

# **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.

**P.E.I. NURSES' UNION  
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 member of PEINU.**
- 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.
- i) **“excluded position” shall mean a position outside of the bargaining unit.**
- j) Active member**
  - i. a member who pays union dues**
  - ii. a member who is not paying dues, but is on an approved Leave of absence (i.e. Maternity, Parental, Sick, Union, compassionate)**
- k) Inactive member**
  - i. a member who is not paying dues except as provided in k) ii.**
  - ii. a member who is on an unpaid “general” leave of absence for greater than six (6) months**
  - iii. a casual member who has not worked in greater than six (6) months**
  - iv. an employee who holds an excluded position, and also works casually within the bargaining unit.**
- l) **“member in good standing” shall mean any member of the Union, subject to Article 17.02.**

## 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** **An active member in good standing, shall be entitled to attend meetings, to hold office and to be a candidate for office.**
- 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 an active member in good standing of the Union:**
- 1) President**
  - 2) Vice-President**
  - 3) Treasurer**
  - 4) Secretary**
- 3.02**
- (a) The term of office for all Executive positions shall be three (3) years.**
  - (b) Notwithstanding 3.02 (a), a member may be elected to the office of President for no more than two (2) consecutive terms, or six (6) years as President. They would then be expected to step back for at least one full-term before running for re-election.**
- 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 a date set by the Board of Directors, in accordance with the relevant provincial policy, and posted according to guidelines set out in Article 4.**

- 3.04 a) The officers shall commence their term immediately following the election at which they are elected. The transfer of officers shall be completed within thirty (30) days of the election.**
- b) Notwithstanding 3.04 a), When an officer will be acclaimed, the “Officer Elect” may commence the transfer of office prior to the election date in accordance with the relevant election policy.**
- 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 a)** In the event that the President, Vice-President, Treasurer or Secretary should resign, die or otherwise permanently cease to act, a replacement **may** be elected by and from the Board to serve until the next election.
- b) Notwithstanding 3.07 (a), if the remainder of the term is less than eleven (11) months, a replacement shall be elected by and from the Board to serve until the next election. If the remainder of the term is greater than eleven (11) months, there shall be a provincial election called within sixty (60) days.**

#### 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 open sixty (60) days prior to the date of the election. The Nominations Committee shall publish the slate of candidates, with a biography of each nominee, at least twenty-eight (28) 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.**
- 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 the nominations committee comes forward

with candidates and an election occurs at a Special Meeting within **sixty (60)** 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 **those members who vote**.
- 4.03**
- a) **The vote shall occur by electronic ballot.**
  - b) **Vote may be cast until twelve (12) noon on the date of the election**
  - c) The results of the electronic vote shall be communicated to the Chair of the Nominations Committee 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 electronic ballot, another electronic vote shall take place between the tied candidates within fourteen (14) days.
- 4.06 The results of the election shall be communicated in accordance to the relevant election policy.**

#### 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** for internal and external communications with the membership, the public, other Unions, organizations and the government.

- vii. **The President shall be responsible** for the overall management and direction of the Union.
- viii. **Notwithstanding 5.01 a) vi. And 5.01 a) vii., in the event the Executive Director is on an extended leave of absence; or the position is vacant for whatever reason, the Executive members will assist the President until a replacement is in place.**
- 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.
  - ii. **The Vice President shall be one of the signing officers of the Union.**
- c) Treasurer
  - i. The Treasurer shall ensure regular books and records of the Union's finances are kept as instructed by the Board.
  - iii. 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 is 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 **In the event the Executive Director is on an extended leave of absence; or the position is vacant for whatever reason, the Executive members or a delegate will assist the president until a replacement is in place.**
- 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.
- 6.06 **The Executive shall ensure that a clearly defined process is in place for the hiring, and termination of Union staff. This process shall include a probationary period and regular written performance reviews. Concerns/recommendation shall be brought to the Board for discussion and direction.**

## 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. **The Agendas will be posted to the “members only” area of the Union website.**

## 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
- a) **Each local of the Union shall elect a local president who shall be the voting representative on the provincial Board.**
  - b) **Notwithstanding 8.02 a), if a local has a membership of greater than three hundred (300) members, they shall have two (2) voting representatives on the provincial Board.**
  - c) **In the event a voting representative is unable to attend a Board Meeting, the Executive of the local involved is entitled to send a substitute delegate with voting privileges.**

- 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 (e)** shall be a member of the Board.
- 8.05 If a Board member is elected, or appointed to an Executive position from the Board, they shall no longer hold a position as local president.**

#### 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 No later than October 31, the membership within each local shall meet to elect or appoint the voting representative to the Board. The results of which shall be reported to the Union office.**

#### 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 **their** 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. . **The Agendas will be posted to the “members only” area of the Union website.**

## 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 provincial AGMs. The notice shall be sent to the President of each local and they shall make every reasonable effort to inform the members of the meeting. The notice and agenda of the meeting will also be posted on the members only area of the Union website.**
- 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) i) **Members shall be given at least seven (7) days notice of Special meetings, and the meeting shall be held within fifteen (15) days. 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. The notice and agenda of the meeting will also be posted on the members only area of the Union website.**
- ii) **Notwithstanding 12.03 a) , if the special meeting is being called to address Constitution or Resolution By-Law changes, members will be notified within fifteen (15) days of the proposed meeting. The meeting will be held within forty-five (45)days to allow for required notice Article 20.01 The notice, agenda of the meeting, and proposed amendments shall be sent to the President of each local and she/he shall make every reasonable effort to inform the members of the meeting. The notice, agenda of the meeting, and proposed amendments will also be posted on the members only area of the Union website.**
- 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 active member of a local may attend, participate and vote at any AGM or Special Meeting of the Union.**

- 13.02 a) 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.

**b) Notwithstanding 13.02 a), an electronic vote may be used at meeting**

- c) Voting may also be by a show of hands unless otherwise provided in these by-laws or unless another manner of voting is requested by the members.

- 13.03 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 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.

- 13.05 Unless otherwise provided in these By-Laws, any decision made at an AGM or Special meeting shall be in effect immediately.**

- 13.06 Unless otherwise provided in these By-Law, The Board of Directors will be responsible to ensure that any decisions 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, **or their delegate** shall sit as a non-voting member on all committees of the Union.

- 14.02** The Executive Director **shall** be a 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.**
- 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 e)** 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. **Notwithstanding 15.01 c)**, 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 Board of Directors;**
- b) **present the results of the annual audit at the AGM for discussion with the membership;**
- c) **present the annual budget at the AGM for discussion with the membership.**

#### Nominations Committee

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

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

#### Grievance Committee

15.12 The Grievance Committee shall be composed **the Presidents from each Local.**

#### Public Relations Committee

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

#### Negotiating Committee

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

15.15 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.

## 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.
- 16.02 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. **The Board of Directors will assist the local in actively recruiting a voting representative to the position.** When a voting representative is elected or appointed by the local, rebates will recommence.

#### 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.**
- 17.02 **Any elected member of the provincial Executive (President, Vice-President, Secretary or Treasurer) may be removed from office by a motion of non-confidence provided that seventy-five percent of the entire Board votes in favor of such a motion; or if two thirds (2/3) of the members in attendance at an AGM or special meeting vote in favor of the motion.**
- 17.03 a) **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.**
- b) A member not in good standing **may submit a request in writing to the Board for reinstatement.**
- c) Members who are not in good standing shall not be permitted to hold any office, participate in Union activities, **benefit from Union activities (i.e. bursaries)**, 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 1<sup>st</sup> to December 31<sup>st</sup> 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 **thirty (30) days** in advance to every local.

#### ARTICLE 21 – WAIVER

- 21.01 **Procedural and/or notice requirements of these By-Laws 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.**