



Bylaws of the South African Pest Control Association

ARTICLE I — CODE OF PRACTICE

1. All members shall:

- 1.1 ensure that all research and development undertaken in the field of Pest Control work meets current Statutory requirements at all times;
- 1.2 comply with the provisions of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947), and to use, supply and recommend only pesticides registered and correctly labelled in accordance with this Act;
- 1.3 comply with the provisions of all legislation pertaining to the industry;
- 1.4 ensure that any and all warehouses under their direct or indirect control and other storage places and vehicles used for the storage and transportation of products meet the standards laid down by applicable legislation;
- 1.5 inform carriers of the nature, quantity and toxicity of the pesticides carried and any and all precautions necessary to ensure the safe transportation, handling and delivery of such pesticides;
- 1.6 ensure that any form of promotion, demonstration or advertising of pest control products including any verbal presentation, complies with any and all requirements of the Association;
- 1.7 ensure that any and all employees of any member who deals with the public and the users of their products, particularly those whose advice may be sought in respect of such products, are familiar with the nature, uses and hazards of the product, and only give advice based upon thorough knowledge and in accordance with the laws relating to the products;
- 1.8 when issuing or disseminating literature on any pest control product, only make claims or recommendations approved by the Registrar of Act 36 of 1947 or the South African Bureau of Standards;
- 1.9 maintain business integrity in the due fulfilment of contracts and honour any and all guarantees given;
- 1.10 (a) respect the reputation and practices of fellow members and, as far as possible, assist fellow members in the protection of their good name and reputation whenever circumstances permit;
(b) not make public criticism of a fellow member, or cause any public criticism of a fellow member to be made;
- 1.11 pay fair wages and honour agreements entered into with employees;
- 1.12 co-operate with Government Departments and Local Authorities in discouraging the misuse of any practice or pesticide which may cause a possible health hazard to the general public or any employee of the member;
- 1.13 ensure that any and all staff employed by members who are or may be involved in pest control operations are aware of this Code and comply with the requirements herein set forth;

- 1.14 ensure that all work undertaken by a member is done with minimal risk to the public, employees and the environment;
 - 1.15 ensure that all personnel applying pesticides are registered as Pest Control Operators in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947) or, in terms of Regulation 98, work under the direct supervision of a registered Pest Control Operator;
 - 1.16 ensure that the storage, handling and use of any and all pest control products is in accordance with the product label instructions and the requirements for the Handling, Storage and Disposal of Pesticides (SANS 10206: 2010);
- 2. In addition, members who are involved, whether directly or indirectly, in the manufacture of pesticides shall:**
- 2.1 ensure, whether or not they carry out the work themselves, that the manufacture, formulation and packaging of any and all products is undertaken in registered and approved premises, arranged, operated and supervised by a suitably qualified pest control operator or other suitably qualified person, so that any potential for contamination is minimized;
 - 2.2 manufacture, formulate and package any and all pest control products produced in such a manner as to prevent environmental contamination;
 - 2.3 ensure that all products manufactured by them or on their behalf are produced in accordance with suitable defined specifications backed by adequate quality control procedures;
 - 2.4 package their products in containers suitable for the safe transportation, distribution and use of the product, i.e. containers which when used in conjunction with label recommendations will be adequate under normal storage and climatic conditions;
 - 2.5 only transport and supply products whose outer package label carries the name of the product, the manufacturer's or supplier's name and address and the product registration L-number, and ensure that any information, hazard symbols etc. required for safe distribution, handling and storage appear on all external packaging;
 - 2.6 ensure that distributors and customers are provided with adequate information for the safe and effective storage, handling and use of the pesticides so supplied;
- 3. In addition, members who distribute pesticides shall:**
- 3.1 only supply pest control products for use in accordance with the manufacturer's instructions for use of such products;
 - 3.2 ensure that all products supplied to customers are correctly and clearly labelled and marked;
 - 3.3 store and handle pest control products in accordance with the product label instructions and the requirements for the Handling, Storage and Disposal of Pesticides (SANS 10206: 2010);

ARTICLE II - DISCIPLINARY CODE

1. ENFORCEMENT OF THIS CODE

1.1 The enforcement of the Code of Practice shall be the responsibility of the Board of Directors. Any member found to be in breach of the requirements herein set forth will be liable to the sanction set forth hereunder.

2. GRIEVANCES AND DISCIPLINARY ACTIONS

2.1 All members of the Association shall conduct themselves in accordance with the provisions of the Code of Practice and the policies adopted by the membership. The Board of Directors shall be vested with the power to interpret any provision of the Code and any policy of the Association, which interpretation shall be final and binding on all members of the Association;

2.2. A complaint against any member of the Association may be filed informally but in writing with the CEO. Only the facts of the complaint in general terms are required and the complaint shall not be ruled invalid for want of details;

3. COMPLAINT INVESTIGATION PROCEDURE AND GRIEVANCE COMMITTEE

3.1 When a complaint is received by the CEO in terms of clause 2.2 above, from whatever source, it shall be immediately investigated by a neutral member of the Board of Directors appointed by the President;

3.2 The neutral member of the Board of Directors so appointed, shall, if the complaint appears valid, investigate the complaint and as soon as practicable, attempt to deal with the complaint, and make every effort to bring about the cessation of the complaint;

3.3 The neutral member of the Board of Directors so appointed shall thereafter report his findings to the President;

3.4 Should the President be the subject of the complaint, then the neutral member so appointed shall report to the Vice President of the Board of Directors;

3.5 In the event that the neutral member, alternatively the President being unable to satisfactorily remove the cause of the complaint, or to adjust any difficulty between members which gave rise to the complaint, he shall report his findings to the Board of Directors in writing. The Board of Directors shall appoint a counsellor who shall be an active member in the same region as the member or members, against whom the complaint has been lodged. As soon as practicable, the appointed counsellor shall make his own independent investigation and make every reasonable effort to adjust the complaint or eliminate the cause thereof. If he is successful, he shall report the fact immediately in writing to the Board of Directors. If he is unsuccessful, he shall make a detailed report of his findings and recommendations to the Board of Directors;

3.6 The counsellor shall have the power to determine, in his own opinion, whether or not the complaint shall be dropped on the grounds of triviality, in which case the Board of Directors may concur in such findings and order the complaint be discharged. The counsellor may also determine in his own opinion, that the complaint is of sufficient gravity to warrant disciplinary action, in which case the Board of Directors shall appoint a Grievance Committee to convene and conduct a hearing on the merits of the complaint;

3.7 The said Grievance Committee shall be composed of three (3) Active Members who shall not be:

3.7.1 from the same Province or region as the member or members against whom the complaint has been lodged;

3.7.2 from the same Company or associate Company, partnership, Close Corporation or firm as the member or members against whom the complaint has been lodged;

3.8 The cost of such a hearing shall be borne by the Association who shall be empowered to recover such costs from the member against whom the complaint is directed;

4. THE HEARING OF THE COMPLAINT

4.1 Unless the Grievance Committee decides otherwise, the hearing of the complaint shall be held in the home city of the member against whom the complaint has been directed. Any interested party to the matter may however file a petition with the Grievance Committee setting out the reasons why the hearing should be held in place other than the home city of the member against whom the complaint has been lodged. All members are hereby deemed to have waived their right to be represented by a legal advisor at such hearings and accept and acknowledge that they will be obliged to conduct their own defence at the hearing;

4.2 The normal rules of evidence shall be applicable at such hearings;

4.3 Due to the expense and inconvenience involved, adjournments of hearings shall not be granted except for grave reasons, the sufficiency of which shall be vested wholly within the opinion of the Grievance Committee;

5. SANCTION OF A MEMBER FOUND TO BE IN BREACH OF THIS CODE:

5.1 If, after a hearing based on any complaint, whether or not the member allegedly in breach of the Code is present after notification in writing, the Grievance Committee determines that the complaint is wholly unfounded, it may order the dismissal of the complaint. Should the Grievance Committee find that the complaint is sustained whether wholly or in part, the Grievance Committee may order the accused to correct the whole or sustained part of the complaint or suffer such disciplinary action as the Grievance Committee may in its own opinion deem meet;

5.2 The Grievance Committee may make the following orders in respect of a sustained complaint:

5.2.1 An official reprimand;

5.2.2 The temporary suspension of the member found to be in breach of the Code from the Association for a period to be determined by the Grievance Committee;

5.2.3 The permanent expulsion of the member from the Association;

5.3 A decision of the Grievance Committee shall be made by a majority vote of the Grievance Committee;

5.4 A written report of the Grievance Committee shall be transmitted to the CEO as soon after the hearing as practicable, whereupon it shall be the duty of the CEO to report the findings of the Grievance Committee to the Board of Directors.

5.5 Should a member fail to comply with any order made by the Grievance Committee, such failure shall constitute a further and separate offence of this Code.

5.6 Should a member be expelled, a petition for reinstatement shall not be entertained by the Board of Directors until one full year has lapsed from the date of the final order of expulsion, and, if reinstatement is sanctioned, it shall be under such terms and conditions as the Board of Directors shall deem appropriate.

5.7 If an order is made by either the Grievance Committee or Board of Directors against an Officer of the Association which results in the suspension or expulsion of the Officer, his right to hold office shall

immediately cease upon the order being made, and the office held by him shall immediately fall vacant. The expelled or suspended Officer shall not be eligible to hold office in the Association again.

6 COSTS OF THE HEARING

6.1 The Grievance Committee, irrespective of the outcome of the hearing, shall have the right to determine the reasonable costs of the hearing to the Association and may require the member concerned to pay such costs. Where an order for costs is made in addition to an order of expulsion, the payment of such costs shall be a condition precedent to any subsequent reinstatements of the member to the Association.

7. RIGHT TO PETITION FOR REVIEW OF THE ORDER

7.1 Should the accused feel aggrieved by the decision of the Grievance Committee, he shall have the right to petition in writing the Board of Directors for a review of the order made against him.

7.2 If a re-hearing is granted, it shall be held at the next regular or special meeting of the Board of Directors. The aggrieved member shall be responsible for their own costs in attending the meeting.

7.3 In the event that a review by the Board of Directors results in a reversal or modification of the order made by the Grievance Committee, it shall be the duty of the CEO to report such fact to the members in the next succeeding bulletin issued from the Association office, if the original findings were made known to the members.