



PEI NURSES' UNION
CONSTITUTION & BYLAWS



PEI NURSES' UNION

CONSTITUTION

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.

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.

3 AMENDMENTS

- 3.01 Amendments to this Constitution shall be conducted in accordance with Article 12 (Amendments & Waiver) of the PEI Nurses' Union By-laws.

PEI NURSES' UNION

BYLAWS

1 DEFINITIONS

1.01 In the Constitution and By-laws:

- (a) "Union" shall mean the Prince Edward Island Nurses' Union;
- (b) "AGM" shall mean Annual General Meeting;
- (c) "day" shall mean a calendar day;
- (d) "quorum" shall mean the number of members required to be present before business may be conducted;
- (e) "meeting" shall mean any meeting or conference of the Union;
- (f) "Executive Council" shall mean the council elected by the members of the Union to serve as Executive Officers in accordance with Article 3 (Executive Council);
- (g) "Provincial Council" shall mean the council of Local Presidents from each Local of the Union, established in accordance with Article 4 (Provincial Council);
- (h) "Local" shall mean the recognized group of members approved by the Executive Council according to Article 5 (Locals of the Union);
- (i) "Local Executive" shall mean the group of members elected to serve as Local Officers in accordance with Article 5 (Locals of the Union);
- (j) "Local President" shall be interpreted to include "Local Co-Presidents";
- (k) "Worksite Representative" shall mean a member who acts as a liaison between members and the Local, and may be selected by the Union to represent members. Worksites may have more than one Worksite Representative.
- (l) "member" shall mean a member of PEINU;
- (m) "Active member" means:
 - (i) a member who pays union dues, or
 - (ii) a member who is not paying dues, but is on an approved leave of absence (i.e. maternity, parental, sick, union, compassionate).
- (n) "Inactive member" means:
 - (i) a member who is not paying dues except as provided in Article 1.01 (m)(ii);

- (ii) a member who is on unpaid "general" leave of absence for greater than three (3) months;
 - (iii) a casual member who has not paid dues in the previous three (3) months;
 - (iv) an employee who holds an excluded position, and also works casually within the bargaining unit; or
 - (v) a member who retires, resigns, or who is suspended or terminated by the Employer, and who continues to be represented by the Union through the grievance and/or arbitration procedure of the Collective Agreement
- (o) "member in good standing" shall mean any member of the Union, subject to Article 9 (Membership Standing);
- (p) "excluded position" shall mean a position outside of the bargaining unit;
- (q) the singular shall include the plural and vice versa as applicable;
- (r) "Ex-Officio member" shall mean a member of the Union who holds office and is a member of a particular Council or Committee by virtue of their position within the Union. They are active participants and have full voting rights on the Council or Committee.
- (s) "Non-Voting member" shall mean an individual who is part of the Union but does not have voting rights within the Union. Their participation in the Council or Committee is typically linked to their employment, area of expertise, or past experience.

2 MEMBERSHIP

Eligibility for Membership

- 2.01 All individuals who are employed in a bargaining unit for which the Union is the authorized representative are eligible for membership in the Union.

Member Rights

- 2.02 An active member in good standing shall have the right to attend meetings, to hold office and to be a candidate for office, subject to these By-laws.
- 2.03 Inactive members shall not be eligible to hold office or be a candidate for office in the Union or any Local of the Union.
- 2.04 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.

- 2.05 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.
- 2.06 A member who retires, resigns, or who is suspended or terminated by the Employer, and who continues to be represented by the Union through the grievance and/or arbitration procedure of the Collective Agreement shall be considered an inactive member of the Union until such time as the grievance is resolved, withdrawn or otherwise concluded.

3 EXECUTIVE COUNCIL

Executive Council Composition and Terms

- 3.01 The Executive Council shall be composed of the following positions (“Executive Officers”):
- (a) President
 - (b) Vice-President Finance
 - (c) Vice-President Acute Care
 - (d) Vice-President Long Term Care
 - (e) Vice-President Community/Primary Care
 - (f) Up to two (2) other Executive Officer positions may be elected to ensure the Executive Council has broad representation from across the Union’s membership
- 3.02 Following the election of Executive Officers, a “First Vice President” shall be selected from among the members of Executive Council by a majority vote of the Executive Council.
- (a) The First Vice President shall be selected on an annual basis.
- 3.03 The term of office for all Executive Council positions shall be three (3) years;
- 3.04 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 shall step back for at least one (1) full term before running for re-election.

Executive Council Duties and Responsibilities

- 3.05 The Executive Council shall be responsible for the oversight and management of the affairs and activities of the Union, in accordance with the Constitution, Bylaws and Policies of the Union. The Executive Council shall be responsible to review and amend the governance policies of the Union on an annual basis.

- 3.06 The Executive Council shall be responsible for the recruitment and performance management of the Executive Director, who shall be responsible for the day-to-day management and operations of the Union.
- 3.07 In the event the Executive Director is on an extended leave of absence or the position is vacant, the Executive Council will assist the President until a replacement is in place.
- 3.08 The Executive Council shall, in collaboration with the Provincial Council, 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.

Vacancies and Removal from Executive Council

- 3.09 Any Executive Officer who is absent from two (2) consecutive meetings without reason satisfactory to the Executive Council shall no longer be a member of the Executive Council and such office shall be declared vacant. A replacement may be appointed by the Executive Council to serve until the next election in accordance with Article 3.13.
- 3.10 Any Executive Officer who has a pending discipline complaint under the Regulated Health Professions Act, or criminal charge shall be suspended from serving as an Executive Officer until the outcome of the complaint or charge is known.
- 3.11 An Executive Officer shall be removed from office where:
- (a) their conduct has been found to be Professional Misconduct or Incompetence in accordance with Section 58 (1) of the Regulated Health Professions Act; or
 - (b) they have been convicted of an indictable offence or sentenced to a term of imprisonment.
- 3.12 An Executive Officer who is suspended from or ceases to hold office for any reason, including as a result of a suspension in accordance with Article 3.10, shall immediately turn over all documents, records, books, assets and all other property and equipment of the Union in their possession to the Executive Council. All signing authority shall be terminated, suspended and/or transferred immediately.
- 3.13 If an Executive Officer should resign or otherwise permanently cease to act, a replacement may be elected or appointed to serve for the remainder of the term as follows:
- (a) where the remainder of the term is less than eighteen (18) months, a replacement may be appointed by the Executive Council from the Provincial Council; or
 - (b) where the remainder of the term is greater than eighteen (18) months, there shall be a provincial election called within sixty (60) days.

Executive Council Elections

- 3.14 The election for Executive Council positions shall occur on a date set by the Executive Council, in accordance with the relevant Union governance policy, and posted according to the guidelines set out in this Article.
- (a) The elected Executive Officers shall commence their term immediately following the election at which they are elected. The transfer of office shall be completed within thirty (30) days of the election.
 - (b) Notwithstanding Article 3.14 (a), when an Executive Officer will be acclaimed, the acclaimed Executive Officer may commence the transfer of office prior to the election date in accordance with the relevant Election Policy.
- 3.15 President Elect
- (a) When the incumbent of the office of “President” of the Union is in their second (2nd) and final term of office according to 3.04 above, the Executive Council may proceed with the election for the next President of the Union up to one (1) year in advance. The individual elected in the early election process shall be known as the “President Elect”.
 - (b) Notwithstanding 3.14 of the by-laws, a “President Elect” shall only take office as the “President” of the Union on the date upon which the incumbent President completes their term in office.
- 3.16 Past President
- (a) When a new President is elected who did not have the opportunity to participate as a “President Elect”, the Executive Council may appoint a “Past President” for a period of up to one (1) year.

Nominations

- 3.17 The Nominations Committee or any person or persons acting with its authority shall prepare through consultation with the Locals and the membership at large, a list of nominees for the vacant Executive Council positions. 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.
- 3.18 The Nominations Committee shall operate in accordance with relevant governance policies and committee terms of reference that have been approved by the Executive Council.
- 3.19 Election of members to the Executive Council, subject to other provisions of these Articles, shall be by majority of those members who vote.

3.20 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.

3.21 Tie votes:

- (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 election ballot, another electronic vote shall take place between the tied candidates within fourteen (14) days.

3.22 The results of the election shall be communicated in accordance with the relevant election policy.

Duties and Responsibilities of the Executive Officers

3.23 The President shall:

- (a) be the Head of the Union and official spokesperson of the Union;
- (b) preside at all meetings of the Union and shall be charged with the responsibility of carrying out the policies of the Union;
- (c) be an ex-officio member of all committees of the Union;
- (d) 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; and
- (e) be one (1) of the signing officers of the Union.
- (f) provide orientation and mentorship to the President Elect.

First VP

3.24 The Executive Officer selected by the Executive Council as the “First Vice President” shall:

- (a) be one of the signing officers of the Union; and
- (b) be responsible to assume some or all of the duties of the President during an extended period of absence and/or in accordance with relevant Union policies.

VP Finance

3.25 Vice President Finance shall:

- (a) be one of the signing officers of the Union;
- (b) be the Chair of the Finance Committee; and
- (c) ensure the Union's financial records are maintained in accordance with the relevant Union governance policies.

Executive Council (All Officers)

3.26 In addition to Articles 3.05 – 3.08, the roles and responsibilities of all Executive Council Officers shall be outlined in governance policies of the Union.

President Elect

3.27 Purpose

The intent of having a "President Elect" is to facilitate the smooth and orderly transition of leadership, ensuring that the Union continues to effectively represent the interests of its members.

- (a) The "President Elect" is intended to improve the continuity of the Union's operations by allowing for the peaceful transition of power.

3.28 The President Elect shall:

- (a) Participate in the orientation and mentorship outlined in the governance policies of the Union; and
- (b) participate as a Non-Voting member of the Executive Council, Provincial Council, and Committees of the Union, except where such participation may be disruptive to the members of the Councils or Committees, the operations, or the business of the Union.

3.29 Notwithstanding 5.11 of these by-laws, the "President Elect" may continue to hold office as an existing member of the Executive Council, Provincial Council, Local Union Executive, or Member-at-large of a Committee.

Past President

3.30 Purpose

The intent of appointing a "Past President" is to facilitate the smooth and orderly transition of leadership, ensuring that the Union continues to effectively represent the interests of its members.

3.31 At the request of Executive Council, the Past President shall:

- (a) act in an advisory capacity to the Executive Council and newly elected President;
and
- (b) may participate as a Non-Voting Member of the Executive Council, Provincial Council, and Committees of the Union.

3.32 Notwithstanding 5.11 of these by-laws, the “Past President” may hold office as a member of the Executive Council, Provincial Council, Local Union Executive, or Member-at-large of a Committee.

Meetings of the Executive Council

3.33 The Executive Council shall meet:

- (a) At least four (4) times a year (exclusive of the Annual General Meeting);
- (b) At the call of the President;
- (c) At the request of at least three (3) Executive Officers; or
- (d) At the request of at least 50% of the members of the Provincial Council.

3.34 The time and place of meetings of the Executive Council shall be determined by the President. Any meeting requested pursuant to the provisions of Article 3.25 (a) – (d), shall be held within fifteen (15) days of the receipt by the President of any such request. Executive Officers shall be given at least three (3) days’ notice of such meeting.

3.35 A majority of the Executive Council shall constitute a quorum.

3.36 Unless otherwise provided in these Bylaws, any questions arising at a meeting of the Executive Council 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.

3.37 Each Executive Officer, 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.

3.38 When it is necessary that the Executive Council take action and it is not possible or feasible to hold a meeting, the President or anyone acting with their authority may contact the Executive Officers 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 Council as if it had been acted in formal meetings and shall be reviewed at the next meeting of the Executive Council and shall be part of the minutes. Meeting agendas will be posted to the “Executive Council only” area of the Union website.

4 PROVINCIAL COUNCIL

Provincial Council Composition and Purpose

- 4.01 The Provincial Council shall be composed of the following members:
- (a) The President of the Union;
 - (b) The Local Presidents of each Local in accordance with Article 5.06,
 - (c) Such other members as may be determined by the governance policies of the Union.
- 4.02 The purpose of the Provincial Council is:
- (a) To identify and discuss local, common, or persistent issues between the Union's Locals;
 - (b) To elevate issues to the Executive Council that are provincial in nature; and
 - (c) For the Local Presidents to share knowledge and support one another in representing their members.
- 4.03 The Provincial Council shall, in collaboration with the Executive Council, 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.

Meetings of the Provincial Council

- 4.04 The Provincial Council shall meet:
- (a) At least four (4) times a year (exclusive of the Annual General Meeting);
 - (b) At the call of the President; and
 - (c) At the call of at least 50% of the voting members of the Provincial Council.
- 4.05 A majority of the members of the Provincial Council shall constitute a quorum.
- 4.06 Subject to Article 4.04, in the event a Local President is unable to attend a Provincial Council meeting, the affected Local is entitled to send a substitute delegate with the voting privileges.

5 LOCALS OF THE UNION

Local Composition and Purpose

- 5.01 The Executive Council may approve a group of not less than thirty (30) members, identifiable by a common workplace and/or shared community of interest within a bargaining unit to form a Local of the Union

- 5.02 Notwithstanding Article 5.01, the Executive Council shall have the authority to alter the membership composition of the Locals, taking into consideration recommendations from the Provincial Council.
- 5.03 The purpose of the Locals shall be to support the objectives of the Union, provide representation for members of the Local, advocate for adherence to the terms of the Collective Agreement, and act as a liaison for the Union and the Local membership.
- 5.04 The Locals shall operate in accordance with the Constitution, Bylaws, and governance policies of the Union.

Local Officers - Terms and Election

- 5.05 Each Local shall elect a “Local Executive” from among its membership. The Local Executive shall be composed of the following positions (“Local Officers”):
- (a) Local President (or Co-Presidents)
 - (b) Local Vice-President
 - (c) Local Secretary
 - (d) Local Treasurer
- 5.06 Notwithstanding Article 5.05 (a), a Local may elect two (2) individuals to share the duties and responsibilities of the President.
- (a) For Locals with less than three hundred (300) members, only one (1) of these individuals shall be entitled to attend and vote at meetings of the Provincial Council.
 - (b) For Locals with three hundred (300) or more members, both individuals shall be entitled to attend and vote at meetings of the Provincial Council.
- 5.07 Locals shall be permitted to combine any two (2) of the Local Officer positions such that the Local Executive would consist of not less than three (3) Local Officers.
- 5.08 The term of office for Local Officers shall be three (3) years. Every effort shall be made to stagger the terms of Local Officers to avoid all positions transitioning in the same year.
- 5.09 No later than ~~October 31~~ **November 30**, the membership within each Local shall meet to elect or appoint the Local Officers. The results of which shall be reported to the Executive Director, who will then notify the Executive Council and Provincial Council.
- 5.10 If members of the Local are unable to elect or appoint a Local President (or Co-Presidents), the Executive Council may dissolve the Local or take such other action as

may be advisable or necessary to ensure appropriate representation of the members and fulfill the objectives of the Union.

Vacancies and Removal from Office

- 5.11 If a Local Officer is elected or appointed to the Executive Council, they shall cease to act as a Local Officer and that vacancy shall be filled in accordance with Article 5.14.
- 5.12 Any Local Officer who has a pending discipline complaint under the Regulated Health Professions Act, or criminal charge shall be suspended from serving as a Local Officer until the outcome of the complaint or charge is known.
- 5.13 A Local Officer shall be removed from office where:
- (a) their conduct has been found to be Professional Misconduct or Incompetence in accordance with Article 58 (1) of the Regulated Health Professions Act; or,
 - (b) they have been convicted of an indictable offence or sentenced to a term of imprisonment.
- 5.14 If a Local Officer should resign or otherwise permanently cease to act, a replacement may be elected or appointed to serve for the remainder of the term as follows:
- (a) where the remainder of the term is less than eighteen (18) months, a replacement may be appointed by the Local Executive; or
 - (b) where the remainder of the term is greater than eighteen (18) months, there shall be a Local election called within sixty (60) days.

Local Meetings

- 5.15 The members of the Local shall meet:
- (a) At least three (3) times a year;
 - (b) At the request of at least five (5) Local members;
 - (c) At the call of the Local President or at the request of at least two (2) Local Officers; and
 - (d) At the call of the Executive Council of the Union.
- 5.16 Quorum for a meeting of Local membership shall be 50% of the Local Officers and at least three (3) members-at-large.
- 5.17 A Local Executive shall meet:
- (a) At least three (3) times a year;

(b) At the call of the Local President or at the request of at least two (2) Local Officers;
and

(c) At the call of the Executive Council of the Union.

5.18 Quorum for a Local Executive Meeting shall be 50% of the Local Officers.

Local Officers and Worksite Representatives – Duties and Responsibilities

Worksite Representatives

5.19 The Local Officers shall serve as Worksite Representatives.

5.20 The duties of Worksite Representatives shall be outlined in the governance policies of the Union.

5.21 Members-at-large within a Local may be elected by a vote of the Local membership, or appointed by the Local Executive, to serve as Worksite Representatives.

Local Officers

5.22 A Local President (or Co-President) shall:

(a) be the head of the Local and the official spokesperson of the Local;

(b) be responsible for internal communication with Local members, Local Officers and the Union;

(c) preside at all meetings of the Local;

(d) be an ex-officio member of all committees of the Local;

(e) be a signing officer of the Local;

(f) be a voting member of the Provincial Council subject to Article 5.06 (a) & (b); and

(g) fulfill such other duties and responsibilities that may be outlined in the policies of the Union.

5.23 A Local Vice-President shall:

(a) carry out duties as assigned by the Local President and act in lieu of the Local President in their absence

(b) be one of the signing officers of the Local.

5.24 A Local Treasurer shall:

(a) ensure regular books and records of the Local's finances are kept as instructed by the Executive Council (through the Finance Committee);

(b) be one of the signing officers of the Local;

- (c) prepare and submit an annual financial statement to the Executive Council (through the Finance Committee)

5.25 A Local Secretary shall:

- (a) be responsible to maintain a full record of minutes of all meetings of the Local Executive and Local membership;
- (b) be responsible to maintain all records, documents and correspondence of the Local

6 MEETINGS OF THE UNION

Annual General Meeting

6.01 The Union shall hold an Annual General Meeting (AGM) each year.

6.02 Members shall be given at least sixty (60) days' notice of the Union's AGM.

Special Meetings

6.03 A Special Meeting of the Union may be called:

- (a) by the President through written notification to the Executive Council and the Provincial Council;
- (b) by written request of at least 50% of the members of the Executive Council;
- (c) by written request of at least 50% of the members of the Provincial Council; or
- (d) by written request of at least thirty (30) members evidenced by their signatures.

6.04 Notwithstanding Article 6.03, a Special Meeting called to address Constitution and Bylaw changes, may be called by:

- (a) written request of at least 50% of the members of the Executive Council; or
- (b) written request of at least 50% of the members of the Provincial Council

6.05 A Special Meeting shall be held within fifteen (15) days of the receipt of the call for the Special Meeting and members shall be given at least seven (7) days' notice of the meeting.

6.06 Notwithstanding Article 6.05, for a Special Meeting called to address Constitution and Bylaw changes, the Special Meeting shall be held within forty-five (45) days of the receipt of the call for the Special Meeting and members shall be given at least thirty (30) days' notice of the meeting.

6.07 Requests for Special Meetings shall specify the purpose of the meeting and any proposed amendments to the Constitution and Bylaws (if applicable).

- 6.08 Notice of a Special Meeting shall be provided in writing to the Executive Council and Provincial Council and posted on the Union's website. The notice shall include the date, location, and business to be discussed at the meeting and any proposed amendments to the Constitution and Bylaws (if applicable).
- 6.09 Members shall only discuss the business that was stated in the Notice of the Special Meeting. Emergency business for which no notice was given shall be deferred to the next regular meeting or another Special Meeting may be called in accordance with these Bylaws.

Agenda and Quorum for Union Meetings

- 6.10 An agenda shall be presented at the beginning of every meeting for approval by the members in attendance.
- 6.11 A quorum at an AGM or Special Meeting shall be thirty (30) voting members.
- 6.12 If quorum is not met for an AGM or Special Meeting, the Executive Council shall have authority to make decisions related to the purpose for which the meeting was called.

Voting At Meetings of The Union

- 6.13 Any active member in good standing may attend, participate and vote at any AGM or Special Meeting of the Union.
- 6.14 Unless otherwise provided in these Bylaws, any resolution or motion presented at an AGM or Special Meeting of the Union shall be deemed to have been carried if a majority of the members present vote in favor of it.
- 6.15 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.
- 6.16 Unless otherwise provided in these Bylaws or by a resolution of the membership, any decision made at an AGM or Special Meeting shall be effective immediately and shall be implemented as soon as reasonably practical following the meeting.

7 EXECUTIVE DIRECTOR

- 7.01 The Executive Director of the Union, or their delegate, shall be:
- (a) a non-voting member of the Executive Council, Provincial Council, and all Committees of the Union; and
 - (b) one of the signing authorities for the Union.
- 7.02 The Executive Director shall report to the Executive Council.

7.03 The duties and responsibilities of the Executive Director shall be established in accordance with the governance policies of the Union and outlined in the employment agreement.

8 COMMITTEES OF THE UNION

8.01 The standing committees shall include the:

- (a) Constitution and Resolutions Committee;
- (b) Finance Committee;
- (c) Nominations Committee;
- (d) Grievance Committee; and
- (e) Public Relations Committee.

8.02 Unless otherwise stated in these Bylaws, or approved by a resolution of the Executive Council, the Chair of each standing committee shall be a member of the Executive Council chosen in odd numbered years by the Executive Council.

8.03 The members of each Committee shall include but may not be limited to:

- (a) the Chairperson chosen in odd numbered years by the Executive Council;
- (b) two (2) members-at-large elected in alternating years and their term shall be for two (2) years; and
- (c) the President of the Union.

8.04 Notwithstanding Article 8.03 (the composition of the Committees):

- (a) The Grievance Committee shall be composed of the Provincial Council.
- (b) The Negotiating Committee shall be composed of a Chief Negotiator and representatives from the particular bargaining unit appointed by the Executive Council. The President of the Union shall be the Chair of the Negotiating Committee.

8.05 Each Committee shall adopt Terms of Reference.

8.06 The Executive Council may establish ad hoc committees of the Union as deemed necessary and may appoint a Chairperson and members to these committees. These committees shall adopt the Terms of Reference and policies established by Executive Council.

8.07 No member who holds an excluded position or is an inactive member shall be a member of a committee of the Union.

- 8.08 Any Committee Member who has a pending discipline complaint under the Regulated Health Professions Act, or criminal charge shall be suspended from serving as a committee member until the outcome of the complaint or charge is known.
- 8.09 A Committee Member shall be removed from the committee where:
- (a) their conduct has been found to be Professional Misconduct or Incompetence in accordance with Section 58 (1) of the Regulated Health Professions Act; or,
 - (b) they have been convicted of an indictable offence or sentenced to a term of imprisonment.
- 8.10 If a Member-at-Large is unable to complete their term on a committee, a member may be elected at the next AGM or appointed by the Executive Council for the remainder of the term.

9 MEMBERSHIP STANDING & REMOVAL FROM OFFICE

Removal from Office for Misconduct or Non-Confidence

9.01 Member Misconduct

- (a) The Executive Council (excluding the member in respect of whom the vote is being called for the purposes of determining quorum or majority), may suspend or remove any Executive Officer, Local Officer, or Committee Member from office, before the expiration of their term, if their conduct is found to be in violation of any Union code of conduct, workplace policies regarding safe and harassment-free workplaces, or for any other reason that the Executive Council, acting in the best interests of the Union, may determine constitutes misconduct.

9.02 Non-Confidence

- (a) Any Executive Officer may be removed from office by a motion of non-confidence provided that seventy-five percent (75%) of the entire Executive Council 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.
- (b) Any Local Officer may be removed from office by a motion of non-confidence provided that two thirds (2/3) of the members in attendance at a Local meeting held for that purpose vote in favor of such a motion.

Membership Standing

9.03 Membership Standing

- (a) A member of the Union shall cease to be a member in good standing if found guilty of conduct which, in the opinion of a majority of the Executive Council, 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 Executive Council 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.

10 REVENUE

10.01 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.

10.02 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.

11 AUDIT

11.01 The fiscal year of the Union shall be January 1st to December 31st unless otherwise designated by the Executive Council.

11.02 There shall be an Auditor of the Union who shall be an accountant and shall not be a member or employee of the Union.

- (a) The Auditor shall conduct an audit once every year and shall present it at the AGM.
- (b) In the event that the Auditor should resign or otherwise be unable to carry out the duties, the Executive Council shall appoint a new Auditor until the following AGM or Special Meeting.

12 AMENDMENTS & WAIVERS

12.01 Throughout the year and up to ninety (90) days prior to the date of the AGM, Constitution and By-Law amendments and resolutions may be submitted in writing to the Constitution and Resolutions Committee in accordance with the relevant policies of the Union.

12.02 Members shall be provided with the details of any proposed amendments to the Constitution and Bylaws at least thirty (30) days in advance of an AGM or Special Meeting.

Proposed Amendments at an AGM

12.03 The Constitution and Bylaws may be amended when a majority of the membership attending an AGM vote in favor of the proposed amendment(s).

Proposed Amendments at a Special Meeting

12.04 The Constitution and Bylaws may be amended when two-thirds (2/3) of the membership attending a Special Meeting vote in favor of the proposed amendment(s).

Waiver

12.05 Procedural and/or notice requirements of these Bylaws 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.