

ZIMBABWE BUILDING



CONTRACTORS ASSOCIATION

CODE OF CONDUCT

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THE ZBCA CODE OF CONDUCT

1. TITLE

The code may be cited as the Zimbabwe Building Contractors Association Code of Conduct. The Code is in terms of the Association's Constitution. The code shall apply to all the members of the Association.

2. POLICY

The Zimbabwe Building Contractors Association, the Executive and the Members recognize that disciplined behaviour within a frame-work of rules is essential for the well-being of all members and for the successful continuance of the Association.

The members further acknowledge that it is the duty of the Executive to maintain order, discipline, efficiency and productivity within the Association and a function of the Association to prohibit, suspend or discharge a member for proper cause in accordance with the provisions of this code.

The Association also acknowledges that it is the duty of all members of the Association to represent the interest of the Association. Furthermore, the Association, the Executive and all the members undertake to ensure that justice is not only seen to be done, but that it is done with uniformity and in a consistent manner. This is instrumentalised through this Code of Conduct and Disciplinary Procedures.

3. LIFE OF THE CODE

This code shall remain in force until such time that it is revised or amended by mutual agreement of all the members and the Executive of the Association.

4. APPLICATION FOR MEMBERSHIP

- 4.1 Membership of the Association may be granted by the National Executive Committee to any employer, firm, individual, organization or association who, in the opinion of said National Executive Committee is qualified and suitable for membership, see clause 10.1 of the constitution.
- 4.2 A candidate applying for membership shall complete a form of application for membership presented by the National Executive Committee, see clause 10.2 of the constitution.

- 4.3 All applications for membership shall be duly supported by a proposer and a seconder who shall be fully paid up members of the ZBCA, see clause 10.3 of the constitution.
- 4.4 The National Executive Committee at its next meeting shall vote to accept or reject the application. A simple majority is required for acceptance of membership, see clause 10.5 of the constitution.
- 4.5 Once an application for membership is accepted, the Applicant is given written notice of the same, becomes entitled to the benefits and privileges of the Association, is liable for entrance fees and subscriptions due on the first day of January of every year and shall immediately be bound by subsequent amendments and be presumed to be aware of all provisions of the constitution and by-laws, see clause 10.6 of the constitution.
- 4.6 An applicant whose application for membership has been refused shall be advised accordingly in writing. The National Executive is not obliged to give reasons for rejecting an application for membership, see clause 10.7 of the constitution.

5. RIGHTS, DUTIES AND OBLIGATIONS OF MEMBERS

- Every member on being admitted to membership of the Association, shall be deemed to have agreed to be bound by the provisions of the Association constitution and rules, including any amendments made to the said Constitution and the said Rules and in particular;
- 5.1 Every member shall pay to the Association Annual Subscriptions payable by him in terms of Clause 10.6.2.
 - 5.2 Every member shall have the right to submit proposals for consideration by the National Executive Committee or a General Meeting of the Association
 - 5.3 A member who has been suspended in terms of Clause 14 of the constitution shall cease to be entitled to any of the rights of membership during the suspension period.
 - 5.4 A member shall in the event of any dispute arising as to the amount of annual subscription payable by such member accept the ruling of the Association which shall have the right of investigation and whose decision shall be final and binding.
 - 5.5 A member shall conduct his/her business in a just and honourable manner and shall in his/her dealings with clients, members of the professionals, other contractors and sub-contractors, suppliers and Employees maintain at all times the standard of integrity required by the Association.

- 5.6 A member is required to possess the necessary technical qualifications, knowledge and practical experience or to employ in a position of responsibility a person or persons having such qualifications, knowledge and experience to ensure that all work is of a good quality and is carried out economically and with high quality workmanship.
- 5.7 A member is expected to satisfy the Construction requirements of his clients by observing the spirit as well as complying with the letter of his contractual obligations and to handle all business transactions with fairness and honour.
- 5.8 A member is expected to organize his business administration effectively, to maintain adequate financial resources for the proper discharge of all his contractual obligations, to assist wherever possible with the training of the future skilled manpower needs of the Construction Industry, and where applicable comply with all wage regulation measures negotiated and entered into between the associates and other parties.

6. DISCIPLINE AND PENALTIES

- 6.1 If any member fails within fourteen (14) days of demand in writing by the Chief Executive to pay a subscription or levy which is three months or more in arrears or contravenes any of the provisions of this Constitution or acts in a manner which is detrimental to the interest of the Association, the National Executive Committee may;
 - 6.1.1 Expel that member from the Association or.
 - 6.1.2 Suspend that member from the Association for a specific period or;
 - 6.1.3 Place that member back on probation for a period not exceeding one (1)year or,
 - 6.1.4. Impose upon that member a fine not exceeding the amount of that member's current annual subscription for the first contravention and fine not exceeding double the amount of such member's current annual subscription for a second or any subsequent infringement.
- 6.2 When a member is expelled in terms of this clause he/she shall be given reasons in writing for expulsion.
- 6.3 No member shall be expelled, suspended or fined in terms of Clause 14.1 unless the member has been afforded an opportunity to state his/her case personally and to call witnesses in support of his/her case, at a meeting of the National Executive Committee, of which he/she has received not less than fourteen (14) days' notice in writing.
- 6.4 The written notice referred to in Clause 12.2 shall contain such particulars of the alleged infringement as may be reasonably sufficient to inform the member charged herewith of the nature of the charge. The said notice shall be sent to the member charged by registered post and shall be deemed to have been received by him seven days after posting.

- 6.5 Where in terms of clause 14 the National Executive Committee decided to expel, suspend or fine a member, that member may, on giving notice in writing by registered mail to the Secretary, within (10) ten days of being advised of the National Executive Committee's decision, appeal to the next ensuing General Meeting of the Association and may state his/her case personally and call witnesses in support of his/her case before such meeting. The meeting may thereupon confirm, vary or reverse the decision of the Management Committee.
- 6.5.1 Any member who has not appealed after expiry of the ten (10) days or whose expulsion has been confirmed by the General Meeting shall cease to be a member and shall forthwith forfeit all rights and benefits of membership.
- 6.6 Where a member is expelled in terms of this constitution he shall be given the full reason in writing for his expulsion.

7. EXPULSION

- 7.1 Any member can be expelled following a decision by the National Executive Committee. Such a decision requires 2/3 majority of those present and entitled to vote. The member concerned shall have the right to appeal only at the next Annual General Meeting. The meeting to expel a member must specifically be convened for that particular purpose and the National Executive Committee must clearly outline the reason for the expulsion to the member. A member may be expelled if it is decided by the committee that;
 - 7.1.1 The member's activities bring ZBCA into disrepute,
 - 7.1.2 The member's activities breach the Constitutional provisions of the Association.
- 7.2 The expulsion of a member must be preceded by written warning signed by the President following a decision reached at a normal ZBCA National Executive Committee Meeting. If the member does not rectify the situation or refrain from the activities complained about within (4) weeks of written notice, the National Executive Committee may convene a meeting to expel the member.