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# **KENYA NATIONAL UNION OF TEACHERS CONSTITUTION**

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## **Rules and Regulations**

**Revised February 2022**

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# CONSTITUTION

## RULES AND REGULATIONS

THE KENYA NATIONAL UNION OF TEACHERS WAS FOUNDED ON DECEMBER 4, 1957; ITS CONSTITUTION RATIFIED ON DECEMBER 10, 1958 AND REGISTERED ON MAY 14, 1959.

### ARTICLE I – NAME AND REGISTERED OFFICE

1. The Trade Union and Professional organization constituted by these Rules shall be known as the “**KENYA NATIONAL UNION OF TEACHERS**” herein-after referred to as the Union.
2. The Registered Office of the Union shall be at the UNION HEADQUARTERS BUILDING, MFANGANO STREET, Nairobi which shall be the place of meeting for conducting the business of the union. The Postal Address of the Union shall be Box 30407- 00100 NAIROBI, Kenya.

### ARTICLE II – FUNCTIONS OF THE UNION

The aims and objectives of the union shall be:-

1. To bring together and to unite Teachers of all grades and qualifications in Kenya.
2. To provide means for co-operation among the Teachers and the expression of their collective opinions, views and decisions upon matters affecting the interest of Education and the Teaching Profession in Kenya.
3. To participate in all matters calculated to lead to the improvement of Education and to promote the establishment of a common system of Education.
4. To secure effective representation of the Teaching Profession on the Government, public and private bodies or organizations, where such representation may be required.
5. To place at the disposal of the Kenya Government, the Ministry of Education Science and Technology and other relevant Ministries, the Teachers Service Commission, and any Council, board, or organization, public or private, who are concerned with or have relation to Educational Affairs, the advice, experience, and general co-operation of the union.

6. To secure solidarity and to extend the influence of the Teaching Profession in Kenya.
7. To Co-operate with other societies, bodies, associations, unions or organizations within or outside Kenya having Objectives together or in part similar to the objectives or some of the objectives of the Union.
8. To raise and maintain the standard and status of the Teaching Profession and to endeavour to make available to members of the Union higher posts in the Education Service of the Country.
9. To watch the administration and the working of the various educational codes, ordinances, regulations, minutes, and circulars and to procure the amendments of their terms and their removal where educationally desirable.
10. To offer advice and general assistance to individual members in Education and Professional matters, and in legal cases in which a member may be involved.
11. To secure and maintain unified and better terms and conditions of employment and service for all teachers.
12. To settle disputes between members of the Union or between its members and their employers and to regulate their relations between them by collective and constitutional means.
13. To participate with other organizations, in conferences, local or international.
14. To encourage and assist members to form Credit Unions, Consumer Co-operatives, Burial and Benevolent Funds/Schemes, Education Funds and any other socio-economic ventures and supervise their operations.
15. To acquire either by purchase, lease, or otherwise, any movable or immovable property or other assets, and sell, let, mortgage or charge or otherwise deal with or dispose of movable or immovable property belonging to the Union.
16. To establish and maintain funds by means of entrance fees, voluntary contributions, subscriptions, levels, and by borrowing on such security and such terms as may from time to time be arranged by the National Executive Council.
17. To seek and obtain legal advice and any other assistance on any matters affecting the Union or for protecting the rights of a member or members on matters arising out of the relations with their employers. Provided that the National Executive Council shall have the sole right to decide whether or not such legal advice or assistance is in the best interests of the Union or members concerned.

### ARTICLE III - MEMBERSHIP

1. Every registered teacher, certified, licensed or authorized to teach in Public Primary school in Kenya against whose professional conduct no charge can be sustained shall have the right of admission to any of the branches of the Union upon payment of Entry Fees which amount shall be determined from time to time by the National Executive Council as provided for in the Rules of the Union together with other levies that may be stipulated by the particular Branch which the teacher desires to join. Persons eligible for membership of the Union shall be only those who are or have been regularly and normally engaged as teachers.
2. Any other teacher of basic education teaching in a Public school in Kenya who willfully and knowingly applies to join the Kenya National Union of Teachers.
3. If, in the opinion of an Branch, the applicant's professional conduct makes it desirable that his/her name should not be on the Roll of members, the matter shall be referred to the National Executive Council for enquiry by the Professional Standards Committee of the Union.
4. Any teacher having been declared by the National Executive Council ineligible shall remain ineligible until such time as the National Executive Council may decide to admit his/her membership.
5. Upon admission, the Teacher's full name shall be written in the Union's Norminal Roll showing the member's name in the Teachers' Register kept by the Teachers Service Commission of Kenya, and when possible the name or management of school to which the member is assigned. The member shall be provided with a Membership Card bearing his/her name in full, address and such further particulars that may be necessary to afford easy identification of the member.
6. Every application for membership shall be accompanied by a Remittance of Kenya Shillings One hundred (KSh.100/=) as entrance fee (besides which additions may be stipulated by the local branch) and paid to the Treasurer. No person shall be admitted to the Union or any of its branches, unless he/she has previously agreed to abide by the Rules of the Union. In addition to Registration Fee, the new member must pay the Annual Subscription for the year and any other levies that may be decided upon by the National Executive Council or the Annual Delegates Conference.

7. (a) The Union Subscription Fee shall be collected from every member of the union at the rate of two percent (2%) of the basic salary of every member per month; provided that such amount collected in lieu of subscription fee shall not exceed One Thousand Two Hundred shillings (Kshs. 1,200/=) per month.
- (b) The Subscription Fee shall, in as far as possible, be collected through the Check-Off-System.
- The National Treasurer shall pay to the Branch Treasurer a percentum to be decided upon by the National Executive Council (NEC) of the union the total monthly subscriptions collected from the branch.
- (d) If at any time the National Executive Council is of the opinion that the allocation of the subscriptions should be revised, they have the power to make the necessary revision.
- (e) The Kenya National Union of Teachers (KNUT) shall operate on a closed shop system.
8. Any member of a Branch of the Union who is transferred from one County to another, shall on payment of all dues, be entitled to a “Deem it” which shall make him/her eligible for membership to the Branch of his/ her new area without the necessity of paying the entrance fee or the annual subscription again.
9. Every member shall be at liberty to withdraw his/her membership from the union in writing to the employer with a copy to the NEC in which case the party withdrawing will cease to be entitled to enjoy any benefits or privilege from the union.
10. One shall cease to be a member of the union if he/she has been dismissed and his/her certificate, licence or authority to teach has been cancelled by the Teachers Service Commission except a member whose case is taken up as a trade dispute by the Kenya National Union of Teachers until the dispute is finalized and the solution is not in his/her favour.
- Furthermore, one ceases to be a member if he/she retires or resigns from the teaching service except the full-time elected officers of the union including the Executive Officers (formerly teachers) whose compulsory retirement is as stated in their terms and conditions of service.
11. It shall be lawful for the National Executive Council to discipline any member of the Union in any way it may deem necessary either by censure, fine, suspension, expulsion; and any member expelled forfeits all rights.

12. Any member dissatisfied with the decision of his/her Branch can appeal to the National Executive Council within two months. Any member desirous of appealing shall give notice thereof to the Branch concerned before forwarding the appeal to the Secretary General, who shall place the appeal on the agenda for the National Executive Council meeting. The National Executive Council may suspend the operation of any decision of a Branch pending the hearing of such an appeal, should application be made to them for that purpose.
13. (a) Any Union member who, in the opinion of the National Executive Council, shall have injured or attempted to injure the Union or to work contrary to the interests of the Union or its members, or attempted to break off or dissolve the Union other than as allowed by the Constitution, or otherwise brought the Union to discredit, or refused to comply with the order or decision of any Committee having jurisdiction over the said member under this Constitution, or requested or taken work from the employer at any place where a professional dispute exists between such employer and the Union or any Branch of the Union, or obtained or attempted to obtain any of the benefits of the Union by means of misrepresentation, or knowingly participated in or been party to any fraud perpetrated on the Union such as misappropriation of its funds or the funds of any Branch thereof, or acted contrary to any orders or the directives of the National Executive Council rendering his/her conduct inconsistent with the duties of a member of the Union, may be expelled by the National Executive Council of the Union and he/she shall thereupon cease to be a member, but can appeal to the Annual Delegates Conference.  
  
(b) Any member of the Union who has been convicted of any crime involving fraud or dishonesty shall not be eligible for elections to any office of the Union at both National and Branch level.
14. Any member of the Union who resigns under “Section 8” of this Article may be readmitted on application to the National Executive Council.
15. Any student on being accepted for entrance to a Teacher Training Institution shall be eligible for membership of the local Branch of the Union in the Area of the authority under which she/he is a student, as an ASSOCIATE MEMBER.
16. Associate members shall not be obliged to pay any fee or subscription and shall have no voting rights.
17. Members of the Union shall be at liberty to join other educational organizations, so long as the rules and regulations of such other educational organizations are not contrary to the Constitution, Rules and Regulations of the Kenya National Union of Teachers.
18. Any member or official of the union elected, nominated or appointed to a political position, Parliament, County assembly or any other organization that can compromise the impartiality of the union and accept the position and continues to earn from it shall cease to be a member or official of the union.

## **ARTICLE IV – HONORARY MEMBERSHIP**

1. Honorary Membership may be conferred on any person who, in the opinion of the Annual Delegates' Conference has rendered outstanding service to the cause of the Union. Such Honorary membership shall not have any voting right on any matter, nor shall be eligible to hold any office in the Union.
2. Any member may propose in writing through the Branch Executive Committee to the National Executive Council one person for consideration for Honorary Membership of the Union. Provided that an Honorary Member shall not be eligible to propose any name for such consideration.
3. Honorary Membership may be conferred only with the majority approval of the Annual Delegates Conference.

## **ARTICLE V - NATIONAL OFFICIALS OF THE UNION**

1. Except as otherwise herein expressly provided, all National officials shall be elected every five years by Secret ballot at the Delegates Conference. The same shall constitute the NATIONAL STEERING COMMITTEE.
2. Constitution of National Steering Committee shall be representative of all the eight regions of Kenya and 2(Two) National Woman Representatives elected one each from the Eastern (Nairobi, Central, Eastern, North Eastern, Coast Regions) and Western ( Rift Valley, Western, Nyanza Regions) parts of Kenya.
3. Only such members of the Union not in arrears with their subscriptions shall be eligible for elections as National Official of the Union.
4. Only such members of the union sufficiently literate in the English and/or Kiswahili language and who are professionally trained and qualified teachers to be able adequately to perform the duties of such office, shall be eligible for elections as national officials of the union. Such persons shall have had at least eight(8) years continuous service as teachers and as members of the KNUT.
5. Every elected National official of the union shall vacate office on the expiry of five year term but shall be eligible for re-election provided that the said official has not attained the age of sixty-five (65) years.
6. Any National Official of the Union may be suspended from office by a two-thirds majority decision of all members entitled to attend and vote at the NEC. In the event of such suspension, the NEC shall have power to appoint one of its members to act in such post pending the decision of the annual Delegates Conference whether or not such an officer should be re-instate or dismissed.

The suspended officer shall be allowed to defend himself against the suspension at the Annual Delegates Conference before the final decision is made.

7. In the event of more than three National Officials of the Union dying, resigning, being dismissed, or otherwise ceasing to be National Officials during their term of

office, a special conference shall be convened to elect officers to fill the vacancies.

## ARTICLE VI – DESIGNATIONS AND DUTIES OF NATIONAL OFFICIALS

1. **National Chairman:** The National Chairman shall preside at all conferences Advisory Councils, National Executive Council and may preside over any other meetings, at which the chairman will be present, enforce observation of the Constitution and rules of the Union and perform such duties as by usage and custom pertain to his office. In the case of an equality of votes at any meeting except of Trustees, the Chairman shall have, in addition to his/her normal vote, a “Casting Vote”.
2. **1<sup>st</sup> Vice National Chairman:** The 1<sup>st</sup> Vice National Chairman shall preside over conferences and meetings in the absence of the National Chairman, and whilst so performing such duties, he/she shall have the same privileges as the National Chairman.
3. **2<sup>nd</sup> Vice National Chairman:** The 2<sup>nd</sup> Vice National Chairman shall preside over conferences and meetings in the absence of both the National Chairman and the 1<sup>st</sup> Vice National Chairman, and whilst so performing such duties, shall have the privileges as the National Chairman.
4. If for any reason the National Chairman fails or the two Vice National Chairmen fail to preside over properly convened and constituted conferences and meetings of the Union, the delegates attending such conferences and meetings shall have the right to appoint an **ad hoc Chairman**.
5. **The Secretary General:** The Secretary General shall issue notices of all the conferences and meetings and prepare the agenda of all the meetings, attend all Delegate Conferences and meetings of the National Executive Council and the Steering Committee and cause recording of Minutes and shall perform such other duties as prescribed by the National Executive Council, Advisory Council or Delegate Conferences. He shall be responsible for ensuring due compliance by the Union with the provisions of the Labour Relations Act, 2007 and all Regulations made there under. He shall function as the Chief Spokesman of the Union.
6. **Deputy Secretary General:** The Deputy Secretary General shall assist the Secretary General and act as the Secretary General in his absence.
7. **Assistant Secretary General:** The Assistant Secretary General shall assist the Secretary General and act for him in the absence of the Deputy Secretary General

and shall also perform any other duties as assigned to him/her by the Secretary General or the Deputy Secretary General acting for the Secretary General.

8. **National Treasurer:** The National Treasurer shall be responsible for Union funds and shall keep and maintain all necessary books of account. He shall ensure that no payments is made from Union funds under his control unless a payment voucher has been prepared and authorized in accordance with the provision of the Trade Unions (Accounts) Regulations. He shall prepare and submit to the Annual Delegates' Conference a report on the financial position of the Union, together with a statement of income and expenditure during the period of twelve months ending on the Thirty-first day of December preceding the Annual Delegates' Conference and a balance sheet as at such Thirty-first day of December.
9. **Deputy National Treasurer:** The Deputy National Treasurer shall assist the National Treasurer and act as such in his absence and while doing so, he shall enjoy the privileges of the National Treasurer.
10. **Assistant National Treasurer:** The Assistant National Treasurer shall assist the National Treasurer and Deputy National Treasurer and act in their absence and while doing so, he shall enjoy the privileges of the National Treasurer.
11. **National woman representatives;** shall represent the union in forums that articulate the rights of women, handle issues that touch on the position of women at the work-place and perform such duties as will be assigned to her by the Secretary General.
12. **National representative for Special Groups;** shall represent the union in fora that articulate the rights of special and marginalized groups including persons with disabilities, others to handle issues that touches on such special groups and perform such functions as shall be assigned by the Secretary General.
13. **Executive Officers:** The National Executive Council may appoint a full-time Executive Officer and determine his salary and conditions of service, provided that the permission of the Registrar of Trade Unions is obtained in accordance with the provisions of the Labour Relations Act, 2007, before any such appointment is made. The Executive Officer shall carry out such duties as may be

assigned to him by the National Executive Council or Secretary General. He may attend Annual Delegates Conferences, Special Conferences and meetings of the National Executive Council and Executive Councils, and shall not be eligible to vote at such conferences, or meetings. The Executive Officers may be removed from office at any time by a majority vote of the National Executive Council.

## **ARTICLE VII - NATIONAL DELEGATES CONFERENCE**

### **(A) The Conference**

1. There shall be convened annually in the month of December, at such date and place as may be fixed by the National Executive Council, an ANNUAL DELEGATES' CONFERENCE of the Union.
2. The Annual Delegates' Conference shall be the supreme authority of the Union and its decisions shall be final and binding on all members.
3. Notice regarding the Annual Delegates' Conference shall be issued at least two months before the Conference.
4. The National Executive Council may convene a Special Delegates' Conference whenever necessary, provided that not less than two weeks' notice is given.

### **(B) Delegates**

1. The nomination of the delegates to the Annual Delegates Conference shall be carried out by the Branch Executive Council.

Top Officers of the branches shall automatically be delegates depending on the number of delegates allocated to each branch.

2. Every delegate must be a bona fide member of the union, and must, as an individual accept and conform to the constitution, programmes, principles and policies of the union.
3. Only members who have paid their dues to date to their branches shall act as

delegates.

### **(C) Composition**

1. Ex-Officio members of the conference shall be the following:
  - (a) All National Officials of the Union.
  - (b) All members of the National Executive Council.
2. Delegates duly nominated and mandated by each Branch Executive Committee being one delegate for every hundred members eligible to vote.
3. Union members who represent the union on National Statutory Boards, Councils and Councils of Kenya which deal with educational matters.
4. Persons of recognized bodies invited by the National Executive Council. Such members invited shall have no right to vote.

### **(D) Functions**

1. To determine the broad basic policy programme for future activities of the Union.
2. To delegate powers to the National Executive Council for the purpose of setting up specialized departments and other advisory bodies at the Secretariat to carry out the aims and objectives of the Union.
3. To consider reports and audited accounts presented by the officers of the Union on behalf of the National Executive Council.
4. To deal with educational matters affecting the Union and the Republic of Kenya.
5. The decisions of the Annual Delegates' Conference shall be binding on all members of the Union.

## ARTICLE VIII - NATIONAL ADVISORY COUNCIL

1. The Advisory council of the Union shall consist of the Members of the National Executive Council, the Chairman, the Executive Secretary, the Treasurer and the Woman Representative from each of the branches of the Union.
2. The Advisory Council shall advise the National Executive Council on important issues in the absence of the Annual Delegates' Conference.
3. The Advisory Council shall meet once per year or as often as the NEC shall consider necessary.
4. The travel and subsistence costs incurred by the members of the Advisory Council (other than members of the National Executive Council) shall be paid to the Councilors by their respective Branch Treasurers.

## ARTICLE IX - NATIONAL EXECUTIVE COUNCIL

(A) **The members of the National Executive Council shall consist of: -**

1. All members of the National Steering Committee.
2. Thirty one members, of whom at **least two (2) from Rift Valley and one from each of the other Seven (7) regions** shall be of, either gender elected from the Eight (8) regions in Kenya by the National Delegates Conference in the following manner:-

- **Central Region Consisting of:-**

Nyandarua, Nyeri, Kirinyaga, Muranga, and Kiambu Counties 4 members

- **Coast Region Consisting of:-**  
Mombasa, Kwale, Kilifi, Tana River, Lamu, TaitaTaveta Counties  
3members
- **Eastern Region Consisting of:-**  
Isiolo, Meru, TharakaNithi, Embu, Kitui, Machakos, Makueni,  
and Marsabit Counties  
4 members
- **Nyanza Region Consisting of:-**  
Siaya, Homa Bay, Kisumu, Migori, Kisii, and Nyamira Counties  
4 members,
- **Rift Valley Region Consisting of:-**  
Turkana, West Pokot, Samburu, TransNzoia, UasinGishu,  
Elgeyo-Marakwet, Nandi, Baringo, Laikipia, Nakuru, Narok, Kajiado,  
Kericho, and Bomet Counties  
7 members
- **Western Region Consisting of:-**  
Bungoma, Kakamega, Vihiga, and Busia Counties  
4 members
- **North Eastern Region Consisting of:-**  
Garissa, Wajir, and Mandera Counties  
3 members
- **Nairobi Region Consisting of:-**  
Nairobi County  
2 members

Provided that regions shall remain as a unit for election of the National Executive Council members.

- One member representing Kenya Primary Schools Heads Association (KEPSHA)
- One member representing Persons living with Disability.

**(B) The National Executive Council shall meet:-**

1. Thrice every year.
2. At such time as The Chairman and the Secretary General may deem fit.
3. When a requisition signed by not less than FOUR National Executive Council members, stating the reasons for a meeting in writing, has been received by the Secretary General.
4. Any member of a Council, Committee or sub- Committee of the Union who shall fail to attend two consecutive meetings of the Council, Committee or sub-Committee without satisfactory reasons shall cease to be a member of the Council, Committee or sub- Committee.

**(C) Functions of the National Executive Council shall be:-**

1. To act as the supreme authority and to transact the business of the Union between the Annual Delegates' Conference.
2. To see that the decisions and policies of the National Delegates' Conference are fully executed
3. To help organize and supervise the administrative machinery of the Union at all levels, National or Branch, and to enforce decisions and the programmes of the Union as determined by the Annual Delegates' Conference.
4. To enforce the Constitution, Rules, and Regulations, Standing Orders, By-Laws, of the Union and to take such steps as may be deemed necessary for such purposes, whether by way of dissolution or suspension of a Branch, suspension or expulsion of a member or members of the Union. Any such steps taken by the National Executive Council must be duly reported to the Annual Delegates' Conference of the union for ratification, to which Conference appeals shall lie from the Branch or from the member or members concerned.
5. To solicit funds through loans, advances, overdrafts and mortgage Union property, maintain the Union's finances and submit a report and a statement of accounts to

the Annual Delegates' Conference.

6. To publish the Union's article, "THE KENYA TEACHER" at least once per year.
7. The National Executive Council may suspend or dismiss or replace any officers of the Union for negligence of duty, dishonesty, incompetency, or for failure to obey its decisions or for other reasons it may deem fit and important in the interest of the Union subject to the approval of the Annual Delegates' Conference.
8. To establish and maintain the Union's projects at Branch and National levels.
9. To employ Executive Officers, Executive Assistants and any other employees it deems necessary.
10. To designate any elected officer on full time basis and shall determine terms and conditions of service for such designated officers.
11. To form Councils of the Union and specify their functions.

**(D) Functions of the National Steering Committee**

1. To see that the decisions and policies of the Delegates Conferences are fully executed on behalf of the National Executive Council on a day today basis.
2. To assist the Secretary General in setting up agenda of all meetings of the National Executive Council, National Advisory Council and National Delegates Conferences.

**ARTICLE X – BRANCHES AND COUNCILS OF THE UNION**

**(A) BRANCHES**

1. The Union shall consist of Branches organized as may from time to time be decided by the National Executive Council. Each Branch shall have at least one thousand (1000) members.
2. Every Branch of the Union duly formed shall report the same to the Secretary General who will, upon approval by the National Executive Council, apply to the Registrar of Trade Unions for the Branch Registration Certificate.
3. Each Branch shall elect its own officers consisting of: -  
Chairman, Vice Chairman, Executive Secretary, Assistant Executive Secretary, Treasurer, Assistant Treasurer and Woman Representative, who shall form the members of the Branch Steering Committee, Early Childhood Educators representative, Persons living with Disability Representative and Kenya Primary Schools Heads Association representative and any other members not exceeding Eight who shall be from local administrative boundaries elected at the Branch General Meeting.

4. The Branch Executive Council shall appoint a Branch Auditor and any other officers that may be deemed necessary. No one shall hold office in any Branch who has not paid the annual subscription (dues) for the preceding year and any other levies in full, and who does not show sufficient interest in the Union. The Branch officials shall be elected every five years. The outgoing officers shall be eligible for re-election.
5. Any Branch shall have power to employ an elected Executive Secretary full time and any other employees they deem necessary.
6. Every Branch shall forward to the Secretary General a copy of their by-laws, but those by-laws shall not be operative until they are sanctioned by the National Executive Council of the Union. Once the by-laws of a Branch are approved, no alteration of, or addition to the approved by-laws may be made without the prior sanction of the National Executive Council of the Union.
7. The National Executive Council may exclude from the Union any Branch which, in their opinion, has declined to comply with the Rules of the Union.
8. No Branch shall take action on any subject which commits the Union as a whole, without the sanction of the National Executive Council and no Branch shall publish views, or deal with any matter in a way that is detrimental to the Union as a whole.
9. Any Branch which shall fail to send to the Head Office the Balance Sheets or other returns within the time limit set shall be liable for sanctions by the National Executive Council.
10. The National Executive Council may exclude from the Union any Branch whose membership dues, levy or other dues, remain unpaid after the date of which they are due, provided that a full and clear notice and opportunity of exculpation shall have been given to the Branch concerned.
11. The funds of every Branch shall be the common property of the Union. Any such property held by any Union Branch which shall secede or be dissolved shall be sent at once to the Head Office by the Officers of the Branch seceding, together with a detailed statement of receipts and expenditure. Should any member of such a Branch wish to remain in the Union, he shall be the custodian of the Union in the same Branch.

## **(B) Branch General Meeting:-**

1. A general meeting of each branch shall be held at least ONCE every year, or as frequently as may be desired by the Branch Executive Committee.
2. A general meeting of Branch may be called on the instructions of the Secretary General on behalf of the National Executive Committee
3. The duties of the Branch General Meeting shall be:-
  - (a) To determine branch policy and programmes for the ensuing term or year providing that such policies and programmes conform with the basic policy and programme of the union as determined by the Annual Delegates' Conference.
  - (b) To consider reports and statements of accounts made to the Branch General Meeting by the Branch Treasurer.
  - (c) To discuss other matters and reports calculated to promote the interest of the union in the area wherein the branch operates.

## **(C) The Branch Executive Committee:-**

1. The Branch Executive Committee shall consist of the Chairman, Vice Chairman, Executive Secretary, Assistant Executive Secretary, Treasurer, Assistant Treasurer and Woman Representative, who shall form the members of the Branch steering Committee, Post Primary Representative(s), Early Childhood Educators Representatives, Persons with Disabilities Representative(s), and Kenya Primary Schools Heads Association (KEPSHA) representatives(s) as members of the BEC.
2. Subject to the above every branch may create BEC positions to provide for representation of preferred categories of teachers and endeavor to ensure that as far as possible one third of members of the Branch Executive Committee are of either gender.
3. A trained and qualified teacher shall be eligible for elections as a KNUT Branch official after 3 years of continuous service as a teacher and as a member of the Union.
4. The branch Executive shall meet once every school term and if emergence arises as frequently as it may desire.
5. Any member of the BEC who shall fail to attend 2(Two) consecutive meetings of the BEC or its sub-Committees without satisfactory reasons shall cease to be a member of the BEC or its sub- Committees.

6. The duties of the Branch Executive Committee shall be:-
- (a) To carry on vigorous propaganda and organizational work among the teachers in order to help realize the aims and objectives of the Union.
  - (b) To pay relentless attention to the sentiments and remarks of the members of the Teaching Profession in Kenya and to report same to the Office of the Secretary General.
  - (c) To recruit new members and to supervise the collection of all Union fees.
  - (d) To keep Union records for membership up-to-date and to report any irregularities to the Secretary General.
  - (e) To help organize the Teachers within the area where the Branch operates and to do everything possible to co-ordinate their efforts, activities and work.
  - (f) To submit reports and statements of accounts to the Branch General Meeting as well as to the Secretary General for transmission to the National Executive Council.
  - (g) To undertake all such activities as may be necessary to further the aims and objectives of the Union and to undertake any such actions against indiscipline and other offences as may bring the Union into dishonour and disrepute.
  - (h) To help execute the policy and programme of the Union and carry out instructions received from the Head Office.
  - (i) To make recommendations to the National Executive Council on the matters of dissolutions, or expulsions of Branches and of the Union within or adjacent to the district.
  - (j) To plan and maintain Union projects in the Branch for the teachers on behalf of the National Executive Council.
  - (k) To solicit funds through loans, advances, overdrafts and mortgage Union Branch property with the consent of the National Executive Council.
  - (l) The Branch Executive Council may suspend any of its officers for negligence of duty, dishonesty, incompetency or failure to obey its decision, or for other reasons it may deem fit and important in the interest of the branch and recommend such suspension to the branch general meeting for a decision to either re-instate or dismiss. However, any officers of the union dismissed by the branch general meeting who is dissatisfied with the decision of his/her dismissal can appeal to the National Executive Council of the Union for consideration. The same appeal may be made to the National Executive Council for consideration by the Branch Executive Council if it (Branch Executive Council) is dissatisfied with the re-instatement. In either case, the decision of the National Executive Council shall be final either to uphold or rescind the decision of the Branch General Meeting.

#### **(D) Branch Officials of the Union:-**

1. Except as otherwise herein expressly provided, all officers of branches shall be elected after five years by secret ballot at a branch general meeting.
2. Only such members of the Union not in arrears with subscriptions as provided for in the Labour Relations Act, 2007, shall be eligible for elections as branch officers of the union.
3. Only such members of the union sufficiently literate in the English/ Kiswahili language and who are professionally trained and qualified teachers to be able adequately to perform the duties of such office shall be eligible for elections as officers of the branches.
4. Every branch officer of the Union shall vacate his/her office on the expiry of a five year term but shall be eligible for re-election.
5. The Branch Executive Secretary shall vacate office at the expiry of a five-year term but shall be eligible for re-election provided that he/she has not attained sixty-five (65) years of age.
6. Any branch officer of the union may be suspended from his/her office by a two thirds majority decision of all members entitled to attend and vote at the Branch Executive Committee.
7. In the event of such suspension, the Branch Executive Council shall have power to appoint one of its members to act in such post pending the decision of the Branch General Meeting whether or not such an officer should be re-instated or dismissed. The suspended officer shall be allowed to defend himself/herself against the suspension at the branch general meeting before the final decision is made.
8. In the event of more than three top officers of the branch dying, resigning, being dismissed or otherwise ceasing to be branch officers during their five years term of office, a general meeting of the branch shall be convened to elect officers to fill the vacancies.

#### **(E) Designations and Duties of Branch Officers:-**

1. **Branch Chairman:** The Branch Chairman shall preside at all Annual General Meetings and meetings of the Branch Council at which he/she is present and enforce observation of the Constitution and Rules of the Union and perform such other duties as by usage and custom pertain to his/her office. In the case of an equality of vote at any meeting, he/she shall have in addition to his/her normal vote, a casting vote.
2. **Branch Vice Chairman:** The Branch Vice Chairman shall preside over meetings

in absence of the Branch Chairman and whilst performing such duties he/she shall have the same privileges as the Chairman.

3. If for any reason both the Branch Chairman and Branch Vice Chairman fail to preside over a properly convened and constituted branch meeting the members attending such a meeting shall have the rights to elect an **ad hoc Chairman**.
4. **Branch Executive Secretary:** The Branch Executive Secretary shall be the official spokesman of the branch. He shall issue notices of all meetings and shall attend such meetings and record the minutes and shall be eligible to vote. He/She shall ensure that a register of members is maintained with the names, and addresses, occupations, dates of joining, dates of registration, suspension or expulsion and particulars of all payments made by such members. He shall be responsible for ensuring due compliance by the Branch with the provision of the Labour Relations Act, 2007 and the regulations made thereunder and shall perform all such acts and duties as the B.E.C. may from time to time direct.
5. **Branch Assistant Secretary:** The Branch Assistant Secretary shall assist the Branch Secretary and act for him/her in his/her absence and while doing so, he/she shall enjoy the privileges of the Branch Secretary.
6. **Branch Treasurer:** The Branch Treasurer shall be a person capable of maintaining clear records of all the funds of the Branch. He/She shall be responsible for the funds of the Branch and shall maintain all necessary books of accounts and records. He/She shall ensure that no payment is made from Branch Funds under his control unless a payment voucher has been prepared and authorized in accordance with the provisions of Trade Union's (Accounts) Regulations.
7. **Branch Assistant Treasurer:** The Branch Assistant Treasurer shall assist the Branch Treasurer and act for him in his absence.
8. **Woman Representative:** shall represent the branch in forums that articulate the rights of women, handle issues that touch on the position of women at the work-

place and perform such duties as will be assigned to her by the Branch Executive Secretary.

9. **Representative for Special Groups;** shall represent the Branch in fora that articulate the rights of special and marginalized groups including persons with disabilities, and others to handle issues that touches on such special groups and perform such functions as shall be assigned by the Executive Secretary.

**(F) KNUT School Representative:**

Every education institution will have a KNUT grassroots leader to be known as “SCHOOL REPRESENTATIVE” who will be elected from amongst the members of the union in that institution. He/she will become an accredited officer of the union at that level.

The “School Representative” will be a trained and qualified teacher with at least two years of teaching experience.

Elections for School Representatives will be conducted and supervised by the BEC every five years, and whenever necessary.

**(G) Branch Funds:-**

The Branch funds shall be properly kept as determined by the National Executive Council of the Union.

**(H) KNUT County Councils:-**

1. The Branch Chairmen, Executive Secretaries, Branch Treasurers, **Woman** Representative(s) and the National Executive Council members from the **region** shall form the KNUT County Council and shall meet at least twice in a year to consider Union and Educational matters.

2. The KNUT County Council shall in every five years elect its Chairman, Vice Chairman, Secretary, Assistant Secretary, Treasurer, Vice Treasurer and woman representative, who shall form the KNUT County Steering Committee.
3. The KNUT County Council shall be financed by Branch levies and grants to be determined by the KNUT County Councils subject to the approval of the National Executive Council
4. Every KNUT County Council shall be registered like any other Branch of the Union and shall keep proper books of Ac

#### **(1) REGIONAL COUNCILS**

The regional council shall draw its membership from the county council membership within the region and shall carry out the same functions as the County Councils at Regional level.

#### **ARTICLE XI – QUORUM**

1. The QUORUM for the Annual Delegates' Conference and for all Councils and Council of the Union shall be one-third of their members.
2. Notwithstanding the absence of a QUORUM a properly convened meeting of the Union or Branch of the Union, shall be authorized to conduct the following business
  - (a) To consider past resolutions.
  - (b) The passing of accounts for payment
  - (c) Any other business which, in the opinion of the presiding officer of the meeting is of such importance and urgency as to require immediate consideration.
3. The quorum for a Branch General Meeting shall be one-sixth of all the members in the Branch.

#### **ARTICLE XII - FINANCE**

1. The National Treasurer shall cause a bank account to be opened and maintained in the name of the Union and shall ensure that all the money belonging to the Union received by him is paid into the said bank account within seven days of receipt of such moneys, provided that the National Treasurer shall be permitted to retain in cash a sum not exceeding fifteen thousand shillings, or such amount of money as shall be determined by the NEC from time to time, to pay minor expenses. All cheques for withdrawal of money shall be signed by the National Treasurer and

two other signatories drawn from among the National Chairman and Secretary General and a Trustee. In the event of the National Treasurer being sick or out of the Country the Assistant National Treasurer shall sign all Union cheques.

2. The Treasurer of every Branch of the Union shall cause a bank account to be opened in the name of the Branch of the Union and shall ensure that all money belonging to the Union received by him is paid into the said bank account within seven days of receipts of such moneys, provided that a Branch Treasurer shall be permitted to retain in cash a sum not exceeding ten thousand shillings, or such an amount of money as shall be determined by the Branch Executive Council from time to time, to pay minor expenses. All cheques for the withdrawal of money from such Branch Bank account shall be signed by Branch Treasurer and two other signatories to be drawn from among the Branch Chairman and Branch Secretary. All money collected by branches shall be the property of the Union. Ordinary branch expenditure shall be paid from branch funds.
3. There shall be a Reserve Fund Account for the purpose determined by the B.E.C.
4. The funds of the Union may be expended only for the following objectives:-
  - (a) The payment of salaries, allowances, and expenses of officers of the Union.
  - (b) The payment of expenses for the administration of the Union, including audit of the accounts of the funds of the Union.
  - (c) The prosecution or defence of any legal proceedings to which the Union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any right arising out of the relations of any member with his employer.
  - (d) The conduct of Trade Disputes on behalf of the Union or any member thereof.
  - (e) The compensation for loss arising out of trade disputes.
  - (f) Such allowances to members or their dependents on account of death, old age sickness, accidents or unemployment as the National Executive Council may from time to time prescribe.
  - (g) The payment of any fine or penalty imposed upon the Union under the provisions of the Labour Relations Act, 2007, provided that the funds

of the Union shall not be applied either directly or indirectly in payment of the whole or any part of any fine or penalty imposed upon any member or the other persons by sentence or order of a court of justice.

- (h) The payment of subscription and fees to any federation of trade unions to which the trade union may be affiliated.

5. The Financial Year of the Union shall end on the 31<sup>st</sup> day of December of every year. Copied of the Annual Statement of Accounts shall be supplied to members by the Secretary General upon request.

### **ARTICLE XIII – TRUSTEES**

1. The Annual Delegate's Conference, shall after every five (5) years, elect three trustees in whom shall be vested all the property of the Union.
2. The Trustees shall have the control of funds of the Union but may delegate their powers to members of the National Steering committee of the Union to act as signatories to operate a bank account at national level. However, a Trustee shall be called upon to be a signatory to the bank accounts where any of the delegated signatories is indisposed through incapability and Disciplinary actions by the National Executive Council on behalf of the National Delegates Conference.
3. A Trustee shall cease to hold office when, he resigns by notice in writing to the National Executive Council, retires, dies, or is removed by vote at an Annual Delegate's Conference or Special Conference. In the event of vacancy, the National Executive Council shall nominate one of its members to temporarily fill the vacancy until such time as the Annual Delegate's Conference elects a replacement.

### **ARTICLE XIV – PROFESSIONAL CONDUCT AND DISCIPLINE**

It shall be considered unprofessional for any member of the Union:-

1. To do anything that would bring discredit to the Union, on his profession or his school.
2. To terminate his employment without notice according to agreement or according to professional custom, unless the employer consents to a variation.
3. To seek promotion or seek to attain the position of another teacher by unfair

methods or to take up an appointment from which in the judgment of the Union a member has been unjustly dismissed.

4. To make an adverse report upon another member, to the employer or his agent, or in the school log book, without first acquainting the member with the nature of the report. Every member shall treat his subordinates as he would desire to be treated by his superiors.
5. To indulge in damaging personalities whether in Newspapers, correspondences or otherwise, or to give publicity to any statement detrimental to the interest of the union, or a fellow member.
6. To solicit to his school pupils already connected with another school, or to make statements in the presence of pupils or parents prejudicial to the interest of another member.
7. Not to abide by the decision of the Professional Standards Council, or the National Executive Council in any case or dispute between members of the union.
8. To impose upon another member out of the ordinary School hours, an excessive and unreasonable amount of work of any kind.
9. To ask or receive reward or any form of consideration in the admission of new pupils to his class or school, or in the giving of a testimonial to his pupil.
10. To form an alliance with pupils, members of the public or a fellow member against another member.

#### **ARTICLE XV – AUDITORS**

1. The National Executive Council/Branch Executive Committee shall appoint a qualified Accountant, or some fit and proper person approved by the Registrar of Trade Unions to audit the accounts of the Union as soon as possible after the end of each Financial Year. Such auditor shall submit a general report of the financial position of the Union.
2. A copy of the Auditor's report shall be conspicuously displayed at the registered office of the Union.

## ARTICLES XVI – PROFESSIONAL DISPUTES

1. In the event of any professional dispute arising between any of the members and their employers, the members concerned shall make it known to their Branch Executive Committee.
2. In no case shall a cessation of work be threatened or take place without the sanction of the National Executive Council of the Union.
3. In the event of a strike called with the instructions of the National Executive Council, no one shall call off the strike unless duly authorized by the National Executive Committee which fact shall be conveyed by the Secretary General to the Branches concerned.
4. Should any Branch or member of the Union desire steps to be taken for the increase of salaries or for improvements in the conditions of employment, the Branch Executive Secretary shall report the claim to the National Executive Council, who shall decide and determine what action shall be taken.
5. **Strike Action:** The National Executive Council shall by resolution have the authority to call upon all members or group of members to withdraw their labour in case of a trade dispute arising, provided that such resolution is voted upon by secret ballot at a meeting of the National Executive Council called for that purpose and provided that such resolution has received the support and approval of the majority of the members concerned.

## ARTICLES XVII – AMENDMENTS AND ALTERATIONS OF ARTICLES

1. Alteration to these Rules shall only be made by resolution voted upon by secret ballot and passed at an Annual Delegation Conference or a Special Conference. All proposals for amendments shall be submitted to the Secretary General not later than sixty days before the date of such Annual Delegates Conference or Special Conference.
2. No alteration of these Rules shall take effect until the date of registration thereof by the Registrar of the Trade Unions unless some later date is specified in the Rules.

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### **(E) Vacating office**

Every full time officer of the Union shall vacate office, upon serving his full five-year term in office age notwithstanding but not eligible for re-election upon attainment of sixty-five (65) years of age, upon resigning by notice in writing to the National Executive Council or Branch Executive Committee, dies, or is removed by vote at an National Delegates conference or Special Delegates Conference, jailed for a crime of fraud or being found guilty of misappropriation of funds, permanently incapacitated, elected or nominated to parliament, Senate or County Assembly and appointment to State positions that can bring conflict of interest.

### **(F) Minutes**

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

### **(G) Loyalty**

1. Every member shall faithfully and fully abide by every decision made by the Union or by its Officers acting under proper authority until such time as the decision is amended, reversed, or revoked by a resolution in accordance with these Rules.
2. No member shall disclose, or attempt to disclose, or permit to be disclosed on any person who is not a member, any matter or things considered or in any way dealt with by the Union, without proper authority.

## **ARTICLE XIX - SPECIAL DELEGATES CONFERENCE**

1. A Special Conference shall be convened by the Secretary General on the directives of the National Executive Council of the Union.
2. Notice regarding a Special Conference shall go out to Branches at least two weeks before the Conference.
3. A Special Conference shall have all the powers of Annual Delegates' Conference and it shall be governed by the same rules as to composition of the Annual Delegates' Conference.
4. The quorum for the Special Conference shall be one third of the members entitled to attend and vote thereat.

## **ARTICLE XX – ELECTION OF OFFICERS:**

### **(A) PREAMBLE**

1. All elections of both National and branch officials shall be carried out at venues and dates as shall be assigned by the National Executive Council.
2. Any elected official at the Branch level of the union who wish to vie for a National position shall vacate the Branch position he/she holds when he/she presents his/her nomination forms offering his/her candidature for the National position.
3. All nomination and elections of the Union shall be conducted as provided for in the rules under this Constitution.

### **(B) BRANCH ELECTIONS**

1. The Branch Chairman, the Vice Chairman, the Executive Secretary, the Assistant Executive Secretary, the Treasurer, the Assistant Treasurer and the Woman Representative shall be elected by all bonafide paid up members of the Union in the branch after the quorum shall have been formed in accordance with Article XI, Section (3) of the KNUT Constitution.
2. The Branch Executive Committee in consultations with the National Executive council members shall divide the branch into electoral areas. The ordinary Branch Executive Council members shall be elected by KNUT members from their electoral areas and their elections shall be supervised by, either Officers appointed by the Officers of the Ministry of Labour, or the NEC members present at the branch elections.
3. Election of the Branch Chairman, the Vice Chairman, the Executive Secretary, the Assistant Branch Executive Secretary, the Treasurer, the Assistant Treasurer and the Woman Representative shall be carried out by a secret ballot. However, elections of ordinary Branch Executive Council members shall be carried out by the secret ballot by voters from electoral areas and confirmed by the general meeting.
4. Nominations of Branch elections candidates should be done 1(One) day to the election day at the election venue. The candidates should provide proposers and seconders who shall be fully paid up members of the union.

## **(C) NATIONAL ELECTIONS**

1. Elections of the National Chairman, the 1<sup>st</sup> Vice National Chairman, the 2<sup>nd</sup> Vice National Chairman, the Secretary General, the Deputy Secretary General, the Assistant Secretary General, the National Treasurer, the Deputy National treasurer, the Assistant National Treasurer, the 2 National Woman Representatives, the 3 Trustees and the PWD Representatives shall be carried out by secret ballot by all delegates accredited to participate at either the Annual Delegates Conference or a Special Delegates Conference.
2. Nominations to be carried out 1(One) day to the elections day at the election venue and all the candidates must be accompanied by a proposer and a seconder who shall be fully paid up members of the union.
3. The members of the National Executive Council as stated in article IX, Section (A) shall be elected at an Annual Delegates' Conference or Special Annual Delegates' Conference.
4. For the purpose of electing other National Executive Council Members, Kenya will be divided into electoral areas based on the number of regions in the Country. The elections of these National Executive Council members shall be confirmed by the Annual Delegates Conference.
5. Elections of the National Executive Council members from the regions shall be supervised by accredited Government Officers as will be assigned by the Supervisor of the National Elections. Voting shall be by secret ballot.

## **ARTICLE XXI – DISSOLUTION OF THE UNION**

1. The Union may be dissolved, at an Annual Delegates Conference called for such purpose; two-thirds of the members present and voting by secret ballot resolve that the Union be dissolved.  
Upon dissolution of the Union and after all the debts and liabilities legally owing by the Union have been satisfied, any surplus assets of the Union shall be divided amongst the members by pro rata to the amounts paid by members by way of subscriptions.