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# Constitution and By-Laws



THE B.C. HEALTH SERVICES  
DIVISION OF CUPE

REVISED 2008

## MEMBERS OF THE PROVINCIAL EXECUTIVE

(at time of printing)

President: KEN ROBINSON

Secretary-Business Manager: JUDY DARCY

Financial Secretary: DONISA BERNARDO

1st Vice-President: VICTOR ELKINS

2nd Vice-President: CAROL KENZIE

3rd Vice-President: SANDRA GIESBRECHT

Senior Trustee: KELLY KNOX

Senior Trustee Elect: JACQUELINE ZILKIE

Trustee: LOUELLA VINCENT

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Reg. Vice-President, Vancouver Coastal: BEV TRYNCHY

Reg. Vice-President, Vancouver Island: CAROL BUNCH

Reg. Vice-President, Vancouver Island: JACKIE WOODLEY

## ALTERNATES TO THE PROVINCIAL EXECUTIVE

1. Joanne Foote

2. Winston Clarke

3. Jennifer Duggan

4. Gretchen Dulmage

5. Karen McVeigh

6. Teri MacGillivray

7. Leonora Calingasan

8. \*\*

## ALTERNATES TO THE REGIONAL VICE-PRESIDENTS

Fraser Valley (L. Kingston) – 1st: \* 2nd: \*

Fraser Valley (C. Unsworth) – 1st: Jodi George, 2nd: Terri Christou

Interior (M. Anderson) – 1st: John Evans, 2nd: Joyce Winter

Interior (R. Bruce) – 1st: Harold Burns, 2nd: Helen Sather

Interior (B. Jacobson) – 1st: John Bakema, 2nd: Cathy Hamilton

North (P. Shaw) – 1st: Louise Weightman, 2nd: Adella Eliuk

North (K. Stuparyk) – 1st: Clytie Umpherville, 2nd: Jean Birch

Vanc. Coastal (J. Barrett) – 1st: Kevin O'Neil, 2nd: Sandy Tough

Vanc. Coastal (D. Lawrance) – 1st: John Fraser, 2nd: Victor Chan

Vanc. Coastal (B. Trynchy) – 1st: Eileen Gan, 2nd: Thom Marshall

Vanc. Island (C. Bunch) – 1st: Barbara Biley, 2nd: Gay Allen

Vanc. Island (J. Woodley) – 1st: Brian Uddenberg, 2nd: Trudy Spiller

IMMEDIATE PAST PRESIDENT: Fred Muzin

\*called up due to resignation

\*\*all alternates moved up due to resignation

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# Constitution and By-Laws



THE B.C. HEALTH SERVICES  
DIVISION OF CUPE

REVISED 2008



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## NAMES & OBJECTS

This Union shall be known as the Hospital Employees' Union in the Province of British Columbia and shall consist of any number of Locals.

The objects of this Union shall be to unite and associate together all employees employed primarily, but not exclusively, in hospital, medical or related work for the purpose of securing concerted action in whatever may be regarded as conducive to their best interests, and in so doing to embrace the concept of equality of treatment for all with respect to wages and job opportunities, recognizing their obligation to provide high quality services, and to defend and preserve the right of all persons to high standards of medical and hospital treatment.

## PREAMBLE

We, the Hospital Employees' Union, believing it to be the right of those who toil to enjoy to the fullest extent the highest standard of living compatible with life within Canada, and the right of all within Canada to enjoy high quality health care, and appreciating the very great benefits to be derived through uniting ourselves together for mutual protection and advancement, do hereby adopt the following Rules for the government of this Union.

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## **ARTICLE 1**

### **Order of Business**

1. Call to Order
2. Roll Call of Officers
3. Initiation of Members
4. Reading of Minutes
5. Business Arising from the Minutes
6. Communications and Bills
7. Receipts and Expenses
8. Trustees' Report
9. Report of Delegates and Committees
10. Unfinished Business
11. Nomination and Installation of Officers
12. New Business
13. Questions
14. Good and Welfare
15. Adjournment

## **ARTICLE 2**

### **Initiation Fees, Dues & Temporary Dues Increases**

#### **Section A**

**INITIATION FEE:** The Initiation Fee for the admittance of all new and former Members shall be Five Dollars (\$5.00) per Member and shall be deducted from the new Member's pay cheque at the time of the first deduction for Union Dues.

The Initiation Fee shall apply in all cases, unless the employee can produce a Membership or an Honourable

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Withdrawal Card from the Hospital Employees' Union, or a Union affiliated to the Canadian Labour Congress.

**WITHDRAWAL CARD:** Members terminating from a Local, or transferring to another Local, may apply within ninety (90) days through the Local Secretary-Treasurer, to the Financial Secretary for a Withdrawal Card by filling out the required form.

Withdrawal Cards shall be signed by the President and Financial Secretary to be valid.

Payment of the Initiation Fee shall be exempted where a Withdrawal Card is attached to the new Application for Membership.

**DUES:** Union Dues shall be 2.1% of the gross salary.

Permanent full-time non-active Members of the Union who are also Members of the Hospital Employees' Staff Union on Unpaid Leave of Absence shall not have voice, vote, or eligibility to run for office.

**STRIKE/JOB ACTION FUND:** This Fund shall be used for all pre-strike/job action and strike/job action related activities, including mobilization around ratification votes. All interest earned on these Funds shall remain in the Strike/Job Action Fund.

The Provincial Executive shall be authorized access to the fund for the purpose of investments in HEU offices. Any funds accessed must have a term which provides for a repayment on demand at current interest rates within a reasonable period of time if the Strike/Job Action Fund requires the funds. Funds accessed will not exceed sixty-five per cent (65%) of the Strike/Job Action Fund.

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## **POLITICAL EDUCATION & POLITICAL ACTION**

**FUND:** Between one Biennial Convention and another, the Provincial Executive shall be authorized to allocate an amount up to, but not exceeding, Two Hundred and Fifty Thousand Dollars (\$250,000.00) for the purpose of supporting politicians who support the aims and objectives of the Hospital Employees' Union, for example:

1. to fight anti-union campaigns and legislation including right to work,
2. attacks on Medicare, including double billing, doctors opting out of Medicare, and the erosion of health care and social services, and the exploitation of workers through multinational and corporate trade rights.

The Provincial Executive shall report at each Convention as to where these monies have been spent.

A Political Action Fund will be established for Locals to access for the purpose of political action; and this Fund will be accessible by application to the Provincial Executive.

## **Section B**

**REBATES & LOCAL PROJECT FUND:** Dues rebates shall be payable to Locals on the following basis:

<b>Local Members</b>	<b>Rebates Per Month</b>
less than 50 Members	\$100.00
between 51-79 Members	\$150.00
between 80-119 Members	\$225.00
between 120-150 Members	\$275.00
greater than 150 Members	\$1.85 per dues paying Member

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The Provincial Executive will establish each fiscal year an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) to fund Local projects, campaigns and Local Membership building.

Locals may make application to the Provincial Executive for access to this Fund.

The Provincial Executive will monitor the use of the Fund and the Local shall be accountable for such usage.

The Provincial Executive shall report the expenditures from the Fund on the annual audited financial statements.

### Section C

**TEMPORARY DUES INCREASES:** Temporary Dues Increases may be levied by the Provincial Executive or by individual Locals. A Temporary Dues Increase levied by individual Locals shall be subject to the approval of the Provincial Executive, and shall only be applicable to the Membership of such individual Locals.

### Section D

**ELIGIBILITY:** Any employee employed in hospital, medical or related work may apply for Membership in the Hospital Employees' Union. The Provincial Executive shall have the right to reject any application for Membership for cause detrimental to the welfare or interest of the Union.

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## Section E

**PROFESSIONAL ASSOCIATION:** The Union shall not refund any portion of Union Dues to Members of the Union who are also members of professional associations.

## Section F

**SPECIAL DISPENSATION:** Except by Special Dispensation consisting of a two-thirds (2/3) affirmative vote of the Provincial Executive, all Membership Dues, Initiation Fees and Temporary Dues Increases shall be paid through Membership Check-Off.

## Section G

**ARREARS:** Any Member who, without a reason which is acceptable to the Provincial Executive, is three (3) or more months in arrears of Dues, Initiation or Temporary Dues Increase payments, shall automatically lose his/her status as a Member.

## Section H

**DENIAL OF MEMBERSHIP:** The Provincial Executive Committee by a two-thirds (2/3) vote shall have the authority to deny Union Membership to any employee who originally refused to join or maintain Membership, or who has been involved in activities such as scabbing and strike breaking, which are contrary to trade union principles, etc.

## Section I

**ASSOCIATE MEMBERS:** An Associate Member shall be entitled to attend and have voice at Local meetings.

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Associate Members shall have all the privileges of Membership other than the right to vote and shall be ineligible to represent the Union as an Officer or Delegate. Associate Members shall not be required to pay dues.

An Associate Membership shall not exceed one (1) year. However, providing the Provincial Executive gives special dispensation by a two-thirds (2/3) vote, Membership may be extended beyond one (1) year.

Following the six (6) month period as a regular Member, the following shall be considered Associate Members:

1. Members on unpaid leave of absence,
2. Members on layoff status.

A regular Member shall have all the rights and privileges of Membership in the Union. This shall include:

1. Members on leave for Union business,
2. Maternity, paternity, adoption leave,
3. Casuals,
4. WCB – while unable to work due to an injury or illness for which a WCB claim has been accepted, or is under appeal,
5. Members on unpaid leave of absence for a period of six (6) months,
6. Members on Long Term Disability and non-working Members receiving a Workers' Compensation Board pension for an indefinite period.

The following Members shall be considered regular Members for the first six (6) months of absence from work:

- 
1. Members on unpaid leave of absence,
  2. Members on layoff.

## **Section J**

**ASSESSMENTS:** The Provincial Executive shall levy an Assessment of One Hundred Per Cent (100%) of gross earnings for time worked during any Hospital Employees' Union work stoppage authorized by the Provincial Executive on all unauthorized employees who work during such work stoppage.

## **ARTICLE 3**

### **Oath of Obligation**

All applicants for Membership into the Hospital Employees' Union may be initiated at time of induction by a Member of the Local Executive at their place of work. Failing this, they shall be notified in writing on a prescribed form to attend the first regular meeting of their Local to take the Oath of Obligation and be initiated, providing this does not interfere with the shift of the employee. If unable to attend, then this initiation may be done by a Table Officer of the Local at the earliest possible date.

The prescribed forms referred to above shall be drawn up by the Provincial Executive and supplied to all Locals.

After an applicant has taken the required "Oath of Obligation," he/she shall then sign the Initiation Register and shall receive a Membership Pin, a copy

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of the Constitution, information on the Equity Standing Committees, a Death Benefit Card and a copy of the current Agreement from the Presiding Officer.

## ARTICLE 4

### Eligibility for Office

*\*Also see Article 13 Section C – Local By-Laws.*

No Union Member shall be eligible to hold office in the Union or in a Local, nor act as a Delegate of a Local or of the Union, unless he/she has attended a total number of meetings equal to at least fifty per cent (50%) of the regular Local meetings, held by the Local in the twelve (12) month period prior to nomination and has paid all Union fines, dues and temporary dues increases. If a meeting is called and there is no quorum, the Members attending can count such meetings in their total number of meetings attended during the twelve (12) month period.

In the case of a Member being seconded to temporarily work at a different Local than their original Local or being permanently transferred to a different Local, the Member can count attendance at regular monthly meetings at the former Local towards fulfilling these eligibility requirements. This shall be limited to counting only one (1) meeting per month towards eligibility. Members who have permanently transferred can only be Delegates from the Local at which they work. Members who are being seconded temporarily can be Delegates from their original or seconded Local.

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Notwithstanding the foregoing, a Member in good standing who submits written notification of legitimate absence, through sickness or having to work a shift, or on vacation, and on approval of the Local Executive, shall be credited with attendance, to the limit of two (2) such meetings in the twelve (12) month period, prior to nomination, insofar as his/her right to hold office, or to run as a Delegate to Biennial Conventions and Wage Policy Conferences.

This Letter of Notification must be in the Local's possession within ten (10) days after the affected meeting. Any Member absent due to Union business shall be considered as having attended the meeting.

Further, notwithstanding the foregoing, a Member may be a Delegate to the regular Convention of this Union, or to a Wage Policy Conference, providing the Local to which the Delegate is attached has been in existence less than twelve (12) months.

An eligible Member who is absent for cause and not at the regular monthly meeting for nomination who is willing to run for office must indicate his/her willingness in writing to the Local Executive prior to nomination.

In the election of Local Officers, if a position is vacant and no eligible Member is willing to accept nomination, then that position may be filled by acclamation or by election.

A nomination cannot be accepted for an ineligible Member for a position where an eligible Member is nominated and accepted.

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## ARTICLE 5

### Conventions

#### Section A

**PREAMBLE:** A regular Convention of this Union shall be held every even-numbered year, at a time and place determined by the Provincial Executive.

**POWERS:** All sovereign powers including the legislative, executive, administrative and judicial powers of this Union shall be vested in the Convention when in session.

All powers of the Convention when in session shall, when the same is not in session, pass to and vest in the Provincial Executive when in session, with the exception of the powers to amend the Constitution, to serve as a court of appeals and such powers as may herein be specifically delegated to the various Officers and subdivisions of the Union.

#### Section B

**NOTICE:** Notice of such Convention shall be forwarded to all Locals at least one hundred eighty (180) days prior to the date of such Convention.

#### Section C

**LOCAL REPRESENTATION:** Locals as hereinafter described in this Constitution are allowed the following representation to the Convention of this Union; namely:

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- fifty (50) Members or less, one (1) Delegate,
  - fifty-one (51) Members to ninety-nine (99) Members, two (2) Delegates,
  - one hundred (100) Members to two hundred forty-nine (249) Members, three (3) Delegates,
  - two hundred fifty (250) Members to three hundred ninety-nine (399) Members, four (4) Delegates,
  - one (1) additional Delegate for each additional one hundred seventy-five (175) Members, or major fraction thereof.

The average Membership of the previous six (6) months prior to the issuing of the Convention Call shall determine the basis for representation. Locals which have been organized prior to the Convention shall have their representation based upon the average monthly Membership from the time of Certification.

For the purpose of defining Membership in this Section, the Dues Check-Off List and the list of Members on LTD shall constitute a Local's Membership total.

For those Locals who have not met the quorum requirements in the three (3) months preceding the deadline for delegate registration, a ratification vote of the executive committee will be acceptable.

Delegates must be eligible pursuant to Article 4.

## **Section D**

**REGISTRATION FEE:** A Convention Registration Fee of Fifty Dollars (\$50.00) per Delegate shall be paid by each Local on behalf of its Delegates and this fee shall be paid when Credentials are submitted to the Provincial Office, Burnaby Site.

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Locals which have not paid the registration fees within three (3) months after the conclusion of Convention will have the outstanding registration fees deducted from the Local rebates.

## Section E

**OFFICERS & PROVINCIAL BARGAINING COMMITTEE AS DELEGATES:** Members of the Provincial Executive shall be deemed to be Delegates to Convention with all rights and privileges.

Members of the Provincial Bargaining Committee shall also be deemed to be delegates to Convention with all rights and privileges.

**EQUITY STANDING COMMITTEE DELEGATES:** One representative selected by each of the Equity Standing Committees shall be deemed to be a Delegate to Convention with all rights and privileges.

## Section F

**CREDENTIALS & ACCOMMODATION FORMS:** All Credentials and Accommodation Forms shall be submitted (or documented proof of being sent) to the Provincial Office, Burnaby Site, ninety (90) days prior to the Convention, unless the Local has been certified to the Hospital Employees' Union less than one hundred eighty (180) days prior to Convention. All Credentials must bear the signatures of the Chairperson and Secretary-Treasurer or designated alternates of the Local and the Credential must be the original document with the seal on it.

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## Section G

**PROPOSED RESOLUTIONS & CONSTITUTIONAL AMENDMENTS:** Proposed Resolutions and Constitutional Amendments to be introduced for consideration at the Convention must receive prior formal ratification by majority vote of the sponsoring Local and bear the signatures of the Chairperson and Secretary-Treasurer or designate of the Local.

Proposed Resolutions and Constitutional Amendments to be introduced by the Provincial Executive must receive prior formal ratification by majority vote of the Provincial Executive, and bear the signature of the President and Financial Secretary.

Proposed Resolutions and Constitutional Amendments to be introduced by an Equity Standing Committee for consideration at Convention must receive prior formal ratification by majority vote of the sponsoring Equity Standing Committee and bear the signature of the sponsoring Equity Committee's Signing Officers.

## Section H – Deadlines

**PROPOSED CONSTITUTIONAL AMENDMENTS:** All proposed Amendments to the Constitution must be submitted (or documented proof of being sent) to the Provincial Office, Burnaby Site, at least ninety (90) days prior to the Union Convention. Forty-five (45) days prior to the Convention, copies of such proposed Amendments shall be forwarded to all Locals and Delegates for their consideration and instruction to Delegates attending the Convention, when such Amendments shall be finally considered.

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Proposed Constitutional Amendments to be introduced by the Provincial Executive shall be forwarded to all Locals and Delegates forty-five (45) days prior to the Convention.

**PROPOSED RESOLUTIONS:** All proposed Resolutions must be submitted (or documented proof of being sent) to the Provincial Office, Burnaby Site, at least ninety (90) days prior to the Union Convention. Forty-five (45) days prior to the Convention, copies of such proposed Resolutions shall be forwarded to all Locals and Delegates attending the Convention. Proposed Resolutions to be introduced by the Provincial Executive shall be forwarded to all Locals and Delegates forty-five (45) days prior to the Convention.

**DEADLINES FALLING ON WEEKENDS OR STATS:** When the deadline for the submission of Constitutional Amendments or Resolutions falls on a weekend or statutory holiday, they shall be due in the Provincial Office, Burnaby Site, by the end of the next business day.

## Section I

**ACCEPTANCE BY CONVENTION – RESOLUTIONS & CONSTITUTIONAL AMENDMENTS:** Resolutions and Constitutional Amendments submitted contrary to these provisions can only be dealt with by the Convention on a two-thirds (2/3) majority consent of the Delegates in Convention.

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## **Section J**

**COMMITTEES:** The Provincial Executive shall appoint a Committee on Credentials, on Resolutions and on Constitutional Amendments, and the Chairpersons and Secretaries thereof, and such other Committees and the Chairpersons and the Secretaries thereof as may be necessary for the organization and management of the Convention.

The Committees may be called in prior to the opening of the Convention.

## **Section K**

**QUORUM & DECISIONS:** The quorum at Conventions of this Union shall be and consist of a majority of the Delegates seated and in attendance when the first report of the Credentials Committee is adopted.

A motion to adopt a Resolution must be accepted by a simple majority vote to become a decision of the Convention. A motion to adopt a Constitutional Amendment must be accepted by a two-third (2/3) majority vote to become a decision of the Convention (also see Article 5, Section L). Decisions arrived at during the Convention shall be binding on all Locals.

## **Section L**

**IMPLEMENTING CONSTITUTIONAL AMENDMENTS:** This Constitution can be amended or altered only at a regular session of the Convention of the Union, and to do so it shall require a two-thirds (2/3) majority.

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**EFFECTIVE DATE:** This Constitution, and any amendments thereto, unless otherwise provided, shall become effective immediately upon adoption.

### **Section M**

**NOTICE OF DECISIONS:** When a Resolution and/or Constitutional Amendment is adopted by the Convention, the Membership shall be informed by Newsletter and/or through the *Hospital Guardian* of actions taken by the Provincial Executive as a consequence of that Resolution and/or Constitutional Amendment.

### **Section N**

**AUDITED FINANCIAL STATEMENTS:** The audited financial statements of the Union shall be made available to the Convention Delegates prior to the report to the Delegates by the Financial Secretary.

## **ARTICLE 6**

### **Provincial Executive Officers**

#### **Section A**

**PROVINCIAL EXECUTIVE:** The Officers of the Union shall be:

- PRESIDENT
- SECRETARY-BUSINESS MANAGER
- FINANCIAL SECRETARY
- 1ST VICE-PRESIDENT
- 2ND VICE-PRESIDENT

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- 3RD VICE-PRESIDENT
  - SENIOR TRUSTEE
  - SENIOR TRUSTEE – ELECT
  - TRUSTEE
  - REGIONAL VICE-PRESIDENTS:
    - FRASER (2 representatives)
    - INTERIOR (3 representatives)
    - NORTHERN (2 representatives)
    - VANCOUVER COASTAL (3 representatives)
    - VANCOUVER ISLAND (2 representatives)

All accredited Delegates wishing to run for office on the Provincial Executive may post a picture with their name, length of Membership in the Union, positions held and in what hospital, on the kiosk provided by the Provincial Office. All pictures shall be taken by Provincial Office Staff. Pictures of Delegates wishing to run for office must be posted for a minimum of nineteen (19) hours before any nomination, election and installation of Officers occurs.

All delegates who wish to run for provincial office shall be allowed to announce their intention to Locals via faxes, e-mail, phone messages and word of mouth. They may also submit their photograph, brief biographies and maximum two hundred (200) word candidate statement to the Convention Committee ninety (90) days prior to Convention. The Convention Committee will then send the candidate information in standard format to all the Locals forty-five (45) days prior to Convention.

Each candidate for provincial office may address the Convention delegates for a maximum of five (5) minutes plus a moderated question and answer period at an evening forum.

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The issues regarding policy and contract negotiations voted on, and the way our Provincial Executive have voted, will be made available to the Membership.

The following shall be nominated and elected from the eligible accredited Delegates attending the regular Convention of the Union, and in this order: President, Financial Secretary, 1st Vice-President, 2nd Vice-President, 3rd Vice-President, and three Trustees.

Any one (1) member is only eligible to hold one (1) Provincial Executive position concurrently.

In the event that the Senior Trustee Elect [four (4) year term] is elected to another position on the Provincial Executive, the election of a new Senior Trustee shall take place during the Convention.

On the initial ballot, if a fifty per cent (50%) plus one (1) majority of all the ballots cast is not attained, then a second ballot shall be conducted among the three (3) candidates receiving the highest number of votes; if a fifty per cent (50%) plus one (1) majority is not attained on the second ballot, then a third ballot shall be conducted between the two (2) candidates receiving the highest number of votes on the second ballot.

## Section B

**SECRETARY-BUSINESS MANAGER:** The Secretary-Business Manager shall be appointed by the Provincial Executive. Such appointment shall be ratified at each Biennial Convention of the Union. Such ratification shall be by secret ballot, at the time of election of Provincial Executive Members at the Biennial Convention.

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## Section C

**ASSISTANT SECRETARY-BUSINESS MANAGER:** The Assistant Secretary-Business Manager shall be selected by the Secretary-Business Manager and be subject to ratification by the Provincial Executive.

## Section D

**REGIONAL VICE-PRESIDENTS:** Regional Vice-Presidents shall be elected in Convention. This shall be done by requesting the Delegates present from each designated Region to go into caucus for the purpose of choosing their nominee(s). Two (2) alternative nominees shall be elected for each Vice-President position, with Alternate #1 receiving the highest amount of votes and Alternate #2 receiving the next highest amount of votes.

In the event the Regional Vice-President is unable to complete his/her term of office, the vacancy shall be filled by Alternate #1, or in the event that Alternate #1 is unable to fill or complete the term of office, by Alternate #2.

## Section E

**REGIONS:** The Provincial Executive shall assign the various Regions and where no Region is assigned at the time of a Convention, the Provincial Executive shall have the power between Conventions to set up such a Region if in their opinion the organizing activity within the area warrants this. The Provincial Executive shall also have the power, in conjunction with the Locals involved, to arrange for the selection

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of a Regional Vice-President for the balance of the term between Conventions.

## Section F

**TRUSTEES & ALTERNATES:** The first Trustee elected shall serve a four (4) year term; the other two (2) shall serve two (2) year terms. At each succeeding Convention, two (2) Trustees shall be elected by separate ballots; the first Trustee elected shall serve a four (4) year term.

Upon the completion of the election of Officers, one (1) election shall be held to select eight (8) Alternate Executive Members who shall be the eight (8) candidates receiving the eight (8) highest number of votes. These Alternate Executive Members shall be known as Provincial Executive Alternates #1 to #8. Provincial Executive vacancies other than for Regional Vice-Presidents shall be filled by the Provincial Executive Alternates commencing with Provincial Executive Alternate #1 and in ascending order to Provincial Executive Alternate #8.

No Member may be elected to more than one Alternate position.

## Section G

**PROVINCIAL EXECUTIVE:** The Provincial Executive shall consist of the Officers of the Union as outlined in Article 6, Section A.

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The whole Provincial Executive shall meet a minimum of six (6) times yearly, and if necessary shall meet at the call of the President. The President shall call a special meeting of the Provincial Executive if requested by nine (9) or more Provincial Executive Members.

## **Section H**

**PROVINCIAL EXECUTIVE – QUORUM:** Any eleven (11) Members of the Provincial Executive shall constitute a quorum, and if there be no quorum present at the time and place appointed for such a meeting, the Member or Members in attendance may adjourn the meeting to another time and place. Ten (10) days' notice thereof shall be given by the Secretary-Business Manager to all Members of the Provincial Executive.

## **Section I**

**COMMITTEES:** The Provincial Executive may appoint any special or sub-committee to facilitate the transaction of the Union business. The Committee on Labour Relations shall be established for the purpose of handling employee relations matters including staff bargaining and other related matters. The Membership of the Committee on Labour Relations shall consist of the President, 1st Vice-President, 2nd Vice-President, 3rd Vice-President, Financial Secretary, Senior Trustee and Secretary-Business Manager.

Minutes of all meetings of special or sub-committees of the Provincial Executive shall be provided to all Members of the Provincial Executive within one (1) month of the meeting.

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The Provincial Executive shall provide each Local with a copy of all Collective Agreements and Contracts negotiated on their behalf (or awarded by third parties) with Hospital Employees' Staff Union Members and elected representatives as soon as these become finalized.

A sub-committee of the Provincial Executive shall be established to deal with the equity issues. Each Equity Standing Committee shall have one (1) representative, with voice and vote, on this Committee. The purpose of the sub-committee shall be to make recommendations to the Provincial Executive on matters relating to equity as outlined in Article 12.

### Section J

**TERMS OF OFFICE:** The terms of the elected Officers shall expire at the close of the Convention at which their successors are elected and qualified.

### Section K

**ELIGIBILITY:** Any Provincial Executive Member or Alternate who does not maintain eligibility for office at both Provincial Executive and Local levels shall be removed from Provincial Executive office.

A Provincial Executive Member who voluntarily performs the duties of management for an HEU bargaining unit shall be removed from Provincial Executive office.

### Section L

**ATTENDANCE AT MEETINGS:** Any Provincial Executive Member who fails to attend three (3)

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consecutive meetings of the Provincial Executive due to suspension or absence shall be replaced by the corresponding alternate Provincial Executive Member either for the duration of the term or for the duration of the suspension or absence, whichever comes first.

## ARTICLE 7

### Duties of Provincial Executive Officers

#### Section A

##### **SECRETARY-BUSINESS MANAGER:**

The Secretary-Business Manager shall:

1. be appointed by the Provincial Executive,
2. be the Secretary and Chief Administrative Officer of the Union,
3. coordinate and administer the business of the Union under the direction of the Convention, the President and the Provincial Executive,
4. be a Member of all Committees appointed by the Union and the Provincial Executive,
5. be the spokesperson for the Union,
6. appoint all staff subject to the approval of the Provincial Executive,
7. be a Delegate to all Provincial and National Conventions,
8. appoint all Committees of the Union except as otherwise provided under the Constitution and By-Laws or appointed by the Provincial Executive,
9. report to Conventions the business of the Union between Conventions.

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## Section B

### **ASSISTANT SECRETARY-BUSINESS MANAGER:**

The Assistant Secretary-Business Manager shall assist the Secretary-Business Manager in the business administration of the Union and shall perform such other duties as the Secretary-Business Manager may assign.

## Section C

### **PRESIDENT:** The President shall:

1. be a full-time Officer of the Union,
2. preside at all meetings of the Union, of the Provincial Executive and of the Table Officers,
3. call Special Meetings if required,
4. see to it that the policy and instructions of the Biennial Convention and of the Provincial Executive are carried out,
5. be empowered to order Officers and Committees to perform their duties strictly in accordance with the Constitution and By-Laws,
6. be a Member of all Committees appointed by the Union and the Provincial Executive,
7. be a Delegate to all Provincial and National Conventions,
8. be primarily responsible for communication with the Membership,
9. be the liaison officer of the Provincial Executive in meetings with organizations,
10. give a full report of his/her duties as listed at the Union's Biennial Convention.

## Section D

**1ST VICE-PRESIDENT:** The 1st Vice-President shall assist in keeping order; and, in the absence or request

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of the President, preside over meetings of the Union, of the Provincial Executive and of the Table Officers and shall perform such other duties as may be assigned.

In the event of the resignation or death of the President, the 1st Vice-President shall assume the duties of the President. In the event of illness of the President, the Provincial Executive may request that the 1st Vice-President assume the duties of the President.

### **Section E**

**2ND & 3RD VICE-PRESIDENTS:** In cases where the 1st Vice-President is performing the functions of the President, the 2nd & 3rd Vice- Presidents, respectively, shall assume the duties set out under the “1st Vice-President” and “2nd Vice-President” and perform such other duties as may be assigned.

### **Section F**

**FINANCIAL SECRETARY:** The Financial Secretary shall be a full-time Officer of the Union. The primary responsibilities of this office are the financial affairs of the Union. The Financial Secretary shall forthwith upon receipt deposit in a Credit Union or Chartered Bank all Funds of the Union which shall come to his/her hands, and pay all bills sanctioned by the Union by cheque. Any expenditure for office furniture, equipment or building alterations to Regional Offices in excess of Three Thousand Dollars (\$3,000.00) shall be ratified by the Provincial Executive before payment. She/he shall submit a monthly financial report to the Provincial Executive.

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The Financial Secretary shall investigate whenever it is reported that monies or property of the Union have been misappropriated and may take whatever action is necessary to recover such monies or property.

Cheques of an amount greater than Five Thousand Dollars (\$5,000.00) shall be signed by the Financial Secretary and countersigned by the President, Senior Trustee or 1st Vice-President. However, in cases of emergency, any two (2) of four (4) signing Officers shall be empowered to sign cheques. Cheques of an amount less than Five Thousand Dollars (\$5,000.00) shall bear the signature of the Financial Secretary or President only.

The Financial Secretary, President, 1st Vice-President and Senior Trustee shall be bonded.

In the event of the illness, resignation or death of the Financial Secretary, the Provincial Executive shall have the authority to make an appointment to fill that position from the Provincial Executive.

The Financial Secretary shall be a Delegate to all Provincial and National Conventions.

The Financial Secretary shall, in conjunction with the Provincial Executive, ensure that the Union has an annual operating budget. A copy of the annual budget shall be provided to each Local as soon as it is adopted with in-depth explanations being available upon request.

The books of the Union shall be audited each year by a registered firm of Chartered Accountants selected by the Provincial Executive and a copy will be sent to each Local each year.

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## Section G

**TRUSTEES:** The Trustees shall have general supervision over the property of the Union, subject to such instructions as they may from time to time receive. They shall see that the Financial Secretary deposits all money belonging to the Union in such Credit Union or Chartered Bank as the Union may designate. They shall perform such other duties as the Provincial Executive, the Union or the Constitution may direct.

They, as well as the Financial Secretary, shall review and recommend all financial donations to the Provincial Executive. The Trustees and the Financial Secretary will be responsible for the selection of the annual bursaries.

Trustees shall review and monitor all Local quarterly reports and report inconsistencies or concerns to the Financial Secretary.

## Section H

In the event that a vacancy occurs in a Vice-President position, the Vice-Presidents shall move up in ascending order and the Provincial Executive Alternate #1 shall become the 3rd Vice-President.

Should a vacancy occur in the Senior Trustee position, the Senior Trustee-Elect shall become Senior Trustee and the Provincial Executive Alternate #1 shall become Trustee.

Should a vacancy occur in a Trustee position, the Provincial Executive Alternate #1 shall become Trustee.

## Section I

**REGIONAL VICE-PRESIDENTS:** Regional Vice-Presidents represent their regional Membership as well as

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the Membership as a whole and shall perform such duties as may be assigned by the Provincial Executive.

### **Section J**

**PROVINCIAL EXECUTIVE DUTIES:** Representatives from the region will be more accountable to all Locals within their region, will give a report to all Locals on business being presented at the Provincial Executive table, and must report back to specific Locals when that Local has submitted a specific concern.

### **Section K**

**ATTENDANCE AT LOCAL MEETINGS:** At least one (1) Provincial Executive Member will attend a Local meeting per year, apart from their own Local, so Members may familiarize themselves with their Provincial Executive.

## **ARTICLE 8**

### **Election of Delegates to National & Provincial Conventions**

Provincial Executive Members are entitled to automatic Delegate status to the Canadian Union of Public Employees, the B.C. Federation of Labour and the Canadian Labour Congress Conventions.

HEU Members who represent HEU on Canadian Union of Public Employees' National Committees are entitled to automatic Delegate status to the Canadian Union of Public Employees' Conventions.

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HEU Members who represent HEU on Canadian Labour Congress National Committees are entitled to automatic Delegate status to the Canadian Labour Congress Conventions.

The remaining Delegates for the Canadian Union of Public Employees' Conventions shall be divided proportionately among the five (5) Regions. The remaining Delegates for the B.C. Federation of Labour Convention shall be selected as follows:

<b>0–250 Members</b>	Selected on a rotational basis in alphabetical order of 39 Locals (1 Delegate for each = 39 Delegates)
<b>251–350 Members</b>	1 Delegate (7 Locals = 7 Delegates)
<b>351–450 Members</b>	2 Delegates (3 Locals = 6 Delegates)
<b>451–600 Members</b>	3 Delegates (9 Locals = 27 Delegates)
<b>601–800 Members</b>	4 Delegates (6 Locals = 24 Delegates)
<b>801–1,000 Members</b>	5 Delegates (3 Locals = 15 Delegates)
<b>1,001–1,200 Members</b>	6 Delegates (4 Locals = 24 Delegates)
<b>1,201–1,400 Members</b>	7 Delegates (0 Locals = 0 Delegates)
<b>1,401–1,600 Members</b>	8 Delegates (0 Locals = 0 Delegates)
<b>1,601–1,800 Members</b>	9 Delegates (0 Locals = 0 Delegates)
<b>1,801 Members and over</b>	10 Delegates (1 Local = 10 Delegates)

For the purpose of defining Membership, the Dues Check-Off List and the list of Members on LTD shall constitute a Local's Membership size.

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Where the Provincial Executive determines not to send the full allowable number of Delegates to the B.C. Federation of Labour Policy Conventions, the above Local Delegate entitlements will be pro-rated.

The remaining Delegate entitlement for the Canadian Labour Congress Convention shall be divided proportionately among the five (5) Regions. Canadian Labour Congress Convention Delegates must come from a Local that is affiliated to a Labour Council.

The Delegate's activity in the Labour Council, where geographically practical, will be given consideration by the Local and the Provincial Executive in the selection of Delegates.

The same criteria as under Article 4 in the Constitution and By-Laws will be used for the attendance at the Labour Council meetings where it is at all possible.

The Union shall re-imburse to the full amount, all lost wages incurred by Delegates to these Conventions, pay the registration fee and shall provide a per diem for each Delegate as per regular Union policy.

## ARTICLE 9

### Provincial Wage Policy & Regional Conferences

#### Section A

**PREAMBLE:** A Provincial Wage Policy Conference shall be held prior to the reopening dates of Collective Agreements, the time and place to be set by the Secretary-Business Manager, at the direction of the

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President. When the Provincial Wage Policy Conference falls in a Convention year, the Conference shall be held at a time and place to be decided by the Provincial Executive. This shall not, however, preclude the calling of Regional Conferences from time to time by the Secretary-Business Manager, at the direction of the President and the Provincial Executive.

**PROVINCIAL WAGE POLICY CONFERENCE:** A Provincial Wage Policy Conference shall be held prior to the reopening dates of Collective Agreements, at a time and place established by the Provincial Executive. The Provincial Executive may also call additional bargaining conferences where it makes sense to group workers who share a common interest.

### **Section B**

**NOTICE:** Notice of such Wage Policy Conference shall be forwarded to all Locals and Delegates at least one hundred eighty (180) days prior to the date of such Conference.

### **Section C**

**LOCAL REPRESENTATION:** Locals as described in this Constitution are entitled to the following representation to Provincial Wage Policy Conferences:

- one hundred (100) Members or less – one (1) Delegate,
- one hundred one (101) Members up to five hundred (500) Members – two (2) Delegates,

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- five hundred one (501) Members up to one thousand (1,000) Members – three (3) Delegates,
  - one thousand one (1,001) Members up to fifteen hundred (1,500) Members – four (4) Delegates,
  - fifteen hundred one (1,501) Members up to two thousand (2,000) Members – five (5) Delegates,
  - two thousand one (2,001) Members up to twenty-five hundred (2,500) Members – six (6) Delegates.

For the purpose of defining Membership, the Dues Check-Off List and the list of Members on LTD shall constitute a Local's Membership size.

For those Locals that have not met the quorum requirements in the three (3) months preceding the deadline for delegate registration, a ratification vote of the executive committee will be acceptable.

Delegates must be eligible pursuant to Article 4.

#### **REPRESENTATION FROM CONVENTION**

**DELEGATION:** When a Provincial Wage Policy Conference is held in conjunction with the Biennial Convention, each Local shall designate its Wage Policy representation from its Convention delegation.

#### **Section D**

**REGISTRATION FEE:** A Wage Policy registration fee of Twenty-Five Dollars (\$25.00) per Delegate shall be paid by each Local on behalf of its Delegates and this fee shall be paid when Credentials are submitted to the Provincial Office, Burnaby Site.

Locals which have not paid the registration fees within three (3) months after the conclusion of the Wage

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Policy Conference will have these fees deducted from the Local rebates.

## **Section E**

### **OFFICERS & PROVINCIAL BARGAINING**

**COMMITTEE AS DELEGATES:** The Provincial Executive in office at the time the Wage Policy Conference is called to order, and the outgoing Provincial Bargaining Committee, shall be accredited Delegates to the Provincial Wage Policy Conference.

When a Provincial Wage Policy Conference is held in conjunction with the Biennial Convention, both the outgoing and incoming Provincial Executive Members shall be accredited Delegates to the Provincial Wage Policy Conference.

### **EQUITY STANDING COMMITTEE DELEGATES:**

Each Equity Standing Committee is entitled to one (1) Delegate to the Provincial Wage Policy Conference.

## **Section F**

### **CREDENTIALS & ACCOMMODATION FORMS:**

All Credentials and Accommodation Forms shall be submitted (or documented proof of being sent) to the Provincial Office, Burnaby Site, ninety (90) days prior to the Wage Policy Conference, unless the Local has been certified to the Hospital Employees' Union less than one hundred eighty (180) days prior to the Wage Policy Conference. All Credentials must bear the signatures of the Chairperson and Secretary-Treasurer or designated alternates of the Local and the

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Credential must be the original document with the seal on it.

## Section G

**PROPOSED BARGAINING DEMANDS & RESOLUTIONS:** Proposed Bargaining Demands and Resolutions must receive prior ratification by majority vote of the sponsoring Local and bear the signatures of the Chairperson and Secretary-Treasurer or designate of the Local.

Proposed Bargaining Demands and Resolutions to be introduced by an Equity Standing Committee must receive prior ratification by majority vote of the sponsoring Equity Standing Committee and bear the signature of the sponsoring Equity Committee's Signing Officers.

## Section H – Deadlines

**PROPOSED BARGAINING DEMANDS & RESOLUTIONS:** All proposed Bargaining Demands and Resolutions must be submitted (or documented proof of being sent) to the Provincial Office, Burnaby Site, sixty (60) days prior to the Wage Policy Conference. Fifteen (15) days prior to the Conference, copies of such proposed Bargaining Demands and Resolutions shall be forwarded to all Locals and Delegates attending the Conference.

**PROVINCIAL EXECUTIVE RECOMMENDATIONS:** Prior to a Provincial Wage Policy Conference, the Provincial Executive shall meet to consider and make recommendations regarding wage and contract demands and these recommendations shall be sent to all Locals and Delegates sixty (60) days prior to the

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Provincial Wage Policy Conference for discussion and instruction to Delegates.

Proposed Bargaining Demands and Resolutions to be introduced by the Provincial Executive shall be forwarded to all Locals and Delegates attending the Conference fifteen (15) days prior to the Conference.

**DEADLINES FALLING ON WEEKENDS OR STATS:** When the deadline for submission of Bargaining Demands or Resolutions falls on a weekend or statutory holiday, they shall be due in the Provincial Office, Burnaby Site, by the end of the next business day.

### **Section I**

**ACCEPTANCE BY WAGE POLICY CONFERENCE – BARGAINING DEMANDS & RESOLUTIONS:** Any Bargaining Demands or Resolutions submitted contrary to these provisions can only be dealt with by the Conference on a two-thirds (2/3) majority consent of the Delegates in Conference.

### **Section J**

**COMMITTEES:** The Provincial Executive shall have the authority to appoint a Committee on Credentials, on Proposed Bargaining Demands and such other Committees as may be necessary for the organization and management of the Wage Policy Conference.

The Committee on Proposed Bargaining Demands may be called in prior to the Wage Policy Conference.

### **Section K**

**QUORUM & DECISIONS:** The quorum at Wage Policy Conferences of this Union shall be a majority of the

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Delegates seated and in attendance when the first report of the Credentials Committee is adopted.

A motion to adopt a Bargaining Demand must be accepted by a two-third (2/3) majority vote to become a decision of the Wage Policy Conference. Decisions arrived at during the Wage Policy Conference shall be binding on all Locals.

The Wage Policy Conference of this Union will discuss priorities in the upcoming round of bargaining in order to assist the Provincial Bargaining Committee.

## Section L

**REFERRED BARGAINING DEMANDS:** The Provincial Bargaining Committee is required to meet within thirty (30) days of adjournment of the Wage Policy Conference to specifically deal with Bargaining Demands referred by the Wage Policy Conference.

## ARTICLE 10

### Provincial Bargaining Committee Elections

A Provincial Bargaining Committee shall be elected to negotiate the Bargaining Proposals formulated by the Wage Policy Conference.

The Provincial Bargaining Committee shall be composed of ten (10) Members who shall be elected from the Delegates in attendance at the Provincial Wage Policy Conference, plus the Provincial President, Secretary-Business Manager and the Financial Secretary.

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Members of the Provincial Executive other than the Provincial President, the Secretary-Business Manager and the Financial Secretary, shall have the same opportunity to run for election to the Provincial Bargaining Committee as the Delegates in attendance at the Provincial Wage Policy Conference. However, upon election to the Provincial Bargaining Committee, these Members of the Provincial Executive must relinquish their position on the Provincial Executive. At no time shall any Provincial Executive Member, with the exception of the Provincial President, the Secretary-Business Manager and the Financial Secretary, hold a position on the Provincial Bargaining Committee.

Elections for the Provincial Bargaining Committee shall be on an individual basis. On the initial ballot, if a fifty per cent (50%) plus one (1) majority of all the ballots cast is not attained, then a second ballot shall be conducted among the three (3) candidates receiving the highest number of votes; if a fifty per cent (50%) plus one (1) majority is not attained on the second ballot, then a third ballot shall be conducted between the two (2) candidates receiving the highest number of votes on the second ballot.

Upon the completion of the election of the Bargaining Committee Members, one (1) election shall be held to select ten (10) Alternate Bargaining Committee Members who shall be the ten (10) candidates receiving the ten (10) highest number of votes. These Alternates shall be known as Alternate #1 to #10.

Bargaining Committee vacancies shall be filled by these Alternates commencing with Bargaining Committee

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Alternate #1 in ascending order to Bargaining Committee Alternate #10.

Delegates wishing to be elected to the Bargaining Committee may post a picture with their name, length of Membership in the Union, positions held and in what facility, on the kiosk provided by the Provincial Office; all pictures to be taken by Provincial Office staff; and may be involved in a question and answer period, time and place to be set up by the Provincial Executive. (Please also see Article 6, Section A)

## ARTICLE 11

### Collective Agreement Negotiations

#### Section A

**PARTICIPATION:** Wherever possible, all Locals shall participate in province-wide negotiations.

#### Section B

**SPOKESPERSON:** The Secretary-Business Manager or his/her designate shall be the spokesperson for the Provincial Bargaining Committee and the Bargaining Committee shall select the Alternate Spokesperson.

#### Section C

##### **AUTHORITY OF BARGAINING COMMITTEE:**

The Provincial Bargaining Committee shall have the authority to process negotiations through all phases of existing labour legislation, but shall not have the

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authority to authorize strike/job action nor have the authority to refer bargaining disputes to a binding tribunal.

The Bargaining Committee shall be a party to all negotiations affecting the Collective Agreement.

## **Section D**

**STRIKE/JOB ACTION AUTHORIZATION:** The Provincial Executive Committee is charged with the sole responsibility to authorize strike/job action. Where the Provincial Executive recommends that the bargaining dispute be referred to arbitration under the Essential Services Disputes Act, the Membership of the Union shall vote on that recommendation by means of the same procedure as that used in authorizing a strike/job action or ratifying an agreement.

## **Section E**

**STRIKE/JOB ACTION VOTES AUTHORIZATION:** All strike/job action votes shall be authorized by the Provincial Executive. Only official strike/job action ballots shall be used.

The Local Executive holds the authority on determining the appropriate venue and voting hours for all strike/job action votes.

## **Section F**

**INFORMATION DURING NEGOTIATIONS:** The Provincial Bargaining Committee shall exercise its discretion regarding what can reasonably be disclosed

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during negotiations, but shall keep the Membership informed of the progress of negotiations.

### Section G

**TERMS OF SETTLEMENT:** The Provincial Bargaining Committee must receive the approval of the Provincial Executive Committee prior to recommending Terms of Settlement to the Membership and conducting a secret ballot to determine the wishes of the Membership.

### Section H

**NEWS RELEASE:** The Secretary-Business Manager shall be authorized to issue a News Release summarizing the terms of proposed settlement.

### Section I

**REPORT ON PROPOSED TERMS OF SETTLEMENT:** Sufficient copies (not less than one (1) for every two (2) registered voters) of a comprehensive written report covering the Proposed Terms of Settlement shall be at the Locals directly affected by such negotiations at least five (5) days prior to the ratification vote. The report will be discussed at properly constituted Local Meetings by a Provincial Bargaining Committee Member or Provincial Executive Member, assisted by a Provincial or Regional Office Staff Representative.

The same amount of resources, Provincial Executive Members, Bargaining Committee and Local activists will be provided to the Membership as during a ratification vote, for mobilization and information on the Proposed Terms of Settlement.

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## **Section J**

**VOTING – SECRET BALLOT:** A secret ballot shall be conducted in accordance with the balloting procedures established in the Constitution at the meeting at which the bargaining report is given. Only the official ballot shall be used for voting.

**VOTING – ADVANCE POLL:** Each Local be allowed to have an advance poll, with respect to settlement, strike/ job action or rejection of a contract.

## **Section K**

**VOTING – ELIGIBILITY:** Local Officers shall ensure every Member of the Local in attendance at the meeting shall have the opportunity to receive the report of the Bargaining Committee and shall be given the opportunity to vote at the meeting.

## **Section L**

**VOTING – WAGE SCHEDULES & AGREEMENTS:** All voting on Wage Schedules and Agreements shall be by secret ballot, and a majority vote within a Local shall determine whether such Schedules and Agreements shall be accepted or rejected by a Local.

- a) each Local shall vote individually. Wherever practical, Members on all shifts shall be provided with an opportunity to cast a ballot,
- b) Local scrutineers shall see to it that ballots are placed in a sealed deposit bag or box and the sealed container held for safekeeping (preferably in the Night Deposit Box of a Credit Union or Chartered Bank),

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- c) on a date arranged in conjunction with the Provincial Office, Burnaby Site, the scrutineers shall claim the ballots, count the vote and telephone the result to the Provincial Office, Burnaby Site,
  - d) a written confirmation, signed by the scrutineers and the Secretary or Chairperson of the Local, shall be mailed to the Provincial Office, Burnaby Site, immediately following the telephone call.

### Section M

**VOTING – SETTLEMENT, STRIKE/JOB ACTION, ARBITRATION:** Each Local shall vote separately on all recommendations with respect to settlement, strike/job action or arbitration.

### Section N

**MEMBERSHIP DECISION:** A Membership decision shall prevail:

- a) by two-thirds (2/3) of the Locals voting in the majority, and
- b) by fifty per cent (50%) of all voting Members voting in the majority.

### Section O

**STRIKE/JOB ACTION – SANCTIONED:** There shall be no strike/job action without Provincial Executive sanction. The Provincial Executive shall go into session as soon as it appears there is a bargaining impasse.

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## Section P

**STRIKE/JOB ACTION – APPROVAL:** The extent, scope and location of strike/job action must be approved by the Provincial Executive who shall determine under what circumstances and when strike/job action assistance shall be paid.

## Section Q

**STRIKE/JOB ACTION – TEMPORARY DUES INCREASE:** In the event of a strike/job action, the Provincial Executive shall be authorized to increase dues up to twenty per cent (20%) of gross salary of all non-striking Members to be placed directly into the Strike/Job Action Fund.

## Section R

**PROVINCIAL EXECUTIVE STRIKE/JOB ACTION PAY:** In the event of an authorized strike/job action of all health care facilities party to the Master Agreement (facilities subsector) only, no Member of the Provincial Executive who works for or who is on leave from a facilities sector employer shall receive any salaries for the duration of the strike/job action period, but shall be granted strike/job action pay in lieu of their normal salaries.

In the event of an authorized strike/job action of all health care facilities party to the Sectoral Agreement (community subsector) only, no Member of the Provincial Executive who works for or who is on leave from a community sector employer shall receive any salaries for the duration of the strike/job action period,

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but shall be granted strike/job action pay in lieu of their normal salaries.

### Section S

**DISCHARGE OF DUTIES & SALARY:** Any Member, Officer or employee of the Union who is jailed because of discharging his/her duties as directed by the Provincial Executive shall have his/her full salary paid to his/her family for the period of time so imprisoned.

### Section T

**LEGAL COSTS:** The Hospital Employees' Union shall assume full legal costs in defending Members, Officers or employees of the Union whenever they become legally involved because of authorized action on behalf of the Provincial Executive.

### Section U

**STRIKE/JOB ACTION PAY:** In the event of an authorized strike/job action, the Hospital Employees' Union shall pay a minimum of Two Hundred and Fifty Dollars (\$250.00) per week plus Thirty-Five Dollars (\$35.00) per week for each dependent. In order to be entitled to Strike/Job Action/Picket Pay, a Member must fulfill twenty (20) hours of strike/job action or picket duties spread over five (5) shifts or an equivalent time subject to Local scheduling requirements. Strike/Job Action/Picket Pay shall be payable from the first day of any authorized strike/job action. Strike/Job Action/Picket Pay and dependent allowance may be pro-rated. A dependent shall be defined as a person without any

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taxable income who is totally reliant on the Member for financial support.

The Provincial Executive may pay additional bonus monies to striking Members as above and assess non-striking Members for this amount.

## **Section V**

### **BREACHES OF THE CONSTITUTION AND BY-LAWS:**

Where a Member without lawful excuse has refused, failed or neglected to pay a lawful Temporary Dues Increase levied by the Provincial Executive, then in each instance the Temporary Dues Increase shall be deemed to be and is hereby doubled; namely, to be a levy of two (2) days' pay instead of one (1) day's normal gross pay. The Provincial Executive shall take further lawful action it deems appropriate to correct continued breaches of the Constitution and By-Laws.

## **Section W**

**PAID OR UNPAID SCABS:** The Provincial Executive shall, by motion, refuse Membership to, suspend or terminate the Membership of any paid or unpaid scab who has worked for an employer during a strike/job action or other collective action of the Union or who has impeded or acted in opposition to such action.

## **Section X**

**ASSESSMENT OF SCABS:** Any Member who is not deemed essential by their Local and crosses a legally established picket line to report to work, will be assessed one hundred per cent (100%) of their wages earned. This money will be used to fund picketing Members.

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## ARTICLE 12

### Equity Standing Committees

HEU shall establish five (5) Equity Standing Committees from within the Membership:

1. First Nations People
2. Ethnic Diversity
3. Pink Triangle
4. People with DisAbilities
5. Women's

These Standing Committees shall seek to increase the involvement of their Members throughout the many integrated programs of the Union and propose and advise on programs to eliminate discrimination and inequality within the Union and the workplace.

HEU Equity Standing Committee members elected as HEU representatives to National Committees and Working Groups will be automatically entitled to participate in conferences that are organized by their respective National Committee or Working Group if their attendance is requested/required.

There shall be a report on the work of the Standing Committees at each Biennial Convention.

## ARTICLE 13

### By-Laws Covering Locals

#### Section A

**NAME OF LOCAL:** The name of each Local shall be determined by the Provincial Executive who shall allot and define the Membership of all Locals.

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## Section B

**UNION COMMITTEES:** Union Committees shall consist of a Grievance Committee and/or a Shop Stewards' Committee, and any other Committee deemed necessary by the Local Membership. Members of Committees may be appointed by the Executive, except the Grievance Committee, which shall consist of at least two (2) Table Officers. Grievance Committees or Shop Stewards' Committees shall be subordinate to the elected Local Executive Committee.

## Section C

**LOCAL BY-LAWS:** Each Local may adopt its own By-Laws, which must be approved by the Provincial Executive and cannot conflict with the HEU Constitution and By-Laws.

Local By-Laws may include:

- A minimum of four (4) Membership meetings a year.
- A Local executive structure of fewer than the number of Officers as required in Article 14, Section A, and whether or not to elect alternates in case of vacancies. No Member shall hold more than one (1) office, except where the Local has fewer than five (5) members.
- The method for nominations, campaigns and elections of Local executive officers.
- Eligibility requirements, if more than the Article 4 requirement.

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- The method of filling vacancies that occur between elections.
  - A steward structure
  - A requirement to adopt an annual budget detailing how rebates and any other income will be spent for meets, travel, honorariums, education, donations and other costs.

## Section D

**LOCAL MEETINGS & QUORUM:** Each Local shall hold regular meetings. Notice of such Local meeting must be displayed on the Local's notice board for a minimum of seven (7) days in advance of the meeting.

Locals failing to call regular meetings as required under the Constitution and By-Laws for three (3) successive months shall be put under trusteeship and administered by the Provincial Office, Burnaby Site, until such time as the Provincial Executive is satisfied that the provisions of the Constitution and By-Laws are followed.

Meetings may be suspended by the Locals subject to the approval of the Provincial Executive with the exception of July, August and December meetings which require approval of a regular Local meeting only.

The quorum for Local meetings shall be as follows:

- a) fifty (50) or less, five (5) or majority,
- b) one hundred (100) or less, seven (7),
- c) one hundred one (101) to three hundred (300), nine (9),
- d) three hundred one (301) to five hundred (500), fifteen (15),

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- e) five hundred one (501) to one thousand (1,000),  
twenty (20),
  - f) one thousand one (1,001) and over, twenty-five  
(25).

For the purpose of defining Membership in this Section, the Dues Check-Off List shall constitute a Local's Membership total.

In the case of a Member being seconded to temporarily work at a different Local than their original Local, that Member shall have full voice and vote at meetings at the new Local.

Where Locals consist of several remote worksites and geographical and weather considerations make it impractical for Members from all sites to attend Local meetings, Local meetings may be held by teleconferencing, and paid for by the Local, that permits all those attending to fully participate.

## **Section E**

**GUESTS OR SPEAKERS:** Guests or speakers other than Hospital Employees' Union Members, Retirees or Representatives shall be invited to the regular meetings only on the approval of the Local Executive.

## **Section F**

**LOCAL PUBLICATIONS:** Locals may establish publications; however, the use of the Union's name and/or Logo in such publications is subject to the approval of the Provincial Executive.

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## Section G

**THREAT – ASSETS, FUNDS & RECORDS:** Where an immediate and serious threat to the interest or welfare of the Union occurs within a Local including a serious breach of the Constitution and By-Laws, the business and affairs of such Local may, by a two-thirds (2/3) vote of the Provincial Executive, be brought under the exclusive control and direction of the Provincial Executive only for as long as such threat remains.

The assets, funds and records of the Local shall at all times remain the property of the Union.

Where an HEU Local disbands, all funds and assets will be returned to the Financial Secretary of the Union.

## ARTICLE 14

### Nomination & Election of Local Officers

#### Section A

**LOCAL OFFICERS:** The Officers of the Local shall consist of Chairperson, Vice-Chairperson, Secretary-Treasurer, Assistant Secretary (optional), Conductor, Warden, three (3) Trustees and, in the event of merged Locals, such other Local Officers that ensure worksite executive representation.

Individual Locals may vary their Executive structure subject to prior approval of the Provincial Executive.

*\*Also see Article 13 – Section C.*

#### Section B

**NOMINATION & ELECTION OF OFFICERS:** The nomination and election of Officers shall take place at

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the first regular meeting of the calendar year, by secret ballot. The method of conducting the elections shall be decided by a majority vote of the Membership at the regular November meeting of their Local.

### **Section C**

**SCRUTINEERS:** Prior to the election, and with the approval of the meeting, the Chairperson shall appoint non-candidate scrutineers to take charge of the ballot box, count the ballots and report results to the Chairperson.

### **Section D**

**ELECTIONEERING:** Only information electioneering shall be used in any Local election. The method and medium of this information shall be restricted within the confines of each Local, and determined at a regular November meeting. Any violation of this clause shall nullify the violating candidate's eligibility.

### **Section E**

**TERMS OF OFFICERS:** The terms of the elected Officers shall expire immediately following the installation of Officers at the Annual General Meeting at which their successors are elected and qualified, PROVIDED HOWEVER, that at the Annual General Meeting in January, the Trustee receiving the highest number of votes shall serve a two (2) year term, the other shall serve a one (1) year term. At each succeeding Annual General Meeting, two (2) Trustees shall be elected, the one receiving the higher number of votes to serve the two (2) year term.

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## ARTICLE 15

### Duties of Local Officers

#### Section A

**CHAIRPERSON:** The Chairperson shall preside at all regular and special meetings of the Local, call special meetings if requested by five per cent (5%) of the Local Membership (in no instance shall less than ten (10) Members be empowered to call a special meeting) and perform such other duties as may of right pertain to his/her office. It shall be his/her duty to see that all other Officers perform their duties strictly in accordance with the Constitution and By-Laws. He/she shall also be ex-officio Member of all Committees.

#### Section B

**VICE-CHAIRPERSON (OPTIONAL):** The Vice-Chairperson shall assist in keeping order, and in the absence of the Chairperson preside over meetings of the Local. He/she shall assist the Warden and see that no one enters the meeting who is not a Union Member. In Locals of two hundred (200) Members or more, the Vice-Chairperson of the Local shall be the co-ordinating Officer between the Shop Stewards' Committee and the Local Executive.

#### Section C

**SECRETARY-TREASURER:** The Secretary-Treasurer shall keep a correct, full and impartial account of the proceedings of each regular meeting and Local Executive Meeting, and forward copies of these minutes,

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bearing the signatures of both the Secretary-Treasurer and the Chairperson of the Local, to the Provincial Office, Burnaby Site, and the Regional Office.

He/she shall also receive and deposit in a Credit Union or Chartered Bank as the Local may designate, all monies received from the Provincial Office, Burnaby Site, and shall pay all bills sanctioned by the Local, by cheque and/or other methods. He/she shall keep an accurate account, and forward a quarterly financial statement, which has been audited by the Local Trustees, to the Financial Secretary. In the absence of both the Chairperson and the Vice-Chairperson, the Secretary-Treasurer shall convene the Local meeting and shall have a Chairperson elected pro tem.

### **Section D**

**ASSISTANT SECRETARY (OPTIONAL):** The Assistant Secretary shall assist the Secretary-Treasurer in performing the duties set out under “Secretary-Treasurer.”

### **Section E**

**TRUSTEES:** The Trustees shall have general supervision over the property of the Local subject to such instructions as they may from time to time receive. They shall examine the books of the Local quarterly and report to the Financial Secretary. They shall see that the Secretary-Treasurer deposits all money belonging to the Local in a Credit Union or Chartered Bank as the Local may designate. They shall perform such other duties as the Provincial Executive, the Local or the Constitution may direct.

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On an annual basis the Local Trustees complete a survey of the Local's finances and present the findings of this survey to the Membership at the Local meeting.

The survey will be designed to assist in a positive manner as a way of assisting in reporting the finances of the Local to the Membership.

### **Section F**

**CONDUCTOR (OPTIONAL):** The Conductor shall conduct candidates through the initiation ceremony and perform such other duties as the Union may direct.

### **Section G**

**WARDEN (OPTIONAL):** The Warden shall take charge of the door and prevent any non-Members from entering the meeting unless requested otherwise by the Chairperson. He/she shall record all Members' attendance at the meetings.

### **Section H**

**RETIREEES:** See Article 24 – Section B

### **Section I**

**OFFICER VACANCIES:** Should any Officer fail to answer the roll call for three (3) consecutive meetings without having a good excuse for his/her absence, or should any Officer resign or in the event of the death of any Officer, his/her office shall be filled at the next regular meeting of the Local. The office of Chairperson shall be filled by the Vice-Chairperson; all other vacancies shall be filled by election.

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During the temporary absence of any Officer, the Chairperson shall appoint a Local Executive Member to fill the vacancy. A Local may elect up to five (5) Alternates to fill in for these periods of time.

## Section J

**QUARTERLY REPORT FORMS:** In the event any Local repeatedly fails to provide Quarterly Report Forms without reason, the Provincial Executive, by two-thirds (2/3) resolution thereof, has the power to suspend monthly rebates until the matter is corrected.

# ARTICLE 16

## Installation

(The newly elected Officers shall take their places in front of the Chairperson.)

**CHAIRPERSON OR INSTALLING OFFICER:** "Fellow Members, repeat after me the following obligation."

*"I, \_\_\_\_\_, sincerely pledge that I shall truly and faithfully and to the best of my ability perform the duties of my office for the ensuing term as prescribed in the Constitution and By-Laws of this Union and, as an Officer of this Union, shall at all times endeavour, both by my counsel and example, to promote the harmony and preserve the dignity of its sessions.*

*I further pledge that, at the close of my official term, I shall promptly deliver any monies or property of the Union in my possession to my successor in office."*

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## ARTICLE 17

### Initiation

**CHAIRPERSON:** “Will the Conductor please bring forward new applicants for Membership?”

#### Obligation

*“I, \_\_\_\_\_, in the presence of these witnesses, do hereby pledge that I shall abide by the Constitution and By-Laws of the Union, and shall not divulge proceedings which the meeting has identified as confidential at its meetings.*

*That I shall make every possible effort to attend all meetings, and shall pay all dues and assessments levied in accordance with the By-Laws.*

*That I shall be orderly at its meetings, respectful in words and actions, charitable in my judgement of my fellow Members, and never wrong a brother or sister or see him or her wronged if in my power to prevent it.*

*That I will not discriminate against a sister or brother on the grounds of ethnic background, colour, creed, ability or sexual orientation, and I will abide by the principles of the Human Rights Code.”*

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## ARTICLE 18

### Charges, Trials & Penalties

"It is the duty of each member to abide by the Union's Constitution and By-Laws, to uphold the Oath of Obligation, and, in the case of elected officers, to uphold the Installation of the Officers Oath. HEU subscribes to the democratic principles of industrial unionism.

Every member shall be entitled to be notified in writing, of charges preferred against them; an opportunity to be heard in their defence, and a fair trial. Only after such procedure has been followed can any penalty be imposed, unless specifically provided for in the HEU Constitution and By-Laws. All complaints must be set out in writing and delivered to the President of the Union, within three (3) months after the date on which the person making the complaint knew or ought to have known of the action or circumstances giving rise to the complaint. The form of complaint will include:

- 1) Name, address, telephone number and signature of the person making the complaint;
- 2) Member named in the complaint;
- 3) Facts which form the basis of the complaint;
- 4) The portion of the Constitution which is alleged to have been violated;
- 5) Whether the person making a complaint has personal knowledge of the facts and if not, from where the information was derived.

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## Section A

### **PRINCIPLE OF NATURAL JUSTICE, TRIAL PANEL, RIGHT TO CHALLENGE DETERMINATION: A**

Member may be charged for cause. The Provincial Executive, having satisfied itself that its information is complete, and after having considered such information, shall decide the appropriate method to resolve the charge. Where the Provincial Executive is considering Charges, Trials and Penalties, prior to determining whether or not to proceed with Charges, Trials and Penalties, all the information received by the Provincial Executive shall be reviewed by an outside consultant, who shall furnish a report to the Provincial Executive.

The Secretary-Business Manager shall have prepared a list of the Local Officers in good standing who are working in the Locals within the Region that the charged Member works. The name of each Local Officer shall be on an individual slip of paper and placed in a container. The Secretary-Business Manager shall draw twelve (12) names from the container and these shall constitute the Trial Panel.

The accused or accuser shall each have the right to challenge two (2) Local Officers on the Trial Panel. The first eight (8) unchallenged Local Officers on the Trial Panel shall constitute the Trial Board. Of these eight (8) Local Officers, the last two (2) shall serve as alternates to the Trial Board. The Secretary-Business Manager shall appoint one of the Local Officers on the Trial Board to act as Chairperson.

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In the event of a determination which confirms the validity of the charge or charges, the panel may expel, suspend, fine or otherwise discipline such Member.

## **Section B**

### **EMERGENCY SUSPENSION, REIMBURSEMENT:**

Where in the opinion of the Provincial Executive, a Member engages in activities which are seriously detrimental to, or jeopardizing the interests or welfare of the Union, the Provincial Executive may immediately discipline such Member; discipline shall include written warnings, suspensions and termination of Membership in the Union; any disciplinary suspension or termination of Membership in the Union shall remain in effect until a determination has been rendered by a panel struck from Local Officers in good standing as provided in Section A above. A hearing shall be scheduled within fourteen (14) days of the suspension or termination of Membership.

The Union shall reimburse to Members found innocent of the charge or charges against them, all expenses related to the hearing including loss of wages.

## **Section C**

**APPEAL:** Any Member dissatisfied with the determination by a panel of Local Officers in good standing upon hearing of charges, may appeal to the Convention when in session. The decision of the Convention shall be final.

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## ARTICLE 19

### Standing Disciplinary Panel

The Provincial Executive shall establish a Standing Disciplinary Panel to deal with disputes that are limited to the Local level and relating to Local Members who are seriously disruptive to the functioning of the Local.

The Panel, which will include some regional representatives, shall consist of five (5) members and five (5) alternates and shall develop procedures to deal with complaints in an expeditious manner and consistent with the principles of natural justice. Provincial Executive Members or Alternates are not eligible to be appointed to the Panel.

If the Panel determines that a complaint presents a prima facie case, the respondent(s) will be notified in writing of the allegations preferred against them; an opportunity to be heard in their defence; and a fair hearing, if required. Only after such procedure has been followed, can any penalty be imposed by the Panel.

In the event of a determination which confirms the validity of the complaint, the Panel may suspend (but not expel), fine, remove from office or otherwise discipline such Member.

The Union shall reimburse to Members found innocent all expenses related to the hearing including loss of wages. The Financial Secretary shall have the ability to assess the Local or individual(s) making allegations

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in whole or in part for these costs, consistent with access to this democratic process.

A decision by the Standing Disciplinary Panel to impose sanctions or discipline may be appealed under the provisions of Charges, Trials & Penalties.

## ARTICLE 20

### Rules of Order

#### Section A

**CHALLENGE OF CHAIR:** When the decision of the Chairperson is challenged by two (2) or more Delegates, he/she shall vacate the Chair and shall state his/her decision and the reasons therefor. The party challenging shall then briefly state the reasons for the challenge after which, without further debate, the question shall be put thus: *“Shall the decision of the Chair stand the judgement of the Union?”*

#### Section B

**SPEAKING:** Every Member while speaking shall adhere to the question under debate, avoid all personalities and indecorous language, as well as any reflection on the Union or any Member thereof.

#### Section C

**CALL TO ORDER:** Any Member while speaking, being called to order by another, at the request of the Chair, shall cease speaking and be seated until the question of order is determined.

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## Section D

**TIME LIMIT:** No Member shall speak more than once on the same question until all Members wishing to speak shall have had an opportunity to do so, nor more than twice without permission of the Chair, nor more than five (5) minutes at one time.

## Section E

**UNPARLIAMENTARY CONDUCT:** Should a Member persist in unparliamentary conduct, the Chairperson will be compelled to name him/her and submit his/her conduct to the judgement of the meeting. In such case the Member whose conduct is in question should explain and then withdraw, and the meeting will determine the course to pursue in this matter.

## Section F

**MOTION TO RECONSIDER:** All votes other than amendments to the Constitution and By-Laws or Rules of Order, may be reconsidered provided the mover and seconder of the motion to reconsider voted with the majority and notice of motion is given for reconsideration at the next sitting, and said motion is supported by two-thirds (2/3) of the Members qualified to vote in attendance. After a motion to reconsider has once been lost, it may not be renewed.

## Section G

**COUNT:** When a motion has been declared, carried or lost by acclamation, any Member before the Union proceeds to other business may call a count, but the

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Ayes and Nays cannot be called unless demanded before the Chairperson calls the Next Order of Business.

## **Section H**

**RELIGIOUS SUBJECTS:** No subject of a religious nature shall at any time be admitted.

## **Section I**

**RULES & PROCEEDINGS:** All Rules and Proceedings in debate, not herein provided for, shall be governed by Bourinot's Rules of Order. No motion shall be debated upon until stated from the Chair. It shall be in writing at the request of two (2) Members or the presiding Officer.

## **Section J**

**CONVENTIONS & WAGE POLICY CONFERENCES:**

- 1) The President, or in his/her absence, or at his/her request, the Vice-President shall take the Chair at the time specified at all regular sessions of the Convention/Conference. In the absence of both the President, or his/her designated Representative, a Chairperson shall be chosen by the Provincial Executive.
- 2) No question of a sectarian character shall be discussed.
- 3) When a Delegate wishes to speak, he/she shall rise to a Pro or Con microphone and, when recognized by the Chair, he/she shall give his/her name and the name of the Local he/she represents, and shall confine his/her remarks as being for or against the question at issue based on the microphone at which they are speaking.

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- 4) Speeches shall be limited to three (3) minutes.
  - 5) A Delegate shall not speak more than once upon a subject, until all those who wish to speak have had the opportunity to do so.
  - 6) A Delegate shall not interrupt another, except to call a Point of Order.
  - 7) If a Delegate while speaking be called to order, he/she shall at the request of the Chair, take his/her seat until the question of order has been decided.
  - 8) Should a Delegate persist in unparliamentary conduct, the Chairperson shall be compelled to name his/her conduct to the judgement of the Convention/Conference. In such case the Delegate whose conduct is in question should explain and then withdraw, and the Convention/Conference shall determine what course to pursue in this matter.
  - 9) When a question is put, the Chairperson, after announcing the question, shall ask: "Are you ready for the question?" If no Delegate wishes to speak, the question shall be put.
  - 10) Two (2) Delegates may appeal the decision of the Chair. The Chairperson shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debatable except that the Chairperson may make an explanation of his/her decision. The party challenging shall then briefly state the reasons for the challenge.

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- 11) The Chairperson shall have the same rights as other Delegates to vote on any question. In case of a tie vote he/she shall cast the deciding vote.
  - 12) Should more than one (1) Delegate rise to speak at the same time, the Chair shall decide who is entitled to the Floor.
  - 13) When the previous question is moved, no discussion or amendment of either motion is permitted. If the majority vote that "the question be now put," the original motion has to be put without debate. If the motion to put the question is defeated, discussion shall continue on the original motion.
  - 14) A motion may be reconsidered provided the mover and seconder of the motion to reconsider voted with the majority, and notice of motion is given for reconsideration at the next sitting, and said motion is supported by two-thirds (2/3) of the Delegates qualified to vote. After a motion to reconsider has once been lost, it may not be renewed.
  - 15) A motion to refer back is not debatable and when properly seconded, the question shall be immediately put to Convention/Conference.
  - 16) Committees may combine Resolutions or prepare a composite to cover the question at issue.  
  
Reports of Committees are not subject to amendments, except such as are acceptable to the Committee, but a motion to refer back to the Committee for reconsideration shall be in order.

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- 17) Resolutions shall require a simple majority to be adopted. Constitutional Amendments and Bargaining Demands shall require a 2/3 majority to be adopted.
  - 18) A motion for Concurrence which is carried means that the Resolution, Constitutional Amendment or Bargaining Demand itself has been carried. A motion for Concurrence which is defeated means that the Resolution, Constitutional Amendment or Bargaining Demand itself has been defeated. A motion for Non-Concurrence which is carried means that the Resolution, Constitutional Amendment or Bargaining Demand itself has been defeated. A motion for Non-Concurrence which is defeated means that the Resolution, Constitutional Amendment or Bargaining Demand itself has been carried.
  - 19) The Provincial Executive is empowered to establish the hours of the Convention/Conference.
  - 20) In all matters not regulated by these Rules of Order, Bourinot's Rules of Order shall govern.

## ARTICLE 21

### Miscellaneous

#### Section A

**DEATH BENEFIT:** The Members of this Union shall be covered by a Death Benefit By-Laws of which are appended hereto.

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## Section B

**BURSARIES:** Monies used for bursary purposes shall be administered by a Bursaries Committee under the direction of the Provincial Executive.

Present Members of the Hospital Employees' Union, as well as their children and spouses (including common-law spouses and same sex partners), shall be eligible for bursaries. Bursaries shall be tenable at any post-secondary educational institution.

All applicants shall be notified in writing whether or not they have been accepted as a recipient of the Hospital Employees' Union bursaries prior to the commencement of the school term.

A list of the successful applicants shall be published in the *Guardian*.

## Section C

**LABOUR COUNCILS:** Where in any City or District the Canadian Labour Congress has organized a Labour Council, all Locals of this Union may join same and maintain Membership therein.

Labour Council Delegates shall be elected by their own Locals. Expenses are to be paid by the Local.

Locals of one hundred (100) Members or less wishing to affiliate or are affiliated to their local Labour Council shall have their per capita paid by the Provincial Office, Burnaby Site.

## Section D

**PRONOUN REFERENCE:** For the purposes of clarification it is understood that the words "he" and "she"

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wherever they appear in the Constitution referring to Officers or Members of this Union shall apply and refer to persons of either sex.

### Section E

**EDUCATIONAL PROGRAMS & SEMINARS:** This Union shall establish Educational Programs and/or Seminars, and this shall be given priority. All subsidized Educational Programs established by or subscribed to by the Union shall be open to application by all Union Members.

### Section F

**CONFIDENTIALITY:** When a Member of any Committee of the Union admits that he/she has divulged proceedings from its meeting or meetings, he/she will be required to apologize to the Committee and give an undertaking that there will be no further occurrences.

If he/she fails to comply or if there are further breaches of confidentiality, the Committee shall have the authority to terminate his/her Membership on the Committee by a two-thirds (2/3) majority vote.

### Section G

**COMPENSATING TIME:** Any Member attending to Union functions on a scheduled day off in circumstances where, had they been scheduled to work, they would have been entitled to Union paid leave, shall be entitled to an amount of time off in compensation as determined by policy.

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## ARTICLE 22

### Death Benefit By-Laws

#### Section A

**ENTITLEMENT:** All Regular and Associate Members of the Hospital Employees' Union shall be entitled to all benefits stipulated under the Death Benefit By-Laws up to the financial limit as set out in these By-Laws.

#### Section B

**SUSPENDED MEMBERS:** A Member suspended by the Union when reinstated, shall not be placed in benefit until the date of reinstatement.

#### Section C

**ENTITLEMENT – TERMINAL ILLNESS:** When a Member ceases to be a Member of the Hospital Employees' Union, he/she is no longer entitled to benefits.

Notwithstanding the foregoing, any Member who because of a terminal illness, is obliged to relinquish his/her employment shall be eligible for Death Benefits.

#### Section D

**TRANSFERS:** When a Union Member transfers his/her services from one hospital to another, and this transfer of service takes place within ninety (90) days, he/she shall be considered as eligible for benefits.

#### Section E

**BENEFITS:** Benefits for Members are Two Thousand, Five Hundred Dollars (\$2,500.00).

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Members terminally ill will be able to have Death Benefit money advanced to them providing proof of illness has been submitted to the Financial Secretary.

### **Section F**

**ADVANCES OR LOANS:** No Local shall advance or loan money on any claim.

### **Section G**

**PROVING OF A CLAIM:** When any death occurs, the person applying for benefit shall furnish the Financial Secretary of the Union with a death certificate, together with all papers required. A Member is only entitled to one (1) death benefit.

An application on behalf of a Member with terminal illness will require a physician's note, that shall be forwarded to the Financial Secretary.

No claim shall be considered of which notice has not been received by the Financial Secretary within ninety (90) days after the day of death, unless satisfactory excuse of delay is furnished to the Trustees.

Death Benefit Cards shall be supplied, with space provided for the naming of the beneficiary. Official forms for filing claims shall be received from, and returned to, the Financial Secretary who shall also be furnished with a certified copy of the Official Death Certificate, issued by the proper authority. All blank spaces on the face of the claim must be completely filled in; the affidavit of the Financial Secretary must be certified.

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## Section H

**NO BENEFICIARY:** When a Member dies without naming a beneficiary, payment of any benefits accruing from his/her death shall be made payable to his/her estate.

## Section I

**MINOR OF BENEFICIARY:** In case a deceased Member's beneficiary is a minor, the Local of which the deceased was a Member may act as a guardian, curator or trustee of the deceased Member's minor beneficiary, in case such minor has no regular appointed guardian, for the purpose of receiving on behalf of such minor any benefits due.

In case a deceased Member's beneficiary is a minor, and the deceased was a Member, the Provincial Executive may act as a guardian, curator or trustee of the deceased Member's minor beneficiary, in case such minor has no regular appointed guardian, for purpose of receiving on behalf of such minor any benefits due.

## Section J

**BURIAL OF A MEMBER:** On death of a Member constitutionally in benefit, whose beneficiary or relatives do not claim the remains or assume the expense of the funeral, the Hospital Employees' Union, through the Death Benefit By-Laws, shall contribute to burial expenses an amount equal to the basic rates of the First Memorial Society.

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## ARTICLE 23

### Provincial & Regional Office Staff

**STAFF RECRUITMENT:** Recruitment for all staff shall be made from the Members of the Union wherever possible.

Training shall be given to those persons so they may advance to improve in their field.

Members of the Provincial Executive or Bargaining Committee shall have the same opportunities to secure vacancies, but must on appointment to any vacancy relinquish their Provincial Executive or Bargaining Committee position for the balance of their term. At no time shall any Provincial Executive or Bargaining Committee Member (with sole exception of the Secretary-Business Manager) work for or act as a staff Member of the Union.

Any applicant Provincial Executive Member shall not have voice or vote on the appointment of staff or trainee vacancies.

Members on temporary staff assignments at the time of Convention who are Delegates to Conventions shall relinquish their Credentials to the Alternate from the Local.

## ARTICLE 24

### Retired Members

#### Section A

**ORGANIZATION OF RETIRED MEMBERS:** An organization of Retired Members shall be formed with voluntary membership on the payment of Five Dollars

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(\$5.00) per year. This Organization shall be organized by and have assistance from the Provincial Office, Burnaby Site.

## **Section B**

**RETIRED MEMBERS IN GOOD STANDING:** Retired Members will be deemed Members in good standing upon written notification to the Provincial Executive, having recorded attendance at the required number of Local meetings, and payment of a yearly dues of five dollars (\$5.00). As such, they may represent their Locals as delegates to Labour Councils and other organizations to which their Local belongs and may serve on non-employer committees at the discretion of the Local Membership.

## **ARTICLE 25**

### **Honourary Members**

In recognition of their contribution and service to the Hospital Employees' Union, the following persons shall be recognized as Honourary Members of the Union:

#### **Presidents**

- Alex Paterson
- George Wilson
- Hector Carden
- John Fleming
- W. D. (Bill) Black
- Gordon (Gordie) MacPherson
- Bill Macdonald

**Secretary-Business Managers**

- W. M. (Bill) Black
- R. S. (Ray) McCready
- J. D. (Jack) Gerow
- Carmela Allevato
- Chris Allnut

**Financial Secretaries**

- Alex Paterson
- G. H. (Hugh) Duff
- John Darby
- Maurice Smith
- Mary LaPlante

**Staff**

- Mary Black

**ARTICLE 26****Mary LaPlante Sisterhood Award**

This award was created and awarded to Sister Mary LaPlante at the 2006 Biennial Convention, and is being presented at each subsequent Biennial Convention to an HEU sister who has done outstanding work promoting women's issues in our Union and in her community.

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## NOTES

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