **2. VISION AND OBJECTIVES**

- 2.1. The Institute for Work at Height is the recognized entity in Southern Africa, Africa and the world for working safely and effectively at height.
- 2.2. Our members derive value from the collective knowledge base, aligned industry representation, trusted quality standards and professional affiliation.
- 2.3. We save lives by ensuring correct training standards and best practice methods are disseminated to all members through the most effective channels of communication.
- 2.4. Affiliation with our Professional Body enhances the practitioners' safety, efficiency and consequent value in the labour market.
- 2.5. Our service orientation is above reproach and sets the standard for all our stakeholders.

## **3. MISSION**

- 3.1. We endeavour to be representative of the Work at Height population of South Africa, Africa and the world respectively.
- 3.2. We aid the applicable legislative entities in improving safety at height by disseminating relevant information to the population.
- 3.3. We will build our professional body to be the recognized professional affiliation in industry and the quality partner for government as legislated.
- 3.4. The entity is viable and operates within internationally benchmarked best practices.

- 3.5. The IWH subscribes to good governance based on strong espoused values being serving, transparency, honesty, integrity, inclusiveness, empowering and equality.

#### **4. MEMBERSHIP**

##### **4.1. VOTING MEMBERS: INDUSTRY REPRESENTATIVE**

- 4.1.1. An enterprise that has specialist skills in the Work at Height industry.
- 4.1.2. Training providers recognized by the Professional Body.

##### **4.2. NON – VOTING MEMBERS:**

- 4.2.1. Affiliate: Any organization or association having similar objectives to the IWH, or; professional consulting bodies or individuals who render a service to the Work at Height industry.
- 4.2.2. Practitioner: Any individual who holds a current Professional Designation awarded by the Professional Body.
- 4.2.3. Honorary membership: Honorary membership is the IWH's highest honor. It is conferred on a person whose contribution towards the IWH or a closely related field is so outstanding that it is of lasting importance to the advancement of the whole field of working at height service in South Africa. It is intended to honour the individual's high level of personal commitment and achievement.

##### **4.3. VOTING RIGHTS:**

- 4.3.1. All Industry Representative has a single vote of equal weight.
- 4.3.2. All voting members agree to associate with a specific chamber as specified in 5, and will cast their votes in said chamber. To this end each voting member should elect a single chamber wherein said member is allowed to exercise its vote. Chamber participation is not restricted other than only one voting chamber will be allowed per member. To ensure clarity, this does not limit the members activities in other chambers where voting is not required.
- 4.3.3. Each chamber will select from its ranks a chamber chairperson and vice chairperson whom will serve on the NEC.
- 4.3.4. Both representatives as defined in 4.3.3 shall serve a 2 year term.

## **5. CHAMBERS**

The following chambers are hereby established:

- 5.1. **ROPE ACCESS:** Representatives and affiliates engaged in rope access.
- 5.2. **SUSPENDED ACCESS EQUIPMENT:** Industry representatives and affiliates engaged with suspended access equipment.
- 5.3. **MOBILE ELEVATING WORK PLATFORMS:** Industry representatives and affiliates engaged with mobile elevating work platforms.
- 5.4. **SCAFFOLDING:** Industry representatives and affiliates engaged with scaffolding.
- 5.5. **FALSEWORK:** Industry representatives and affiliates engaged with falsework.

- 5.6. **TOWERS AND LADDERS:** Industry representatives and affiliates engaged with demountable towers and ladders.
- 5.7. **FALL PROTECTION SYSTEMS:** Industry representatives and affiliates engaged with fall protection systems.
- 5.8. The IWH function as a federal authority and the following aspects are irrevocably ceded to the IHW's exclusive jurisdiction:
- 5.8.1. Formulation of policies.
  - 5.8.2. Acting as representative for the Industry with Government and Civil Society.
  - 5.8.3. Arbitration of conflicts between chambers and delineating jurisdictions of chambers.
  - 5.8.4. Membership acceptance criteria including fee structures.
- 5.9. **CHAMBER OFFICE BEARERS:**
- 5.9.1. The chair, alternatively the vice chair is responsible for leading and coordinating the chamber activities to attain the vision, mission and strategy of the IWH.
  - 5.9.2. **Responsibilities and Accountabilities:**
    - i. Coordinating chamber committees and activities.
    - ii. Ensuring good governance in the chamber.
    - iii. Managing membership and good standing of members.
    - iv. Attaining mandates from chamber for voting at the NEC.
    - v. Ensuring broad consultation / representation.
    - vi. Ensuring chamber website is up to date.

**5.9.3. Limits of authority:**

- i. Management of chamber fund allocation within the ambit of the chamber activities as authorised by the NEC.
- ii. Ratification of members.
- iii. Voting at the NEC.

**5.9.4. Term of office:**

- i. The chamber chairperson and vice chairperson will serve in two year terms and may be re-elected to serve a total maximum of three terms.
- ii. For the initial term of office following ratification of the constitution, the chairperson will serve a term of three years to allow continuity alternation with vice chairperson.
- iii. The elections for chamber chairperson and vice chairperson will occur yearly and alternate between chairperson and vice chairperson so as to ensure leadership continuity.

**6. LEGISLATIVE BRANCH**

- 6.1. The NEC will be the legislative body with the final say as to all rules and policies within the IWH. All NEC members are deemed directors for the purposes of the Companies Act of 2008 (hereafter the Act).
- 6.2. The NEC will express such decisions by way of a majority votes by eligible voting members, a two-thirds majority in relation to amendments of this constitution and a plain majority as to general matters.
- 6.3. Each chamber as noted in 5 will select, by majority vote, two representatives to the NEC, being the chairperson and vice chairperson of such chamber. Said elected members will be the voting members of

the NEC, with the exclusion of the President and the constitutional council chairperson whom will only have a casting vote as defined.

- 6.4. All members will have the right to make written submissions for the NEC but only voting members will be allowed to vote.



**6.5. MEETINGS TO THE NATIONAL EXECUTIVE COUNCIL (NEC):**

- 6.5.1. The NEC will keep record of all meetings.
- 6.5.2. General meetings will be held on a six monthly basis.
- 6.5.3. A quorum will be reached when at least 65% of the voting members are represented.
- 6.5.4. The President of the IWH or, in his / her absence, the Constitutional Council Chairperson shall take the chair at all NEC meetings.
- 6.5.5. The Notice of any NEC 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.
- 6.5.6. Extraordinary General Meetings as provided by the Act shall convene within thirty days after receipt of a written application by at least 10% of the IWH voting members, provided that such application shall specify the purpose for which the meeting is required. At all Extraordinary General Meetings, 50% of voting NEC members 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. If, at the appointed time for any meeting, the President or Constitutional Chairperson are absent, the members present may choose a chairperson from amongst themselves. Only such business as may be specified in the

Notice convening the meeting shall be dealt with at the meeting.

## **7. EXECUTIVE BRANCH**

### **7.1. THE PRESIDENT:**

- 7.1.1. Will be elected by the NEC.
- 7.1.2. After being elected he / she will vacate the office bearer position of the relevant chamber in which he / she acquired voting rights as a voting member. The affected chamber will then elect another representative to the NEC in the place of the newly elected President.
- 7.1.3. Will act as the chairperson of the NEC meetings.
- 7.1.4. Will only have a casting vote in the event of a deadlock and not a normal vote.
- 7.1.5. Will act as the spokesperson for the IWH and represent the IWH with all external stakeholders.
- 7.1.6. Will be the head of the executive and will act as chief executive officer.
- 7.1.7. Will have all powers necessary to fulfil his / her duties including and not limited to the appointment of other officials and administrative personnel provided that he / she stays within the budget approved by the NEC.
- 7.1.8. May appoint an executive director when required to coordinate executive activity within the IWH.
- 7.1.9. Leads and coordinate the IWH activities to attain the mission of the IWH.

- 7.1.10. Maintain strategic intent of the IWH.
- 7.1.11. Coordinate the NEC and its activities.
- 7.1.12. Ensures good governance.
- 7.1.13. Ensures broad consultation.
- 7.1.14. Ensures adherence to the constitution and its intent.
- 7.1.15. Provides a casting vote when required.
- 7.1.16. Provides oversight of committees.
- 7.1.17. Ensures the IWH web page is up to date and a platform is available for all chamber sites to be maintained as per 5.9.2.
- 7.1.18. **Limits of authority:**
  - i. Approval of IWH expenses within mandated budget.
  - ii. Appointment and dismissal of IWH staff.
  - iii. Suspension of members with reasonable cause pending disciplinary enquiry.
- 7.1.19. **Term of office:**
  - iv. The President will serve in two year terms and may be re-elected to serve a total maximum of three terms.
  - v. For the initial term of office following ratification of the constitution, the President will serve a term of three years to allow continuity alternation with the chairperson of the constitutional council.
  - vi. The elections for the President will occur biannually on the alternating year of the election for the chairperson of the constitutional council.

## **8. THE COMMITTEES**

- 8.1. The President or his / her designate holds line management control of the following committees:-
  - 8.1.1. Fall Protection Committee.
  - 8.1.2. Skills and Ratification Committee.
  - 8.1.3. Marketing Committee.
  - 8.1.4. Finance and Risk Committee.
  - 8.1.5. Rules and Regulations Committee.
- 8.2. The NEC will determine the scope of the respective committees activities and may at any time authorize additional or ad-hoc committees as and when it is required.
- 8.3. Committees will consist of a minimum numbers of one representative from each chamber. Said elected committee representatives will all have one vote of equal weight on the relevant committee.
- 8.4. A quorum at any committee meeting will be reached when at least 65% of voting committee members are present.
- 8.5. The committees will elect from its ranks a chairperson.

## **9. THE COMMITTEE CHAIRPERSON:**

- 9.1. Manage the activities of the committee within its mandate.
- 9.2. Communicate with all chambers and the IWH.
- 9.3. Coordinates committee activities.
- 9.4. Ensures good governance in the committee.

## **10. JUDICIAL BRANCH**

### **10.1. CONSTITUTIONAL COUNCIL**

- 10.1.1. The Constitutional council will function as the Judicial Organ of the IWH.
- 10.1.2. The NEC will elect a constitutional council chairperson from its ranks and nominate one member per chamber to serve on the council. These persons may be nominated on an ad-hoc basis to assist the chair in his or her deliberations.
- 10.1.3. The constitutional council chairperson will act as a non-executive chairperson for the purposes of the Act.
- 10.1.4. After being elected he / she will vacate the office bearer position of the relevant chamber in which he / she acquired voting rights as a voting member. The affected chamber will then elect another representative to the NEC in the place of the newly elected constitutional council chairperson.
- 10.1.5. It will be responsible for advice to the NEC on constitutional amendments, to mediate and adjudicate between chambers and other internal organs / entities and to function as body of appeal for decisions of the disciplinary committees of chambers in dealing with their members.
- 10.1.6. Will determine which members of the Constitutional Council will be involved in which issue.
- 10.1.7. Will have the power, within approved budgets to appoint persons outside the committee on an ad-hoc basis where

necessary.

10.1.8. Will be responsible to draw up its own rules of procedures.

10.1.9. **Term of office:**

- vii. The constitutional council chairperson will serve in two year terms and may be re-elected to serve a total maximum of three terms.
- viii. The elections for the constitutional council chairperson will occur biannually on the alternating year of the election for the President.

## **11. GENERAL RULES**

### **11.1. GEOGRAPHICAL CHALLENGES WITH MEETINGS AND VOTING**

- 11.1.1. The constitution allows for voting via mail and meetings facilitated by web casting or any electronic conferencing system that can be reasonably be tested for open accessibility and authenticity. All decisions made empowered by electronic voting will be communicated in public minutes and may be challenged for a period of two weeks after publication only on the grounds that the electronic system misrepresented the vote cast.
- 11.1.2. Each entity will be responsible for maintaining a web site detailing its working and minutes that should be accessible for all members and stakeholders. The platform for web activity should be provided by the IWH.

## **11.2. CONFLICT OF INTEREST**

- 11.2.1. No member may be a voting member of more than one chamber.
- 11.2.2. All familial relationships must be disclosed to and approved by the national executive council prior to appointment in the relevant role.
- 11.2.3. Any potential situation where a conflict of interest could exist should be disclosed to the relevant body responsible for governance. Such members directly or indirectly involved in decisions of an entity within the IWH should recuse themselves from the relevant discussion making process.

## **12. FINANCE**

### **12.1. NATIONAL COUNCIL ACCOUNTS:**

- 12.1.1. Be maintained to a recognized South African or International standard.
- 12.1.2. Be kept at the registered office of the IWH or at such other place as Council may decide.
- 12.1.3. Be submitted, together with other relevant financial records, to a competent person for an annual voluntary 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 NEC members.

- 12.1.4. The Annual Audit Report shall be open for inspection by any member.
- 12.1.5. Signing Powers for financial transactions will be vested in the President and relevant manager or NEC member and any two of these persons' signatures will be necessary for the withdrawal of any monies from any bank accounts held by the IWH.
- 12.1.6. Funds of the IWH shall be held in a Bank Account and / or such other accounts as the NEC may approve.
- 12.1.7. Receipts shall be issued for any income received by the IWH 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.
- 12.1.8. All payments shall be made by cheque or electronic banking, for electronic banking the bank will require a copy of the NEC Resolution authorizing an executive member to access this facility.
- 12.1.9. No cash payments are to be made with the exception of petty cash expenses authorised by the President.
- 12.1.10. The income and property of the IWH, when so ever derived, shall be applied solely towards the promotion of the objectives of the IWH as set forth in this constitution.
- 12.1.11. The IWH may make payment in good faith or remunerated any officer or servant of the IWH or to any member thereof, in return



for services actually rendered to the IWH providing it is at arm's length and disclosed to the NEC.

- 12.1.12. The IWH will only have one bank account per country per operation.
- 12.1.13. The President shall submit an annual budget for the ensuing year for approval to the NEC prior to the last meeting before the end of November of the current year.
- 12.1.14. The liability of the members is limited.

### **13. OTHER**

- 13.1. The members of Council, or any committee established by Council, shall be indemnified by the IWH 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.
- 13.2. The Registered Office of the IWH shall be that as registered with the National Register.
- 13.3. The IWH shall keep an up to date copy of this Constitution and Council will make it available on the website for anyone who wishes to scrutinize it. Individual members may apply to the Executive Secretary for their own copy of the Constitution in electronic form.