



CONSTITUTION

AND

BY-LAWS

Amended 28 May 2010

**CONSTITUTION
OF THE
UNION OF PSYCHIATRIC NURSES**

1. NAME

The organization shall be known as the UNION OF PSYCHIATRIC NURSES.

2. AREA OF OPERATIONS

The operations of the Union shall be carried on in and throughout the Province of British Columbia and its headquarters shall be located in the Greater Vancouver Regional District in the Province of British Columbia.

3. OBJECTIVES

The objectives of the Union shall be:

- (a) To unite registered psychiatric nurses and other allied personnel as appropriate in the Province of British Columbia in a democratic organization capable of acting on their behalf in labour relations matters.
- (b) To participate as a member of Nurses' Bargaining Associations to negotiate and administer collective agreements.

Amended 26 May 2000
- (c) To promote and regulate relations between employees and employers through collective bargaining on behalf of the members, and to achieve the best possible standards of compensation and conditions of employment.
- (d) To act as a trade union and to seek and to hold certifications as such pursuant to the laws of British Columbia and of Canada.
- (e) To promote the knowledge of and interest by registered psychiatric nurses and other allied personnel in their social and economic welfare through education and research.
- (f) To promote effective communications with the employers of members.
- (g) To establish, organize, administer or participate in programs or services of financial assistance or other services for the welfare of the members.

Amended 2 June 1989

- (h) To lobby the College of Registered Psychiatric Nurses of British Columbia (CRPNBC) to uphold its mandate as per the Health Professions Act, Chapter 183, Part 2, Section 161, A & B “To serve and protect the public and to exercise its powers and discharge its responsibilities under all enactments in the public interest.” By educating Employers in ALL areas where an RPN can work, and that the UPN continue to work collaboratively with the CRPNBC to educate Employers to the RPNs full scope of practice.
- (i) To actively lobby the CRPNBC to maintain the Diploma Program with degree bridging capabilities, as the entry to practice.

BY-LAWS OF THE UNION OF PSYCHIATRIC NURSES

1. INTERPRETATION

1.1 In these By-laws, unless there is something in the subject or context inconsistent therewith:

"Annual Convention" means the Convention as defined in paragraph 8.1 of these By-laws.

"By-laws" means the rules of order prescribing the regulations of and for the Union.

"Convention" means a meeting of Delegates.

"Council" means the Council of the Union of Psychiatric Nurses.

"Delegate" means a Member elected to represent a Local Union at conventions of the Union.

"Meeting" means any meeting, conference or convention of the Union's Members.

"Member" means any registered psychiatric nurse or psychiatric nurse with an interim permit or any other allied personnel who is included in the bargaining unit as determined in a certification issued under the laws of British Columbia or the laws of Canada.

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"Special Convention" means a convention as defined in paragraph 8.2 of these By-laws.

"Union" means the Union of Psychiatric Nurses.

"Steward" a member who is appointed by the Union to represent the Union and its members at a worksite.

Amended 27 May 2005

1.2 In these By-laws unless the context otherwise requires, words importing the singular number or the masculine gender shall include the plural number or the feminine gender, as the case may be and vice versa.

- 1.3 Expressions referring to writing shall be construed as including references to printing, lithography, typewriting, photography and other modes of representing or reproducing words in a visible form.
- 1.4 When construing the By-laws, reference shall be made to the Societies Act and words and expressions used in the By-laws shall, so far as the context does not otherwise require, have the same meaning as would be the case when used in that Act.
- 1.5 In these By-laws wherever reference is made to any statute or section thereof such reference shall be deemed to extend and apply to any amendment to said statute or section, as the case may be.
- 1.6 The Rules of Construction contained in the Interpretation Act shall apply, mutatis mutandis, to the interpretation of these By-laws.

2. MEMBERSHIP

- 2.1 A person shall be eligible to apply for membership in the Union provided they are:
 - 2.1.1 a registered psychiatric nurse or a psychiatric nurse with an interim permit, employed in British Columbia and eligible to engage in collective bargaining; or
 - 2.1.2 any other allied personnel employed in British Columbia and eligible to engage in collective bargaining.
- 2.2 The question of whether or not a person is within the class of allied personnel as aforesaid shall be determined by the Council in its absolute discretion.
- 2.3 The Council shall have the right to accept or reject any application for membership in the Union, and subject to any applicable laws, its decision thereon shall be final.
- 2.4 There shall be three categories of member in the Union as listed:
 - 2.4.1 Active Members, means a person who is in good standing and enjoying full voting rights and privileges of the Union and the Local Union. An active member shall be either:
 - 2.4.1.1 actively employed in a position covered by a UPN collective agreement; or
 - 2.4.1.2 on paid or unpaid short term sick leave from a position covered by a UPN collective agreement; or

- 2.4.1.3 on approved unpaid leave of absence of not more than 30 days from a position covered by a UPN collective agreement; or
- 2.4.1.4 retired but working auxiliary/casual in a position covered by a UPN collective agreement; or
- 2.4.1.5 terminated from a position covered by a UPN collective agreement and has a pending grievance pertaining to the termination; or
- 2.4.1.6 on long term disability or WCB claim from a position covered by a UPN collective agreement and still maintaining practicing registration with the appropriate regulatory body to practice.
- 2.4.1.7 on pre-retirement leaves.

Amended 30 May 2008

2.4.2 Inactive Members means a member in good standing who is not paying Union dues and is either retired or on long-term disability or WCB claim from a position covered by a UPN collective agreement and no longer maintaining practicing registration with the appropriate regulatory body to practice. Inactive members shall continue to receive informational mail outs from the Union and may attend meetings of the Union as observers only. The Union may represent them on contractual matters related to their status .

Amended 30 May 2008

2.4.3 Laid-Off Members, means a member in good standing who is not paying Union dues and is laid-off from a position covered by a UPN collective agreement but is subject to recall by their employer. A laid-off member retains all rights and privileges of membership except that they may not run for office within the Union. Should they be in office within the Union, they shall be allowed to complete their term.

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2.5 Member in Good Standing: means a member for whom all fees, dues, sums, fines and other monies are up to date and the member is not under suspension from the Union.

2.5.1 Member not in good standing: means a member who is **not** in good standing with the Union and shall lose all rights and privileges of membership. The Union shall only represent the member where the Union by-law says it must do so.

- 2.6 In the event that a person's membership is suspended or terminated for whatsoever cause, such person shall remain liable after such suspension or termination for the payment of any fees, dues, fines, costs and other sums which may be payable by him to the Union pursuant to the provisions of these By-laws both before and after such suspension or termination.

Amended 28 May 2004

3. ELECTION AND REMOVAL OF OFFICERS

- 3.1 The Officers of the Union shall consist of the following:

- 3.1.1 A President;
- 3.1.2 A Vice-President
- 3.1.3 A Treasurer; and
- 3.1.4 Two Directors

- 3.2 Each Officer at the time of his election and throughout his term of office shall be a member in good standing.

- 3.3 No elected officer may hold more than one (1) office at a time.

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- 3.4 The term of office shall be two (2) years or until a successor is elected and takes office.

- 3.5 The terms of the President and Executive Directors shall commence on the first day of June of the even numbered year in which they were declared elected.

- 3.6 The terms of the Vice President and Treasurer shall commence on the first day of June of the odd numbered year in which they were declared elected.

- 3.7 The President shall be elected by the Members of the Union in each even numbered year. The President shall declare elected to office the candidate who receives the largest number of votes wherever there is but one (1) candidate for the office, the vote shall be dispensed with and the President shall declare that candidate elected.

- 3.8 The two (2) Executive Directors shall be elected by the Members of the Union by election in each even numbered year. The President shall declare elected to office the two (2) candidates receiving the largest number of votes. Whenever there are but two (2) candidates for these offices, the vote shall be dispensed with and the President shall declare these candidates elected.

- 3.9 The Vice-President and Treasurer shall be elected by the Members of the Union in each odd numbered year. The President shall declare elected to office the candidate receiving the largest number of votes whenever there is but one (1) candidate for any of these offices, the vote shall be dispensed with and the President shall declare that candidate elected.
- 3.10 In the event of a vacancy arising in the office of President, the Vice-President shall perform the duties of the President until a successor is appointed by the Council.
- 3.11 In the event of a vacancy in the office of Treasurer, the President shall perform the duties of the Treasurer until a successor is appointed by the Council. Should the next scheduled meeting of the Council be more than 30 days following the creation of a vacancy in the office of Treasurer, the Executive Committee shall appoint one of the Officers to the office of Treasurer until the next meeting of the Council.
- 3.12 If an officer:
- 3.12.1 dies; or
 - 3.12.2 resigns; or
 - 3.12.3 is absent, without bona fide reason, as determined by the Council, from three meetings of the Executive Committee or the Council within any twelve-month period, for which ten days notice has been given, or
- Amended 28 May 2010**
- 3.12.4 is removed from office; or
 - 3.12.5 is suspended, deemed suspended or expelled from the Union; or
 - 3.12.6 ceases to be a member in good standing of the Union; or
 - 3.12.7 is found to be guilty of professional misconduct or in breach of the CRPNBC Standards of Practice or Code of Ethics; or
 - 3.12.8 otherwise becomes disqualified for such office;
- the Council shall declare the office vacated and shall appoint a successor to fill such office until the next Annual Convention of the Union.
- 3.13 An officer of the Union may be removed from office during his term:
- 3.13.1 by declaration by the Council of the vacation of his office as hereinbefore described; or

- 3.13.2 by a majority vote of two-thirds of those Council members present at a meeting for which not less than ten clear days notice is given, which notice includes an agenda of the meeting containing a recommendation for removal of such officer from office.
- 3.14 If an officer has their license to practice suspended pending an investigation into allegations of professional misconduct or breach of the CRPNBC Standards of Practice or Code of Ethics they shall immediately be considered to be on a leave of absence from their duties as an officer of the Union until such time as the investigation is completed and the allegations are resolved.

Amended 30 May 2008

4. DUTIES OF OFFICERS

4.1 President

The President shall devote their full time activities to conducting the affairs of the Union.

The Council shall establish and review the terms and conditions of employment of the President as required, but no later than April of each even-numbered year.

The President shall be the Chief Executive Officer of the Union and shall have the following duties and responsibilities.

- 4.1.1 To have control and supervision of all staff in the performance of their assigned duties;
- 4.1.2 To preside at Conventions of the Union, meetings of the Council and meetings of the Executive Committee
- 4.1.3 To provide general supervision of the affairs of the Union
- 4.1.4 To interpret Union activities and policies to others
- 4.1.5 To be a signing officer of the Union
- 4.1.6 To assume the duties of the Treasurer in the event of a vacancy in the office of Treasurer until a successor to the office of Treasurer is appointed by the Council
- 4.1.7 To be a Director of the UPN Holding Society

4.1.8 To be an *ex-officio* member of all committees of the Union with the exception of the Nominations and Discipline Committees; and

4.1.9 To perform such other duties as may from time to time be determined by Council.

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4.2 Vice-President

The powers and duties of the Vice-President shall include the following:

4.2.1 to assume the duties of the President at the request of the President, or in the case of the President's absence or inability to act;

4.2.2 to assume the duties of the President in the event of a vacancy in the office of President until a successor to the office of President is appointed by the Council;

4.2.3 to be a signing officer of the Union;

4.2.4 to assist the President in the coordination of projects assigned to committees; and

4.2.5 such other duties as may from time to time be determined by Council.

4.3 Treasurer

The duties of the Treasurer are to ensure:

4.3.1 that full and accurate accounts, records and documents pertaining to all financial affairs of the Union are maintained;

4.3.2 all monies or other valuable effects in the name and to the credit of the Union are deposited in such banks, trust companies or credit unions and in such financial institutions as may from time to time be designated by the Council;

Amended 2 June 1992

4.3.3 the funds of the Union are disbursed according to the direction of the Council;

4.3.4 the rendering, to Council, at each meeting of the Council and whenever required of him/her by the Council, an account of all his/her transactions as Treasurer, and of the financial position of the Union;

4.3.5 that an audit of the books of the Union by an auditor, duly appointed by the Union, is carried out and presented to the Annual Convention of the Union or at such other times as required of him/her by Council;

4.4 Directors

The duties of the Directors shall include the following:

4.4.1 the Directors shall perform such duties as may from time to time be determined by the Council.

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4.5 Officers Expense

4.5.1 the officers shall be compensated for wage loss, transportation, accommodation, meals and related expenses while engaged in authorized business on behalf of the Union.

5. COUNCIL OF THE UNION

5.1 The Council of the Union shall consist of:

5.1.1 the Officers; and

5.1.2 Council members elected pursuant to By-law 5.2 herein, and

5.1.3 the immediate Past President shall be an ex-officio member of Council for a term of one year and shall have all related expenses covered and exercise the rights and privileges of a designated alternate pursuant to By-law 5.2. Should the Union Executive deem it necessary, and with the agreement of the immediate Past President, the term may be extended for a further one-year period.

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5.2 Each Local Union with a membership of no greater than 299 shall be entitled to elect two (2) of its members to Council. Each Local Union with a membership of 300 or more shall be entitled to elect three (3) of its members to Council. For the purpose of this By-law, the number of members of each Local Union shall be determined as at the date of the creation of the new Locals in July 2004 and shall be deemed to remain unchanged until the Annual Convention in May 2005. Thereafter, the number of members of each Local Union shall be determined as at the date of each Annual Convention and shall be deemed to remain

unchanged during the period between Annual Conventions.

A designated alternate may substitute for a member of Council who is not an Officer upon one week's notice. The designated alternate shall have all rights and privileges of a member of Council except an alternate shall not be entitled to vote.

Amended 28 May 2004

- 5.3 The Council shall be the governing body of the Union between Annual Conventions. It shall take such action and render such decisions as may be necessary to carry out the decisions and instructions of the Conventions of the Union, shall enforce the provisions of the Constitution and By-laws of the Union, and may exercise all such powers and take such other actions and render such other decisions not inconsistent with the Constitution and By-laws, as may be necessary for the operation of the Union.
- 5.4 Unless otherwise expressed in these By-laws, the Council may make rules for regulating its own proceedings, and the proceedings of any Local Union or committee of the Union.
- 5.5 The Council shall meet not less than four times between Annual Conventions, at the call of the President, the Executive Committee or on the written request of a majority of the members of the Council.
- 5.6 A minimum of ten days notice of any meeting of the Council shall be given to each member of the Council.
- 5.7 A majority of the members of the Council, not less than two of whom shall be Officers, shall constitute a quorum for the transaction of business of the Council.
- 5.8 Questions arising at any meeting of the Council shall be decided by a majority of votes, excepting as otherwise provided by these By-laws.
- 5.9 A resolution in writing, signed by all members of the Council, shall be valid and effectual as if passed at a meeting of Council, duly called and constituted.
- 5.10 The Council shall present a report of the activities of the Union that have taken place between Annual Conventions at each Annual Convention of the Union.
- 5.11 The Council may develop policies to compensate members of the Council for expenses incurred in performing duties for the Union.

5.12 If any Council member:

5.12.1 dies; or

5.12.2 resigns from Council; or

5.12.3 is absent, within any twelve month period, from three meetings of the Council for which ten days notice had been given; or

5.12.4 is suspended, deemed suspended or expelled from the Union; or

5.12.5 ceases to be a member in good standing of the Union; or

5.12.6 is removed from Council in accordance with the By-laws of the Local Union; or

5.12.7 otherwise becomes disqualified for such office; the Council shall declare the position on Council vacated and shall notify the Local Union to elect a successor.

Amended 26 May 1995

5.13 A Council Member may be removed from membership on the Council during his term by:

5.13.1 declaration by the Council of the vacation of his position on Council as hereinbefore described; or

5.13.2 a majority vote of two-thirds of those members of Council present at a meeting for which not less than ten clear days notice is given, which notice includes an agenda of the meeting containing a recommendation for removal of such Council Member from his position on Council, and upon effecting such removal the Council shall instruct the Local Union to elect a successor in his place.

5.14 The number of employees required by the Union, the duties of the employees, and the remuneration to be paid shall be determined by the Council. The remuneration, if any, to be paid to any member of the Council shall be such amounts as the Council may from time to time determine.

5.15 Except where the By-laws of the Union expressly direct otherwise, the Council may delegate its functions and powers.

6. COMMITTEES

- 6.1 There shall be established and maintained certain committees known as Standing Committees, whose activities shall be subject to the direction of Council.

The said Standing Committees shall be as follows:

- 6.1.1 Executive Committee;
- 6.1.2 Finance Committee;
- 6.1.3 Discipline Committee;
- 6.1.4 Grievance Review Committee;
- 6.1.5 Nominations Committee

6.2 Executive Committee

- 6.2.1 The Executive Committee shall consist of the Officers. The duties and authority of the Executive Committee shall be:

6.2.1.1 to manage the affairs of the Union between meetings of the Council;

6.2.1.2 to review the proposed annual budget prior to its presentation to the Council for recommendation and submission to the Convention;

6.2.1.3 to carry out such other duties as may be determined from time to time by the Council.

- 6.2.2 The Executive Committee shall meet not less than four times between Conventions;

6.2.3 The President, or in his absence the Vice-President, or any three members of the Committee, may call a meeting of the Executive Committee by communicating verbally or in writing, notice of such meetings of the Executive Committee not less than ten days before the meeting is to take place; provided the meeting of the Executive Committee may be held at any time without formal notice if all the Officers are present, or those absent have waived notice or have signified their consent to the meeting being held in their absence. Notice of any meeting or any irregularity in any meeting or notice thereof may be waived by any Officer;

- 6.2.4 Three Officers shall form a quorum for the transaction of business by the Executive Committee.

6.2.5 The Executive Committee may transact its business in writing or by telephone during the period between its meetings.

6.3 Finance Committee

6.3.1 The Executive Committee shall be the Finance Committee.

6.3.2 The duties of the Finance Committee shall be:

6.3.2.1 to recommend policies with respect to the financial affairs of the Union to the Council;

6.3.2.2 to prepare the proposed annual budget; and

6.3.2.3 to carry out such other duties as may be assigned from time to time by the Council.

6.4 Discipline Committee

6.4.1 The Discipline Committee shall consist of a Chairperson appointed by the Council from among members of the Council and one member of the Union from each Local Union appointed by the Council. The Chairperson shall not be an officer of the Union. The Council shall appoint a member of the Discipline Committee to be the Assistant Chairperson.

6.4.2 The Discipline Committee shall act in all its functions, in panels consisting of the Chairperson and two members of the Committee, one of whom may be the Assistant Chairperson, or in a panel consisting of the Assistant Chairperson and two members of the Committee.

6.4.3 The duties and functions of the Discipline Committee are described in Section 13 of these By-laws.

Amended 23 May 1997

6.5 Grievance Review Committee

6.5.1 The Grievance Review Committee shall consist of such members of the Union as are from time to time so appointed by the Council.

6.5.2 The policies and procedures of the Grievance Review Committee shall be determined by the Council, and shall include not less than the imposition upon the Committee of the duty and the establishment of the procedure to hear appeals from members whose grievances have been disallowed.

6.6 Nominations Committee

- 6.6.1 The Nominations Committee shall consist of a chairperson and two other members of the Union appointed by the Council.
- 6.6.2 The Nominations Committee shall:
 - 6.6.2.1 implement the procedure for obtaining nominations for the offices of President, Vice-President, Treasurer and the Executive Directors;
 - 6.6.2.2 obtain candidates for any office for which no nomination has been received;
 - 6.6.2.3 rule on the eligibility of all candidates for Officers; positions and all members elected by the Local Union as Council members;
 - 6.6.2.4 prepare and present the ticket of nominations for the offices of President and Executive Directors to the President in each even numbered year;
 - 6.6.2.5 prepare and present the ticket of nominations for the offices of Vice President and Treasurer to the President in each odd numbered year; and
 - 6.6.2.6 oversee the election and report the results of the election to the President.
- 6.6.3 Any member of the Committee who is a candidate for office shall be excluded from the duty of Scrutineer.
- 6.6.4 Nominations for the offices of President, Vice President, Treasurer and the two (2) Executive Directors shall be presented by any two (2) individual members on the nomination forms provided for their use. Such nominations shall be received by the Committee by a determined date prior to Election Date. Election Day shall be determined by the Nominations Committee and approved by the Council. The Director of Operations and Member Services shall cause to be forwarded to every member a list of nominees for each office. A valid vote must be received by the Union no later than the date indicated on the list.
- 6.6.5 In the event of a tie vote, the Nominations Committee Chair will report to the Annual Convention and the delegates at the

convention will determine the winner by a majority vote.

6.7 Special Committees

6.7.1 The Council may from time to time appoint a Resolutions, Constitution and By-Laws Committee, and shall determine membership and terms of reference.

6.7.2 The President, the Executive Committee, or the Council may from time to time as he or it deems necessary, establish committees other than the aforementioned Standing Committees, which other committees shall be known as and called Special Committees.

7. LIABILITY OF UNION

No liability shall be incurred by the Union, the Council, any Committee of the Union, or by a member of those bodies, or by an Officer, Director, employee, agent or appointee of the Union, for an act done in good faith in the performance or intended performance of a duty, or in the exercise or intended exercise of a power under these By-laws, or for neglect or default in the performance or exercise in good faith of that duty or power.

8. CONVENTIONS

8.1 There shall be a Convention of the Union, known as the Annual Convention, which shall be held during the month of May in each year at such place and time as may be determined by the Council. Where circumstances prevent holding the convention in May, the Annual Convention shall be held as close as possible to the month of May, but in any event no later than the end of the same calendar year.

8.2 Conventions other than the Annual Convention shall be called special Conventions and may be held at such times and places as may be determined from time to time by the Council.

8.3 Written notice of the Annual Convention shall be mailed to each member not less than ninety (90) days before the Annual Convention is to take place. Written notice of Special Conventions shall be mailed to each member not less than thirty (30) days before the Special Convention is to take place.

8.4 Every member shall be mailed:

8.4.1 the agenda;

8.4.2 the budget;

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8.4.3 the audited financial statement for the previous fiscal year;

8.4.4 all resolutions referred to in By-law 8.12;

8.4.5 any other information deemed appropriate by the Executive Committee or the Council, not less than thirty (30) days before the Annual Convention is to take place.

8.5 Every member shall be mailed the proposed agenda for each Special Convention of the Union not less than fifteen (15) days before the special Convention is to take place, and only such business as is set forth on the agenda shall be considered at a Special Convention of the Union.

8.6 Amendments to the Constitution and By-Laws, and the designation of dues and assessments may be effected only by and at Conventions of the Union.

Amended 30 May 2008

8.7 A majority of the then existing number of members of the Council and delegates, not including alternate delegates, shall constitute a quorum at a Convention.

8.8 Members of the Council shall be entitled to attend all Conventions and shall have all rights and privileges of a delegate. Members of the Council shall not be included in the determination of the number of delegates permitted to attend the Convention as hereinbefore described.

8.9 Subject to By-law 8.12 herein below, only members of the Council and delegates shall be entitled to make motions and vote at Conventions. Subject to the deciding vote provision of By-law 3.3, each member of the Council and delegate is entitled to one vote only, save for the President who may cast an additional vote in order to resolve a tie vote. There shall be no voting by proxy.

8.10 A local Union representative on Council who is unable to attend the Convention may assign his vote to a duly elected alternate delegate from the same Local Union. Any such assignment shall be made in writing and be delivered to the Union office prior to the close of business on the last business day preceding the Convention.

8.11 Members in good standing in the Union are entitled to attend and speak at the Conventions, but are not entitled to make motions other than as set out in By-law 8.12 nor to vote.

8.12 Resolutions for consideration at a Convention dealing with amendments to the constitution or By-laws or with dues and fees structure of assessments shall be accepted for consideration at the Convention only if submitted to the President by the Council, the Executive Committee, a Local Union, or a member in good standing. All proposed resolutions so submitted by a

Local Union or by a member must be so submitted not less than 75 days before the Convention is to take place, and any such proposed resolutions submitted by a Local Union or by a member later than such date shall not be considered at the Convention.

8.13 The order of business at the Annual Convention shall be:

- 8.13.1 Call to order;
- 8.13.2 Recognition of delegates
- 8.13.3 Appointment of Convention committees;
- 8.13.4 Reports from the Officers and Local Unions;
- 8.13.5 Reports from Committees;
- 8.13.6 New Business
- 8.13.7 Adjournment.

8.14 The most recent edition, from time to time, of Roberts Rules of Order shall govern Convention proceedings, except as may be otherwise provided by the By-laws or by such special rules of procedure as may be set down from time to time at and by a Convention of the Union.

8.15 The Union shall pay the expenses of all delegates and Council attending the Convention in accordance with expense policies determined from time to time by Council.

9. DELEGATES

9.1 Local Unions shall be entitled to representation at the Conventions of the Union on the following basis:

Membership in the Local Union	Number of Delegates Allowed _____
1 to 75	2
76 to 200	3
201 to 300	4
301 to 400	5
401 to 500	6
Over 500	7

and for the purpose of this By-law, the number of members of each Local Union shall be determined as at the creation of the new Locals in July 2004 and shall be deemed to remain unchanged until the Annual Convention in May 2005. Thereafter, the number of members of each Local Union shall be determined as at the date of each Annual Convention and shall be deemed to remain unchanged during the period between Annual Conventions.

Amended 28 May 2004

- 9.2 Delegates to the Convention shall be elected by the membership of each Local Union in accordance with the By-laws of each such Local Union.
- 9.3 Local Unions shall also elect alternate Delegates in the event of the inability of the elected Delegate to attend the Convention.

10. LOCAL UNIONS

- 10.1 Local Unions shall be established by the Council.
- 10.2 The locality and boundaries of the geographic jurisdiction of each Local Union shall be determined by the Council in its absolute discretion, and shall be subject to revision as Council, in its absolute discretion from time to time, deems necessary.
- 10.3 Members of the Union employed within geographic jurisdiction of a Local Union shall be deemed to be members of that Local Union.
- 10.4 Local Union By-laws, which are not inconsistent with the Constitution and By-laws of the Union, shall govern the proceedings of each Local Union. The proposed By-laws of each Local Union shall be subject to the approval of the Council.
- 10.5 No Local Union shall make representations in the name of the Union, or the name of the Local Union, to an employer or to any outside organization on matters of general policy without the approval of the Council.
- 10.6 Every Local Union shall be directly responsible to the Council. The Council, by a two-thirds majority vote, shall have the authority to place a Local Union under the absolute supervision of the Council, or suspend or dissolve a Local Union where, in the opinion of Council in its absolute discretion, such Local Union has conducted, is conducting, or will conduct itself in contravention of its By-laws of the Union or the policies and principles of the Union or where the Local Union has ceased to exist, or has ceased to be effective.
- Amended 28 May 1993**
- 10.7 The annual operational expenses of the Local Unions shall be paid by the Council upon receipt of a written application thereof, the Council shall remit to such Locals an annual grant totalling One Dollar per member or two hundred dollars (\$200.00) whichever is the greater amount, or such other amounts as Council in its absolute discretion determines.

11. COLLECTIVE BARGAINING

- 11.1 The collective bargaining functions of the Union shall be carried out under the general direction and according to the policies of the Council.
- 11.2 The Executive Committee shall act as an advisory body to all negotiating committees.
- 11.3 Where, because of the requirements of a Nurses' Bargaining Association Articles of Association, the Union is required to provide the spokesperson for a negotiating committee, the Council may designate an employee of the Union or any one other person to be a member of and/or act as spokesperson for a negotiating committee.
- 11.4 Subject to any provision in a Nurses' Bargaining Association Articles of Association to the contrary, the Union's representatives on the negotiating committee for each bargaining unit shall be elected by and from among the members of the Council. In the event that there is an insufficient number of members of Council elected the Council shall appoint one or more members of the Union to be members of the negotiating committee for that bargaining unit.

Amended 28 May 2004

- 11.5 Subject to the Requirement of a Nurses' Bargaining Association Article of Association, each negotiating committee shall:
 - 11.5.1 formulate the proposals for the contents of, or changes to a collective agreement in the form of a submission for presentation to the appropriate employer;
 - 11.5.2 determine the procedures to be used in reaching a collective agreement, including but not limited to procedures for the conduct of negotiations, mediation, arbitration, ratification votes, strike votes and the preparation for and conduct of a strike;
 - 11.5.3 make recommendations to the members of the bargaining unit which it represents concerning the acceptance or rejection of proposed terms of settlement of a collective agreement;
 - 11.5.4 sign collective agreements which have been ratified by the members of the bargaining unit, or ordered by binding arbitration, as the case may be;
 - 11.5.5 make such reports to the Council as may be requested by the

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Council.

- 11.6 The Council, or in instances of pressing necessity where the Council cannot do so in the time reasonably available, the Executive Committee has the authority to approve memoranda of agreement which may vary a collective agreement during the life of the agreement, approve all routine memoranda of agreements, and determine whether or not members will be polled prior to the above decisions.

12. WAGE AND POLICY CONFERENCES

Prior to negotiations for a new or renewed collective agreement, the following procedures shall be instigated and pursued:

- 12.1 The Union shall solicit proposals for changes to the collective agreements through meetings convened for this purpose by the Local Unions, or by means of questionnaires made available to the membership and returned to the Union by specified deadlines;
- 12.2 The proposals for changes to the collective agreement shall be submitted to the President;
- 12.3 If all of the members of a bargaining unit are members of one Local Union only, the President shall forward the proposals to the negotiating committee for that bargaining unit;
- 12.4 If the members of a bargaining unit are comprised of members of more than one Local Union, the President shall direct that a Wage and Policy Conference be held;
- 12.5 The members of the Council who are members of the bargaining unit for which the proposals are being considered shall:
 - 12.5.1 attend a Wage and Policy Conference at the time and place determined by the President or the Executive Committee;
 - 12.5.2 determine the final proposals to be presented to the bargaining unit negotiating committee;
- 12.6 Payment of expenses of persons attending Wage and Policy Conferences shall be in accordance with the policy of the Union as determined from time to time by the Council.

13. DISCIPLINE

13.1 It is the duty of each member to abide by the Union's Constitution and Bylaws. In addition to the duties of members generally, members who hold elected or appointed positions must carry out the constitutional duties of their positions. Members elected to any Union or Local Union position must uphold the Oath of Obligation. Failure to do so is a violation of the Constitution and Bylaws.

13.2 A member commits a breach of duty where they violate any provision of the Constitution and Bylaws or knowingly violates established policy, or commits an act which jeopardizes, or is detrimental to the welfare of the Union. A breach of duty under this Constitution and Bylaws is committed by any member who:

13.2.1 Obtains membership through fraudulent means or by misrepresentation, or assists another person to do so.

13.2.2 Misrepresents eligibility for any Union office or position, or commits fraud in a Union election.

13.2.3 Crosses a picket line of the Union or any union supported by the Union when under no legal duty to do so.

13.2.4 Works during a work stoppage, unless working in accordance with the Union's essential service designations, when under no legal duty to do so.

13.2.5 Fails to perform, without reasonable justification, picketing or any other duty reasonably required of Members during a lawful work stoppage.

13.2.6 Fails to pay, as or when they become due, the dues, fees, or assessments, levied pursuant to the Constitution or Bylaws, or failing to authorize their payment by payroll deduction.

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13.2.7 Without proper authorization, communicates or otherwise reveals information about the business, membership, proceedings or other affairs of the Union to anyone not entitled to such knowledge.

13.2.8 Publishes or circulates, either orally or otherwise, false reports or

deliberate misrepresentations concerning the Union, or any member in respect to any matter connected with the affairs of the Union.

- 13.2.9 Does anything calculated to bring about the withdrawal from the Union of any member or group of members.
- 13.2.10 Works in the interests of any organization competing with the Union in a manner which is detrimental to the Union.
- 13.2.11 Without proper authorization receives, removes, retains, destroys, erases, mutilates, or misappropriates any property belonging to the Union or in the possession of the Union.
- 13.2.12 Obstructs the orderly process of a meeting of the Union or failing to keep order when directed to do so.
- 13.2.13 Attempts, by the use of coercion or intimidation of any kind, to cause a member to refrain from carrying out their obligations, or exercising their rights under the Constitution and Bylaws.
- 13.2.14 Wrongfully interferes with any officer or representative of the Union in the discharge of their duties under the Constitution and Bylaws.
- 13.2.15 Violates the Oath of Obligation.
- 13.2.16 Refuses to appear or fails to appear, without reasonable excuse, as a witness before a Discipline Committee.
- 13.2.17 Commences, or advocates that a member commence, a proceeding in a court or tribunal against the Union, any officer, or any member, in any matter concerning the affairs of the Union, without first exhausting all remedies provided for in the Constitution and Bylaws.
- 13.2.18 Makes a complaint without reasonable grounds for believing the complaint to be true.
- 13.2.19 Commits any other acts which jeopardize or are detrimental to the welfare of the Union.
- 13.3.1 A member, members, or a Local Union may make a complaint against a member alleging a breach of duty under the Constitution and/or Bylaws.
- 13.3.2 The complaint must:

- 13.3.2.1 be in writing;
 - 13.3.2.2 supply enough detail of the alleged violation of the Constitution and/or Bylaws to identify the circumstances;
 - 13.3.2.3 be made within 60 days of becoming aware of the circumstances from which the complaint(s) stem;
 - 13.3.2.4 be sent to the President.
- 13.3.3 The President, upon receiving a complaint, shall in not more than fourteen days:
- 13.3.3.1 advise the accused they are subject of a complaint;
 - 13.3.3.2 provide the accused with a statement of allegations relevant to the complaint;
 - 13.3.3.3 inform the accused of the probable procedure which will be followed in dealing with the complaint.
- 13.3.4 The President, upon receiving a complaint, may in not more than thirty days:
- 13.3.4.1 assign a person or persons to make a preliminary investigation of the complaint; or
 - 13.3.4.2 determine that the complaint warrants the drafting of a formal charge for referral directly to the Discipline Committee.
- 13.3.5 Where a person or persons have been assigned to conduct a preliminary investigation of the complaint in accordance with 13.3.4.1, they shall investigate the matter, and send a written report to the Executive Committee, where possible within 60 days of receiving the complaint from the President. The written report shall include:
- 13.3.5.1 a copy of the complaint;
 - 13.3.5.2 a brief description of the investigation and conclusions reached;
 - 13.3.5.3 a recommendation as to whether or not the charges are valid.

- 13.4.1 When the Executive Committee considers that it has sufficient information available to make a decision it will stay the complaint(s) or draft a formal charge and refer it to the Discipline Committee for trial.
- 13.4.2.
 - 13.4.2.1 If the Executive Committee drafts a formal charge and refers it to the Discipline Committee or if the President refers a complaint directly to the Discipline Committee under Section 13.3.4.2, the Executive Committee shall appoint counsel, or another person, to conduct the case on behalf of the Union.
 - 13.4.2.2 The Executive Committee shall, however, have the power and discretion to attempt to mediate a settlement through its own efforts or through those of a mediator appointed by the Executive Committee.
- 13.4.3.
 - 13.4.3.1 When a complaint is referred to trial in accordance with 13.3.4.2 or 13.4.1, and if the member holds an elected or appointed position in the Union or Local Union, the Executive Committee may suspend the member from their office or stewardship if, in the opinion of the Executive Committee, the member is engaged in a raid upon the Union on behalf of another Union, or has committed an action which brings disrepute upon or is detrimental to the Union and/or its members.
 - 13.4.3.2 If a member has been suspended under Section 13.4.3.1, the charge shall, subject to Section 13.5.4, be heard by the Discipline Committee within 60 days of the date of suspension.
- 13.5.1 If a complaint is referred to the Discipline Committee for trial, the Chairperson, or in their absence the Assistant Chairperson, of the Discipline Committee shall appoint a panel from the Discipline Committee to hear the complaint.
- 13.5.2 The President shall send a copy of the formal charge, and a copy of the Constitution and Bylaws, to the member who is charged. The formal charge shall specify the part of the Constitution and/or Bylaws which is alleged to have been violated, and supply enough detail of the alleged violation to identify the

circumstances.

- 13.5.3 The charged member has the right to be represented by counsel, provided that the charged member bears any fees and expenses. The Discipline Committee may also retain counsel.
- 13.5.4 The charged member is entitled to not less than thirty days notice that a trial is being convened and the place of the trial. A reasonable effort will be made to schedule trial dates which are acceptable to the member and their counsel.
- 13.5.5 The Discipline Committee shall determine its own procedures and shall not be bound by strict legal standards respecting issues of procedure or evidence, provided that the hearing before the Discipline Committee shall be conducted fairly. The charged member has the right to be present, to introduce evidence, to produce and cross-examine witnesses, and to present argument.
- 13.5.6 The onus of proof is on the Union. The Discipline Committee may receive and accept evidence on the promise of the witness to tell the truth, or on affidavit or otherwise as it considers proper. The standard of proof is the civil standard.
- 13.5.7 If the charged member fails to appear at any stage of the trial without reasonable excuse, the Discipline Committee may proceed with the hearing and make a decision.
- 13.5.8 The Discipline Committee may order members to appear as witnesses.
- 13.5.9 Proceedings before the Discipline Committee are private hearings.
- 13.6.1 Following completion of evidence and argument, the Discipline Committee shall deliberate and within a reasonable time after the conclusion of the hearing determine by majority decision whether to dismiss or to sustain the charges. The Union and the accused member shall be advised of the decision in writing. The Discipline Committee shall provide written reasons for its decision.
- 13.6.2 If the charges are sustained, the Discipline Committee shall decide if the charged member has given cause for some degree of discipline and, if so, the appropriate level of discipline.
- 13.6.3 The Discipline Committee may impose:

13.6.3.1 a reprimand;

13.6.3.2 a special monetary assessment payable by the member to the Union as a genuine pre-estimate or estimate of the liquidated damages suffered as a consequence of the member's violation of the constitution and/or bylaws including costs and expenses relating to the Discipline Committee trial;

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13.6.3.3 terms of continued membership;

13.6.3.4 suspension or termination of membership;

13.6.3.5 removal from office or position in the Union; or

13.6.3.6 any other sanction it considers appropriate in the circumstances.

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13.6.4 Any special monetary assessment which a member owes the Union constitutes a legal debt due and owing by a member to the Union and shall be recoverable by Court action.

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13.6.5 The charged member is entitled to reimbursement by the Union for legal and other fees and expenses, or any part of them, if the Disciplinary Committee decides that the complaint is without merit and that reimbursement is just and equitable in the circumstances.

13.7 In the event that a member of the Disciplinary Committee is participating in a trial at the time their term on the Committee expires, the member shall retain jurisdiction until all proceedings are completed.

13.8 13.8.1 If charges are sustained, the member affected has the right to appeal any decision of the Discipline Committee to an Appeal Board.

13.8.2 The appeal must be in writing, state fully the reasons for the appeal, and be delivered to the Director, Operations & Member Services within 60 days following notice of the decision of the Discipline Committee.

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13.8.3 To establish an Appeal Board, the member shall appoint a member of the Union as a nominee. The Executive Committee shall within fourteen days appoint a member of the Union as its nominee and so inform the member. Both nominees shall within fourteen days, by agreement, choose a chairperson from a roster of arbitrators maintained by the Director, Operations and Member Services. If no agreement is reached, the Director, Operations and Member Services shall select five names from the roster of arbitrators and a chairperson shall be selected by lot from the five names.

Amended 23 May 2003

13.8.4 The Appeal Board shall review the decision of the Discipline Committee, their written reasons, and the appeal of the member.

13.8.5 Unless the Appeal Board determines otherwise, evidence shall not be called and the hearing shall be based on the submissions of the appellant and the counsel for the Executive Committee.

13.8.6 The Appeal Board may sustain the decision of the Discipline Committee, set aside the decision of the Discipline Committee, remit the matter back to the Discipline Committee, or substitute its own decision for the decision of the Discipline Committee.

13.8.7 The Board shall deliver its award in writing to each of the parties and the award of the majority of the Board shall be final and binding on all parties. Where there is no majority, the decision of the chairperson shall be the decision of the Board.

13.8.8 Each party shall pay the costs and expenses of its appointee to the Appeal Board and share equally the costs and expenses of the chairperson.

13.9 No disciplinary proceeding shall be rendered ineffective merely because of a failure to adhere precisely to the designated procedures provided that the procedures followed were consistent with the principle of fairness.

Amended May 23, 1997

14. FEES AND DUES

14.1 The monthly membership dues for a member at whose place of employment the Union is certified as bargaining agent for its members, or is party to certification as bargaining agent for its members through a federation, council or association, shall be such amount as may be determined from time to time at a Convention of the Union by a two-thirds

majority vote by secret ballot.

14.2 All fees and dues shall be paid directly to the headquarters of the Union.

14.3 If, in the opinion of the Council, a general levy of the membership dues, in addition to those hereinbefore set out, is necessary to the continued good working of the Union, such general levy may be effected in such manner and in such amounts as decided by a majority of two-thirds of the votes at a Convention of the Union.

14.4 Where a member has failed, for a period exceeding 30 days from the date on which payment falls due, to pay to the Union any dues or fees for which he is liable, his membership shall lapse, and he shall be deemed to have been suspended. Council shall have the power to set from time to time and to collect such fees as it deems suitable from a suspended member before his membership is reinstated.

15. AMENDMENTS TO THE CONSTITUTION AND BY-LAWS

The Constitution and By-laws may be amended only by a majority of two-thirds of the votes cast at a Convention of the Union where notice of such amendments has been given as hereinbefore provided.

16. OATH OF OBLIGATION

All members of the Council of the Union of Psychiatric Nurses, and all members of the executive of all Local Unions, and all other members holding an elected position in any capacity in the Union, but not including the position of delegate to the Convention, shall formally subscribe to the following oath of obligation before entering upon their respective duties. The oath shall be administered by the presiding officer of the meeting at which the election was held, or by an officer of the Union or of a Local Union.

"I, _____, do hereby sincerely pledge my word and honour that I will, without evasion and to the best of my abilities, faithfully perform the duties of my office. I will at all times advance and maintain the principles of unionism, and will faithfully and truly devote my efforts to further the objectives and best interests of my union. At the end of my term of office I shall turn over to the Union or to my successor all properties or funds in my possession that belong to the Union."

Amended 23 May 1997

17. SIGNING OFFICERS

17.1 The Signing Officers of the Union shall be the President, Vice President, Directors and the Director of Operations and Member Services. The

Signing Officers shall be bonded in such amount as may be determined by the Council.

17.2 All financial documents issued against the funds of the Union shall be signed by two signing Officers.

17.3 All documents pertaining to the business of the Union, other than financial documents issued against the funds of the Union, shall be signed by any one of the signing Officers or by such person or persons from time to time designated by the Council.

18. BORROWING POWER

For the purpose of carrying out the objectives of the Union, the Council may borrow or raise or secure the payment of money in such manner as it thinks fit and may generally manage, transact or settle the borrowing of money by the Union in the name of the Union.

19. AUDIT OF ACCOUNTS

19.1 The Council shall annually appoint an Auditor to hold office for such annual period as the Council may determine; provided that the dates of the commencement and termination of each Auditor as determined by the Council are such that the Union is at no time without an Auditor.

20. PARLIAMENTARY AUTHORITY

The rules contained in the most recent edition from time to time of Roberts Rules of Order shall govern the Union in all cases to which they are applicable, and in which they are not inconsistent with the Constitution or By-laws of the Union, or such special rules of procedure as may from time to time be set down at and by a Convention of the Union, or any existing law.

21. NOTICES

21.1 The accidental omission to give notice of any meeting to or the non-receipt of any notice by any of the members entitled to receive the notice shall not invalidate the proceedings at that meeting.

21.2 Whenever, under the provisions of these By-laws, notice or other document is required to be given by mail, such notice or other document shall be deemed to be sent at the time when the same was deposited in a post office or public letter box. For the purpose of sending any notice or other document, the address of each member shall be his last address as recorded on the books of the Union. Any notice or document so deposited and sent, shall be deemed to have been received on or by the 5th calendar day following the date of such deposit.

