

P.E.I. NURSES' UNION CONSTITUTION

ARTICLE 1 – NAME AND POWER

- 1.01** This organization shall be known as the Prince Edward Island Nurses' Union (hereinafter referred to as the "Union").
- 1.02** In the interpretation of this Constitution, the singular shall include the plural and vice-versa as applicable.
- 1.03** The Headquarters of the Union shall be in the Greater Charlottetown Area, Prince Edward Island.
- 1.04** The Union shall have exclusive jurisdiction over all affairs of the Union and may enact articles, rules and regulations, for its own management and control and that of its locals.

ARTICLE 2 – OBJECTIVES

- 2.01** The objectives of the Union shall be the advancement of the social, economic and general welfare of the members including particularly the following:
 - a) regulating employment relations between nurses and their employers through collective bargaining and negotiation of contracts to improve conditions of employment;
 - b) promoting the highest standards of health care;
 - c) influencing legislation which will safeguard the rights of nurses and promote the principle of free collective bargaining;
 - d) encouraging cooperation with other related fields and organizations;
 - e) encouraging the education of its members in such a manner as may be deemed advisable to achieve these objectives;
 - f) establishing, from time to time, assurance and benefit funds for the benefit of all members;
 - g) promoting unity and respect among members.

ARTICLE 3 – AMENDMENTS

- 3.01** Amendments to this Constitution shall be conducted in accordance with Article 20 of the By-laws.

BY-LAWS

ARTICLE 1 – INTERPRETATION

1.01 In the Constitution and By-Laws:

- a) “Union” shall mean the Prince Edward Island Nurses’ Union;
- b) “member” shall mean a person who is included in the Bargaining Unit and who pays dues;
- c) “meeting” shall mean any meeting or conference of the Union.
- d) “day” shall mean a calendar day;
- e) “AGM” shall mean Annual General Meeting;
- f) the singular shall include the plural and vice versa as applicable;
- g) “quorum” shall mean the number of members required to be present before business may be conducted;
- h) “Board” shall mean the Executive and Voting Representatives.

ARTICLE 2 – MEMBERSHIP

2.01 All Registered Nurses, Graduate Nurses, and other allied health care professionals who are eligible to engage in collective bargaining are eligible for membership in the Union; however, no Registered Nurses employed outside the public sector, Graduate Nurses and/or other allied health care professionals shall be admitted without the approval of the Board.

2.02 A member as defined in 1.01 (b) shall be entitled to attend meetings, to hold office and to be a candidate for office, unless otherwise provided in the Constitution or By-Laws.

2.03 a) A member who is temporarily laid off or on an approved leave of absence pursuant to the Collective Agreement in effect, shall continue to be a member without payment of dues for the period of such layoff or leave of absence. Such member shall have all rights and privileges that membership entails unless otherwise stated.

b) Any member of the Union with casual status who has not paid dues at least once in a period of six (6) months shall cease to be a member of the Union.

c) A member who is suspended or terminated and who continues to be represented by the Union through the grievance and/or arbitration procedure of the Collective Agreement, shall continue to be a member of the Union without payment of dues until such time as the grievance is resolved, withdrawn or otherwise concluded. Such member shall have all the rights and privileges that membership entails.

ARTICLE 3 – OFFICERS OF THE UNION (THE EXECUTIVE)

- 3.01** The Officers of the Union (The Executive) shall be composed of the following, each of whom shall be a member of the Union:
- 1) President
 - 2) Vice-President
 - 3) Treasurer
 - 4) Secretary
- 3.02** The term of office for members elected to the positions of the Executive shall be two (2) years.
- 3.03** a) The President and Treasurer shall be elected in each even-numbered year.
b) The Vice-President and Secretary shall be elected in each odd-numbered year.
c) The election shall occur on the second Friday in October.
- 3.04** The officers shall commence their term immediately following the election at which they are elected or acclaimed. The transfer of officers shall be completed within thirty (30) days of the election.
- 3.05** Executive members, who shall for any reason cease to hold office, shall immediately turn over to the Board all documents, records, books, assets, and all other property and equipment of the Union in their possession. All signing authority shall be terminated and /or transferred immediately.
- 3.06** Any Executive member who is absent from two (2) consecutive meetings without reason satisfactory to the Board shall no longer be a member of the Executive or Board and such office shall be declared vacant. A replacement shall be elected by and from the Board to serve until the next election.
- 3.07** In the event that the President, Vice-President, Treasurer or Secretary should resign, die or otherwise permanently cease to act, a replacement shall be elected by and from the Board to serve until the next election.

ARTICLE 4 – ELECTION OF OFFICERS

- 4.01** a) The Nominations Committee or any person or persons acting with its authority shall prepare through consultation with the locals, a list of nominees for the offices of President, Vice-President, Treasurer and Secretary. Nominations shall cease ninety (90) days prior to the date of the election. The Nominations Committee shall send the slate of candidates, with a biography of each nominee, to the President of each local at least sixty (60) days prior to the election.
- b) To be eligible for nomination to the office of Vice-President, Treasurer and Secretary, a member shall have participated at the local level and/or in a Nurses' Union Labour School.

- c) To be eligible for nomination to the office of President, a member shall have experience at the local Executive and/or provincial Board level and must have attended a CFNU Biennium within the last ten (10) years.
- d) No person shall be eligible for nomination as officer who holds an excluded position or who is on an approved leave of absence from a bargaining unit position and working temporarily in an excluded position. For the purposes of this Article, an excluded position means any position that is not included in the bargaining unit.
- e) In the event that there are no nominations put forth by the Nominations Committee for any given office, an interim officer will be elected from the Board by the Board. That interim officer shall hold the position until nominations come forward and an election occurs at a Special Meeting within thirty (30) days of the election.

4.02 Election of members to the positions of President, Vice-President, Treasurer and Secretary, subject to other provisions of these By-laws, shall be by majority of membership votes.

4.03 a) Ballots for an election will be accepted by mail until one (1) day prior to the date of the election.

b) In the event of an electronic ballot, votes may be cast until twelve (12) noon on the date of the election.

c) Ballots must be counted by no later than 4:00 pm on the date of election.

4.04 The Chairperson of the Nominations Committee shall declare elected to each office the candidate receiving the largest number of votes. Whenever there is only one (1) candidate for any of these offices, the Chairperson of the Nominations Committee shall declare those candidates acclaimed.

4.05 a) In the event of a tie, a second vote will be held.

b) If the vote involves more than two candidates and there is a tie for a winning candidate, the candidate(s) with fewer votes shall be dropped from the ballot and another vote shall take place between the tied candidates.

4.06 The successful candidate will be notified by the chair of the nominations committee immediately after the counting of ballots. Subsequent to this notification, notice will be circulated to all Board members and the other candidate(s). Notice will then be sent out to all worksites and posted on Union website no later than 24 hours post-election.

ARTICLE 5 – DUTIES AND RESPONSIBILITIES OF THE OFFICERS OF THE UNION

5.01 a) President

- i. The President shall be the Head of the Union and official spokesperson of the Union.
- ii. The President shall preside at all meetings of the Union and shall be charged with the responsibility of carrying out the policies of the Union.
- iii. The President shall be an ex-officio member of all committees of the Union.
- iv. The President shall be the Canadian Federation of Nurses Unions National Officer and shall be the senior member of all Union delegations to nursing and health related organizations outside the Province.
- v. The President shall be a signing officer of the Union.
- vi. The President shall be responsible, with the Executive Director, for internal and external communications with the membership, the public, other Unions, organizations and the government.
- vii. The President shall be responsible, with the Executive Director, for the overall management and direction of the Union.

b) Vice-President

- i. The Vice-President shall carry out duties as assigned by the President and act in lieu of the President in her/his absence.

c) Treasurer

- i) The Treasurer shall ensure regular books and records of the Union's finances are kept as instructed by the Board.
- ii) The Treasurer will be one of the signing officers of the Union.

d) Secretary

- i) The Secretary shall ensure minutes of all meetings of the Executive and Board are maintained.

ARTICLE 6 – DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE OF THE UNION

- 6.01** The Executive shall be responsible for the administration of the affairs and activities of the Union when the Board is not meeting.
- 6.02** The Executive shall be responsible for proposing policies and making recommendations to the Board and reviewing all policies annually.
- 6.03** The Executive Director and the President shall jointly approve all expenditures that are within the approved budget of the union. Expenses in excess of \$1000, which are not approved in the budget, shall be referred to the Executive for consideration and the Executive will forward its recommendation to the Board for a decision.

- 6.04** The Executive shall meet with the staff of the Union every two years to review salaries, benefits and expense policies and make recommendations to the Board.
- 6.05** The Executive shall determine the process for interviewing candidates for staff positions of the Union and shall make recommendations to the Board.

ARTICLE 7 – MEETINGS OF THE EXECUTIVE

- 7.01** The Executive shall meet at the call of the President or at the request of at least two (2) members of the Executive. In any event, the Executive shall meet at least four (4) times a year, exclusive of Board meetings.
- 7.02** The time and place of meetings of the Executive shall be determined by the President. Any meeting requested pursuant to the provisions of Article 7.01, shall be held within fifteen (15) days of the receipt by the President of any such request. Every officer shall be given at least three (3) days notice of such meeting.
- 7.03** A majority of the members of the Executive shall constitute a quorum.
- 7.04** Unless otherwise provided in these By-Laws, any questions arising at a meeting of the Executive shall be decided by a majority vote of the members present. Voting shall be by a show of hands unless a secret ballot is requested.
- 7.05** Each member of the Executive excluding the President, shall be entitled to one vote on each question which is voted upon at the meeting. In the case of a tie, the President shall be entitled to cast a deciding vote.
- 7.06** When it is necessary that the Executive take action and it is not possible or feasible to hold a meeting, the President or anyone acting with her/his authority may contact members of the Executive by phone or other means of communication to decide on the action to be taken. Any action taken shall constitute a decision of the Executive as if it had acted in formal meetings and shall be reviewed at the next meeting of the Executive and shall be a part of the minutes.

ARTICLE 8 – THE BOARD

- 8.01** There shall be a Board composed of:
- 1) President
 - 2) Vice-President
 - 3) Treasurer
 - 4) Secretary
 - 5) Voting Representatives

- 8.02** Each local of the Union shall have one voting representative on the Board. The Constitution and By-laws of the local shall determine the means by which the representative shall be elected or appointed to the Board.
- 8.03** The term of office for members of the Board shall be two (2) years.
- 8.04** No member who holds an excluded position as defined in 4.01 (d) shall be a member of the Board.
- 8.05** A member who holds an Executive position shall not also act as a voting representative for a local.

ARTICLE 9 – THE DUTIES AND RESPONSIBILITIES OF THE MEMBERS OF THE BOARD

- 9.01** The voting representatives shall carry out the objectives of the Union, function as members of the Board and act as liaisons between membership and the Board.
- 9.02** In the event that any voting representative should resign, die or otherwise permanently cease to act, the membership of the local involved shall elect or appoint a replacement for the unexpired term in accordance with the Constitution of that local.
- 9.03** In the event a voting representative is unable to attend a Board Meeting, the membership of the local involved is entitled to send a substitute delegate with voting privileges.
- 9.04** Following the AGM, and not later than September 30th, the membership within each local shall meet to elect or appoint the voting representative to the Board. The results of the elections shall be reported to the Union office.
- 9.05** In the event that no voting representative is elected/appointed, the local shall be notified by the provincial office not less than forty-five (45) days following the absence of a voting representative. In the event the position remains vacant for three (3) months, all revenues referred to in Article 18.02 a) shall be suspended and the local shall be considered inactive. When a voting representative is elected or appointed by the local, rebates will recommence.

ARTICLE 10 – DUTIES AND RESPONSIBILITIES OF THE BOARD

- 10.01** The Board shall be responsible for the administration of the affairs and activities of the Union.
- 10.02** The Board shall, subject to any general policies established at the AGM, assist the Negotiating Committee in the formulation and development of bargaining proposals and strategies to be used in the interest of obtaining the best possible proposed agreement for submission to the membership.

ARTICLE 11 – MEETINGS OF THE BOARD

- 11.01** The Board shall meet at the call of the President or at the request of at least four (4) members of the Board. In any event, the Board shall meet at least six (6) times per year.
- 11.02** The time and place of meetings of the Board shall be determined by the President. Any meetings requested pursuant to the provisions of Article 11.01 shall be held within thirty (30) days of the receipt by the President of such a request. Every voting representative shall be given at least fourteen (14) days notice of such meetings.
- 11.03** A majority of the members of the Board shall constitute a quorum.
- 11.04** Unless otherwise provided in these By-Laws, any questions arising at a meeting of the Board shall be decided by a majority vote of the members present.
- 11.05** Voting shall be done by a show of hands unless a secret ballot is requested. Each member of the Board, excluding the President, shall be entitled to one vote on each question which is voted upon at the meeting. In the case of a tie, the President shall cast a deciding vote.
- 11.06** When it is necessary that the Board take action and it is not possible or feasible to hold a meeting, the President or anyone acting in her/his authority may contact members of the Board by phone or other means of communication to determine the action to be taken. Any action taken shall constitute the decision of the Board as if it had acted in formal meetings and shall be reviewed at the next meeting of the Board and shall be part of the minutes.

ARTICLE 12 – MEETINGS OF THE UNION

- 12.01** The Union shall hold an AGM annually.
- 12.02** Every local shall be given at least sixty (60) days notice of AGMs and at least seven (7) days notice of Special Meetings. The notice shall be sent to the President of each local and she/he shall make every reasonable effort to inform the members of the meeting.
- 12.03** a) A Special Meeting of the Union may be called:
- i) by the President through notification to the Board; or
 - ii) by written request of at least one-third (1/3) of the members of the Board; or
 - iii) by written request of at least thirty (30) members evidenced by their signatures.
- b) Special meetings called in accordance with 12.02 a) shall be held within fifteen (15) days of formal notification from or receipt by the President.

c) All requests for special meetings shall specify the subjects to be discussed.

12.04 In the case of Special Meetings, only the subjects specified in the notice calling the meeting may be considered and acted upon at the meeting.

12.05 a) Roberts Rules of Order shall govern if any procedural matter is brought into dispute during any meeting of the Union.

b) An agenda shall be presented at the beginning of every meeting for approval by the members in attendance.

12.06 A quorum at an AGM or Special Meeting shall be twenty (20) voting members.

12.07 If quorum is not met, the Board shall have authority to make decisions related to the purpose for which the meeting was called.

ARTICLE 13 – VOTING AT MEETINGS OF THE UNION

13.01 Any member of a local may attend, participate and vote at any AGM or Special Meeting of the Union.

13.02 The scrutineers shall distribute, collect and count ballots if used and shall report the results in writing to the President who in turn shall report to the meeting.

13.03 Unless otherwise provided in these By-Laws, any resolution or motion presented at a meeting of the Union shall be deemed to have been carried if a majority of the members present vote in favor of it.

13.04 Voting shall be by a show of hands unless otherwise provided in these by-laws or unless another manner of voting is requested by the members.

13.05 Each member in attendance shall be entitled to one vote and there shall be no proxy voting. The President shall only vote in the event of a tie.

13.06 Unless otherwise provided in these By-Laws, any decision taken at a meeting shall be implemented as soon as reasonably practical following the meeting.

ARTICLE 14 – EXECUTIVE DIRECTOR

14.01 The Executive Director of the Union shall sit as a non-voting member on all committees of the Union.

14.02 The Executive Director shall have signing authority for the Union.

ARTICLE 15 – COMMITTEES OF THE UNION

15.01 a) The standing committees shall be: Constitution and Resolutions Committee, Finance Committee, Nominations Committee, Grievance

Committee and Public Relations Committee.

- b) The Chair of each standing committee shall be a member of the Board chosen in odd numbered years by the Board.
- c) The members of each Committee shall be elected by majority vote at the AGM in even-numbered years, unless otherwise stated, and their term shall be for two (2) years.
- d) Each Committee shall adopt Terms of Reference as approved by the Board.
- e) The Board may establish Ad Hoc committees of the Union as deemed necessary and may appoint a chairperson and members to the committees. These committees shall be subject to any restrictions imposed upon them by the Board.
- f) No member who holds an excluded position as defined in 4.01 (d) shall be a member of a committee of the Union.

15.02 A majority of the members of a Committee shall constitute a quorum.

15.03 In the event that a Committee member is unable to complete their term, the member shall be replaced as determined by the Board.

Constitution and Resolutions Committee

15.04 The Constitution and Resolutions Committee shall be composed of three (3) members, one of whom shall be the Chairperson.

15.05 Throughout the year and up to ninety (90) days prior to the date of the AGM, constitutional amendments and resolutions may be submitted in writing to the Constitution and Resolutions Committee by

- a) any member when signed by the member and seconded in writing by another member or;
- b) the Executive, Board, a Committee of the Union or a Local.

15.06 The Constitution and Resolutions Committee shall:

- a) annually review the current Constitution and Bylaws, make recommendations for changes as deemed necessary and present any changes in accordance with 15.06 c) and d), and 20.01;
- b) review, edit and compile the recommendations for constitutional and/or by-law amendments and the resolutions received from the membership;
- c) circulate the recommendations for constitutional and/or by-law amendments and the resolutions to the membership prior to the AGM;
- d) present the recommendations for constitutional and/or by-law amendments and the resolutions received from the membership at the AGM.

15.07 Resolutions not submitted in accordance with the time limits referred to above shall be presented to a member of the Constitution and Resolutions Committee no later than noon on the day of the AGM. The submitted resolution shall only be considered on a two-thirds (2/3) vote by the membership in attendance.

Finance Committee

15.08 The Finance Committee shall be composed of three (3) members, one of whom shall be the Treasurer of the Union who shall serve as Chairperson. One (1) member shall be elected at each AGM. The past Treasurer shall be an ex-officio member of this Committee for one (1) year.

15.09 The Finance Committee shall:

- a) recommend an annual budget for approval by the membership;
- b) determine criteria for disbursements and;
- c) recommend to membership how monies will be used.

Nominations Committee

15.10 The Nominations Committee shall be composed of three (3) members, one of whom shall be the Chairperson.

15.11 The Nominations Committee shall deal with the nomination procedures relating to:

- a) the election of officers;
- b) election of committee members at AGM.

15.12 The members of the Nominations Committee shall act as scrutineers at AGMs, Elections and Special Meetings during their term of office.

Grievance Committee

15.13 The Grievance Committee shall be composed of seven (7) members, each from a different Local, appointed by the Board. In addition to the Chairperson, three (3) members shall be appointed in odd-numbered years and three (3) members shall be appointed in even-numbered years. Of the 7 members, 3 members will constitute a quorum.

15.14 The Grievance Committee may, in accordance with the established policies and procedures:

- a) review all Step II grievances denied or for which the proposed resolution is unacceptable;
- b) determine, based on its review, whether or not to advance the grievance to arbitration;
- c) review all grievances filed within the year.

Public Relations Committee

15.15 The Public Relations Committee shall be composed of three (3) members, one of whom shall be the Chairperson.

15.16 The Public Relations Committee shall:

- a) in consultation with the Board, determine the best strategies for overall public relations;
- b) in consultation with the Negotiating Committee, determine and implement the best strategy for the negotiations campaign.
- c) plan and direct any public relations activities to be undertaken by the Union during Nursing Week.
- d) assist with Union events.

Negotiating Committee

15.17 There shall be a Negotiating Committee for each bargaining unit for which the Union is certified.

15.18 Each Negotiating Committee shall be composed of the Executive Director and representatives from the particular bargaining unit appointed by the Board. The President shall be the Chair of the Committee.

15.19 The Negotiating Committee shall:

- a) negotiate the Collective Agreement with the Employer using, as a basis for bargaining, information and proposals submitted by the membership and drafted by the Negotiating Committee;
- b) determine the best settlement which the Employer is prepared to offer; and subsequently:
 - i) present the settlement offered by the Employer to the Board and then refer the settlement to the membership of the bargaining unit for final acceptance or rejection; and/or
 - ii) refer some or all of the outstanding issues to conciliation, mediation and/or arbitration in accordance with the Collective Agreement provisions and provincial labour legislation.

ARTICLE 16 – UNION LOCALS

16.01 A group of five (5) or more members of the Union identifiable by a common workplace and/or shared community of interest within a bargaining unit, may form a local of the Union, subject to the approval of the Board.

ARTICLE 17 – MEMBERSHIP STANDING AND REMOVAL FROM OFFICE

17.01 Any elected member of the Board may be removed from office by a motion of non-confidence provided that seventy-five percent of the entire Board votes in favour of such a motion. The member shall have the option of an internal trial conducted in accordance with the current Robert's Rules of Order, before the motion of non-confidence is presented.

17.02 A member of the Union shall cease to be a member in good standing if guilty of conduct which, in the opinion of a majority of the Board, is contrary to the objectives of the Union as set out in Article 2 of the Constitution. The vote shall follow an internal trial conducted in accordance with the current Robert's Rules of Order.

17.03 A member not in good standing may be reinstated on motion of the Board.

17.04 Members who are not in good standing shall not be permitted to hold any office, participate in Union activities or have the right to vote on Union

matters, other than the right to vote on the ratification of a collective agreement.

ARTICLE 18 – REVENUE

18.01 The revenue of the Union shall be derived as follows:

- a) from the bi-weekly Union dues remitted on behalf of members in amounts that are established in accordance with direction from the members through a vote at an AGM or;
- b) through any donation, grant, bequest or other form of transfer of funds or properties from any charitable, governmental, educational or other source that is consistent with the objectives of the Union.

18.02 Any funds owed to the Union by a local pursuant to the provisions of these By-Laws shall constitute a preferred claim and must be paid promptly by the local each month prior to the payment of any local obligations.

ARTICLE 19 – AUDIT

19.01 The fiscal year of the Union shall be January 1st to December 31st unless otherwise designated by the Board. There shall be an Auditor of the Union who shall be an accountant and shall not be a member or employee of the Union. In the event that the Auditor should resign or otherwise be unable to carry out the duties, the Board shall appoint a new Auditor until the following AGM or Special Meeting. The Auditor shall conduct an audit once every year and shall present it at the AGM.

ARTICLE 20 – AMENDMENTS

20.01 The Constitution and By-Laws may be amended when two-thirds (2/3) of the membership attending an AGM or Special Meeting of the Union vote in favor of the amendment. Full details of the proposed amendments shall be sent out one (1) month in advance to every local.

ARTICLE 21 – WAIVER

21.01 Procedural and notice requirements of these By-Laws relating to nominations and election may be waived or varied at any meeting of the Union provided two-thirds (2/3) of the membership attending the meeting vote in favor of the waiver or variation.