

# Constitution and By-Laws



THE B.C. HEALTH SERVICES  
DIVISION OF CUPE

REVISED **2021**

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(at time of printing)

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# Constitution and By-Laws



THE B.C. HEALTH SERVICES  
DIVISION OF CUPE

REVISED **2021**



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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 workers employed primarily, but not exclusively, in healthcare, 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. Indigenous Land Acknowledgment
3. Roll Call of Officers
4. Equity Statement
5. Initiation of Members
6. Reading of Minutes
7. Correspondence
8. Treasurer's Report (Revenues and Expenses)
9. Trustees' Report
10. Report of Delegates and Committees
11. Unfinished Business
12. Elections and Installation of Officers
13. New Business
14. Good and Welfare
15. Question Period
16. 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.

**DUES:** Union Dues shall be 2.1% of the gross salary except that dues shall not be collected on overtime pay.

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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.

**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, Three Hundred and Seventy-Five Thousand Dollars (\$375,000) for member education and mobilization for the purpose of engaging in election campaigns in support of politicians who support the aims and objectives of the Hospital Employees' Union, for example:

1. To fight anti-union campaigns and legislation;
2. To defend against attacks on Medicare;
3. To prevent the erosion of health and social services;
4. To protect against the exploitation of workers.

The Provincial Executive shall report at each Conven-

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tion 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

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 approved by the Provincial Executive or

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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**

**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 E**

**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 F**

**ELIGIBILITY:** Subject to the Constitution and By-Laws, any employee employed in hospital, medical or related work may apply for Membership in the Hospital Employees' Union.

### **Section G**

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

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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.

## **Section H**

**MEMBERS IN GOOD STANDING:** A Member in Good Standing shall have all rights and privileges of Membership in the Union. This shall include:

- 1) Members who have signed the union application form and pay dues, or non-dues paying members that have not yet ratified their first collective agreement, and have not had their membership revoked,
- 2) Have been suspended or terminated by their employer until they have exhausted all avenues of recourse,
- 3) Members on leave for Union business
- 4) Are on maternity, paternity, adoption leave
- 5) WCB – while unable to work due to an injury or illness for which a WCB claim has been accepted, or is under appeal,
- 6) Members on unpaid leave of absence for a period of six (6) months,
- 7) Members on Long-Term Disability and non-

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- working members receiving a Workers' Compensation Board pension for an indefinite period,
- 8) Members holding elected office who the Union actively assisted in seeking elected office, not to exceed a period of five (5) years, and
  - 9) Members on extended leave of absence, not exceeding five (5) years, who have been seconded to work for a Provincial and/or Federal representative who was supported by HEU in seeking elected office.
  - 10) Members on unpaid leave of absence for the purpose of caring for an ill, injured or disabled family member.

The following non-dues paying Members shall be considered Members in Good Standing for the first six (6) months of absence from work:

1. Members on unpaid leave of absence; and
2. Members on layoff.

## **ARTICLE 3**

### **Oath of Obligation**

All new applicants for membership into the Hospital Employees' Union may be initiated at the time of the induction at the local meeting by a member of the local executive. If unable to come to a local meeting, the applicant may also be inducted at the orientation meeting or at an event sanctioned by the union, by a member of the local executive. After the applicant has taken the oath of obligation as per Article 18, the member shall receive a membership pin, a copy of the Constitution and By-Laws, and a welcome package.

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## ARTICLE 4

### Eligibility for Office

**\*Also see Article 14 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 the member 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. New members who have attended 50% of local meetings since being hired are also eligible. 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. This provision does not apply to newly certified members.

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.

Notwithstanding the foregoing, a Member in good standing who submits written notification of legitimate

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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 the member's right to hold office, or to run as a Delegate to Biennial Conventions.

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, 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 their willingness in writing to the Local Executive prior to nomination. A text message and/or email will be accepted as a written request. 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.

The Provincial Executive may, in exceptional circumstances and by a two-thirds (2/3) vote, direct that a Convention be conducted or attended, in whole or in part, by virtual or electronic means. If such direction is made, the Provincial Executive shall ensure that all Convention-related requirements of this Constitution are substantially complied with to the greatest extent reasonably possible in a virtual or electronic forum.

For clarity, “exceptional circumstances” may include a public health emergency, a natural disaster, or any other event which, in the opinion of the Provincial Executive, is sufficiently unexpected and consequential as to render the holding of a Convention unsafe, impractical or impossible.

**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

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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:

- fifty (50) Members or less, two (2) Delegates,
- 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.

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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 deducted from the Local's rebates in the month following when Credentials are submitted to the Provincial Office, Burnaby Site.

## **Section E**

**PROVINCIAL EXECUTIVE AS DELEGATES:** Members of the Provincial Executive shall 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 digital or original signatures of

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the Chairperson and Secretary-Treasurer or designated alternates of the Local.

## **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

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instruction to Delegates attending the Convention, when such Amendments shall be finally considered.

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.

**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 such other Committees as may be necessary for the organization and management of the Convention, and leave the appointments of Chairperson and Secretary of the Committees up to the Committees themselves, decided by majority vote of the committee members.

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.

**EFFECTIVE DATE:** This Constitution, and any

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amendments thereto, unless otherwise provided, shall become effective upon adjournment of Convention.

## **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. HEU will print and distribute a new Constitution and By-laws book at least one year prior to the next Convention.

Resolutions not heard or discussed on the convention floor which are referred to the Provincial Executive must be reviewed, discussed and voted on by the new Provincial Executive and the results of the vote to be posted and sent to locals.

## **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.

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## ARTICLE 5.1

### Temporary Measures To Address Covid-Related Impacts On 32nd Biennial Convention

**PREAMBLE:** Article 5.1 has been adopted for the sole purpose of addressing COVID-related impacts on the Union's ability to (a) hold a regularly scheduled Convention in 2020 and (b) hold an in-person Convention in 2021.

The following provisions apply despite any conflict with any other provision of this Constitution, and apply retroactively as applicable.

#### Section A

For the purpose of Article 5 Section A (requirement that a Convention "be held every even-numbered year"), the Convention held in November 2021 is deemed to be the 2020 Biennial Convention.

#### Section B

The Convention held in November 2021 may be conducted and attended by virtual or electronic means. The Provincial Executive shall ensure that all Convention-related requirements of this Constitution are substantially complied with to the greatest extent reasonably possible in a virtual or electronic forum.

#### Section C

Solely for the purpose of calculating term lengths under Article 6 Section F, Trustees elected at the Convention held in November 2021 are deemed to have been elected

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in 2020 and their actual term lengths shall be shortened accordingly.

## **Section D**

The requirement of Article 5 Section M (that “HEU will print and distribute a new Constitution and By-laws book at least one year prior to the next Convention”) is waived in respect of the period preceding the 2022 Biennial Convention.”

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

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- DIVERSITY VICE-PRESIDENTS:
    - INDIGENOUS PEOPLES (1 representative)
    - ETHNIC DIVERSITY (1 representative)
    - PINK TRIANGLE (1 representative)
    - 2-SPIRIT, WOMEN & NON-BINARY (1 representative)
    - PEOPLE WITH DISABILITIES (1 representative)
  - YOUNG WORKERS' REPRESENTATIVE (1 representative)

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 Local, 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

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evening forum.

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.

A delegate who has been elected at a convention to the Provincial Executive in any position under Article 6 is not eligible at the same convention to run for election for another Provincial Executive position.

## **Section B**

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

The Secretary- Business Manager shall be appointed

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by the Provincial Executive. Such appointment shall be ratified at the Biennial Convention of the Union held immediately following the appointment. Such ratification shall be by secret ballot, at the time of election of Provincial Executive Members at the Biennial Convention.

### **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 at Convention. To be elected in regional caucus prior to the general elections. 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 the 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

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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 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.

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## Section G

**DIVERSITY VICE-PRESIDENTS:** Diversity Vice-Presidents shall be elected at Convention by a caucus of delegates who identify with the equity group corresponding to one of the five DVP positions. These elections will be held prior to the general elections. This shall be done by requesting the Delegates present from each designated equity group to go into a caucus for the purpose of choosing their nominee(s). Two (2) alternative nominees shall be elected for each DVP position, with Alternate #1 receiving the highest amount of votes and Alternate #2 receiving the next highest amount of votes. In the event the DVP is unable to complete the 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 H

**YOUNG WORKERS' REPRESENTATIVE:** The Young Workers' Representative shall be elected at Convention by a Young Workers' Caucus of delegates who are 33 years of age or younger. This election will be held prior to the general election. This election shall be done by requesting Delegates who qualify under this Section go into caucus for the purpose of choosing their nominee(s). For the purposes of this section, delegates who are 33 years of age or younger on the last scheduled day of convention are eligible to participate in the caucus and stand for election to this position. Two (2) alternate nominees shall be elected for the Young Workers' Representative position, with Alternate #1 receiving the highest amount of votes and Alternate #2 receiving the

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next highest amount of votes. In the event the Young Workers' Representative is unable to complete the 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 I**

### **PROVINCIAL EXECUTIVE – MEETINGS:**

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

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 J**

### **PROVINCIAL EXECUTIVE – QUORUM:**

Any fifteen (15) 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 K**

**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

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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.

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 13.

## **Section L**

**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 M**

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

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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 N**

### **ATTENDANCE AT MEETINGS:**

Any Provincial Executive Member who fails to attend three (3) 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,

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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.

## **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,

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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 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 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

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receipt deposit in a Credit Union or Chartered Bank all Funds of the Union which shall come to the Financial Secretary's hands, and pay all bills sanctioned by the Union by cheque and/or other methods. 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. The Financial Secretary shall submit a quarterly financial report to the Provincial Executive.

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/payments of an amount greater than Five Thousand Dollars (\$5,000.00) shall be signed or authorized by the Financial Secretary and countersigned or authorized 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/authorize payments. Cheques/payments of an amount less than Five Thousand Dollars (\$5,000.00) shall bear the signature of or be authorized by 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.

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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.

## **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.

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## Section H

### VACANCY – VICE-PRESIDENT/TRUSTEE:

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

## Section J

**DIVERSITY VICE-PRESIDENTS:** Diversity Vice-Presidents represent members who identify with the corresponding equity group identified in Article 13 as well as the membership as a whole and shall perform such duties as may be assigned by the Provincial Executive. The DVP shall also be a member of the Equity Standing Committee that corresponds to their DVP position.

## Section K

**YOUNG WORKERS' REPRESENTATIVE:** The Young Workers' Representative represents members who identify as young workers as well as the membership as a whole and shall perform such duties as may be assigned by the

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Provincial Executive. The Young Workers' Representative will be appointed to any sub-committee of the Provincial Executive established to represent young workers.

## **Section L**

**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 M**

### **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**

### **Section A**

#### **THE B.C. FEDERATION OF LABOUR CONVENTIONS:**

Provincial Executive Members are entitled to automatic Delegate status to the B.C. Federation of labour. The remaining Delegates for the B.C. Federation of Labour Convention shall be selected as follows:

#### **0-250 Members**

Selected on a rotational basis in alphabetical order

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<b>251-350 Members .....</b>	<b>1 Delegate</b>
<b>351-450 Members .....</b>	<b>2 Delegates</b>
<b>451-600 Members.....</b>	<b>3 Delegates</b>
<b>601-800 Members .....</b>	<b>4 Delegates</b>
<b>801-1,000 Members .....</b>	<b>5 Delegates</b>
<b>1,001-1,200 Members.....</b>	<b>6 Delegates</b>
<b>1,201-1,400 Members .....</b>	<b>7 Delegates</b>
<b>1,401-1,600 Members.....</b>	<b>8 Delegates</b>
<b>1,601-1,800 Members.....</b>	<b>9 Delegates</b>
<b>1,801 Members and over .....</b>	<b>10 Delegates</b>

## **Section B**

**THE CANADIAN UNION OF PUBLIC EMPLOYEES CONVENTIONS:** Provincial Executive Members and 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. The remaining Delegates for the Canadian Union of Public Employees' Conventions shall be divided proportionately among the five (5) Regions.

## **Section C**

**THE CANADIAN LABOUR CONGRESS CONVENTIONS:** Provincial Executive Members and HEU Members who represent HEU on the Canadian Labour Congress National Committees or Working Groups, subject to the criteria in the following paragraph, are entitled to automatic Delegate status to the Canadian Labour Congress Conventions. The remaining Delegates for the Canadian Labour Congress shall be divided proportionately among the five (5) Regions.

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In the selection of Delegates to the Canadian Labour Congress, priority will be given to Locals affiliated to a Labour Council. The Delegate's activity in the Labour Council, including those with automatic status and 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.

## **Section D**

**GENERAL:** 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.

The Union shall reimburse 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**

## **Bargaining Preparation**

### **General**

Separate bargaining preparation conferences will be convened for the following Sectors:

- Facilities Sector – Provincial
- Community Health Sector – Provincial
- Community Social Services Sector – Provincial
- Independent Sector
- First Nations Sector

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Bargaining Conferences for the Provincial Bargaining Sectors (Facilities, Community Health and Community Social Services) will be held prior to the reopening dates of the respective Collective Agreements for each Sector.

Bargaining Conferences for the Independent Sector and First Nations will be convened as required where it makes sense to group workers who share a common interest to inform, prepare for and coordinate bargaining.

## **Section A – Facilities Sector Bargaining**

### **A(1) FACILITIES BARGAINING CONFERENCE:**

A Facilities Bargaining Conference shall be held prior to the reopening dates of Facilities Sector Collective Agreement, at a time and place set by the Secretary-Business Manager, at the direction of the President.

When the Facilities Bargaining Conference falls in a Convention year, the Conference shall be held at a time and place to be decided by the Provincial Executive.

**A(2) LOCAL REPRESENTATION:** Facilities Sector Locals are entitled to the following representation to Facilities Bargaining Conferences:

- One hundred (100) Facilities Members or less – one (1) Delegate,
- One hundred one (101) up to five hundred (500) Facilities Members – two (2) Delegates,
- Five hundred one (501) up to one thousand (1,000) Facilities Members – three (3) Delegates,
- One thousand one (1,001) up to fifteen hundred (1,500) Facilities Members – four (4) Delegates,
- Fifteen hundred one (1,501) up to two thousand

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(2,000) Facilities Members – five (5) Delegates,

- Two thousand one (2,001) and over Facilities 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.

**A(3) REGISTRATION FEE: REGISTRATION FEE:** A registration fee of Fifty Dollars (\$50) per Delegate shall be paid by each Local on behalf of the Delegates and this fee shall be deducted from the Local's rebates in the month following when registration forms are submitted to the Provincial Office, Burnaby Site.

**A(4) REPRESENTATION FROM CONVENTION DELEGATION:** When a Facilities Bargaining Conference is held in conjunction with the Biennial Convention, each Facilities Sector Local shall designate its Bargaining Conference representation from its Convention delegation.

**A(5) OFFICERS & OUTGOING FACILITIES SECTOR BARGAINING COMMITTEE AS DELEGATES:** The Provincial Executive in office at the time the Facilities Bargaining Conference is called to order, and the outgoing Facilities Bargaining Committee, shall be accredited Delegates to the Conference.

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

**A(6) EQUITY STANDING COMMITTEE DELEGATES:**

Each Equity Standing Committee is entitled to one (1) Delegate to the Facilities Bargaining Conference.

**A(7) REGISTRATION AND ACCOMMODATION**

**FORMS:** All Registration and Accommodation Forms shall be submitted (or documented proof of being sent) to the Provincial Office, Burnaby Site, by a date set by the Secretary-Business Manager. A facilities local that has been certified to the Hospital Employees' Union after notice for the bargaining conference has been sent, will be entitled to send a delegate(s).

All registration forms must bear the signature of the Chairperson and Secretary-Treasurer or designated alternate of the Local.

**A(8) PROPOSED BARGAINING DEMANDS:**

Bargaining priorities will be determined by the Bargaining Conference, based on a variety of means, which may include advance surveys and proposed bargaining demand submissions

Proposed Bargaining Demands may be sponsored and submitted in advance of the Bargaining Conference by Locals within the Sector, HEU Equity Standing Committees and the HEU Provincial Executive. In each case, the submission must receive prior ratification by majority vote of the sponsoring group and bear the signatures of the authorized Signing Officers.

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**A(9) DEADLINES:**

- a) Proposed Bargaining Demands:** All proposed Bargaining Demands must be submitted (or documented proof of being sent) to the Provincial Office, Burnaby Site, sixty (60) days prior to the Facilities Bargaining Conference. Fifteen (15) days prior to the Conference, copies of such proposed Bargaining Demands shall be forwarded to all Facilities Locals and Delegates attending the Conference.
- b) Provincial Executive Recommendations:** Proposed Bargaining Demands to be introduced by the Provincial Executive shall be forwarded to all Facilities Locals and Delegates attending the Conference fifteen (15) days prior to the Conference.
- c) Deadlines Falling on Weekends or Stats:** When the deadline for submission of Bargaining Demands 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.

**A(10) ACCEPTANCE BY FACILITIES BARGAINING CONFERENCE – BARGAINING DEMANDS:**

Any Facilities Sector Bargaining Demands submitted contrary to Article 9, A(9) a) and b) can only be dealt with by a simple majority vote (50% +1) of the Delegates at the Conference.

**A(11) 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 Facilities

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

**A(12) QUORUM & DECISIONS:** The quorum at Facilities Bargaining Conferences of this Union shall be a majority of the 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 Facilities Bargaining Conference. Decisions arrived at during the Conference shall be binding on all Facilities Locals.

The Facilities Bargaining Conference will discuss priorities in the upcoming round of bargaining in order to assist the Facilities Bargaining Committee.

**A(13) REFERRED BARGAINING DEMANDS:** The Facilities sector Bargaining Committee is required to meet prior to the first meeting of the FBA provincial negotiating committee.

## **Section B – Community Health and Community Social Services Sector Bargaining**

**B(1) BARGAINING CONFERENCES FOR COMMUNITY HEALTH AND COMMUNITY SOCIAL SERVICE SECTORS:** Bargaining Conferences for Community Health and Community Social Services Bargaining shall be held prior to the reopening dates of their respective Collective Agreements. The time and place shall be set by the Secretary-Business Manager, at the direction of the President.

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**B(2) LOCAL REPRESENTATION:** Locals representing Members in the Community Health and Community Social Services Sectors are entitled to at least one (1) delegate to their Sector's Bargaining Conferences, plus additional representation as determined by the Provincial Executive, with consideration given to size, regional representation, geographic isolation and other appropriate factors to ensure comprehensive representation.

Each Equity Standing Committee is entitled to send one eligible delegate to Community Health and Community Social Services Sector Bargaining Conference.

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.

**B(3) REGISTRATION FEE:** A 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 deducted from the Local's rebates in the month following registration.

**B(4) OUTGOING BARGAINING COMMITTEE AS DELEGATES:** The outgoing Community Health and Community Social Services Bargaining Committees shall be accredited Delegates to the following Bargaining Conference for their Sector.

**B(5) PROPOSED BARGAINING DEMANDS:** Bargaining priorities will be determined by the Bargaining Conference, based on a variety of means which may include advance surveys and proposed bargaining demand submissions, and a prioritization process during the Bargaining Conference.

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Proposed Bargaining Demands may be sponsored and submitted in advance of the Bargaining Conference by Locals within the Sector, the HEU Equity Standing Committees and the HEU Provincial Executive. In each case the submission must receive prior ratification by majority vote of the sponsoring group and bear the signatures of authorized Signing Officers.

Proposed Bargaining Demands received by the HEU Provincial Office, Burnaby Site twenty (20) or more days prior to the Bargaining Conference will be forwarded to all Locals and Delegates in advance of the Conference.

**B(6) COMMITTEES:** The Secretary-Business Manager or designate shall have the authority to appoint a Committee on Proposed Bargaining Demands and such other Committees as may be necessary for the organization and management of the Bargaining Conference. The Committee on Proposed Bargaining Demands may be called in prior to the Conference.

**B(7) QUORUM & DECISIONS:** The quorum at Bargaining Conferences shall be a majority of the Delegates in attendance. A Bargaining Demand requires support of fifty percent (50% ) plus one (1) to become a decision of the Conference. Decisions arrived at during the Conference shall be binding on all Locals in the Sector.

The Bargaining Conference will discuss priorities in the upcoming round of bargaining in order to assist the Bargaining Committee.

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## **Section C – Independent Sector Bargaining**

**C(1) BARGAINING CONFERENCES FOR THE INDEPENDENT SECTOR:** Bargaining Conferences for Independent Sector Bargaining shall be held at times and places set by the Secretary-Business Manager, at the direction of the President.

**C(2) LOCAL REPRESENTATION:** Locals representing Members in the Independent Sector are entitled to at least one (1) delegate to their Bargaining Conference, plus additional representation as determined by the Secretary-Business Manager or designate, with consideration given to size, regional representation, geographic isolation and other appropriate factors to ensure comprehensive representation.

Each Equity Standing Committee is entitled to send one eligible delegate to Independent Bargaining Conference.

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.

**C(3) PROPOSED BARGAINING PRIORITIES:** Bargaining priorities will be determined by the Bargaining Conference, based on a variety of means which may include advance surveys and submissions, and a prioritization process during the Bargaining Conference.

Proposed Bargaining Priorities may be sponsored and submitted in advance of the Bargaining Conference by affected Locals, the HEU Equity Standing Committees and the HEU Provincial Executive. In each case the submission must receive prior ratification by majority vote of the sponsoring group and bear the signatures of

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authorized Signing Officers.

Proposed Bargaining Priorities received by the HEU Provincial Office, Burnaby Site twenty (20) or more days prior to the Bargaining Conference will be forwarded to all Locals and Delegates in advance of the Conference.

**C(4) COMMITTEES:** The Secretary-Business Manager or designate shall have the authority to appoint a Committee on Proposed Bargaining Priorities and such other Committees as may be necessary for the organization and management of the Independent Sector Bargaining Conferences. The Committee on Proposed Bargaining Priorities may be called in prior to the Conference.

**C(5) QUORUM & DECISIONS:** The quorum at Bargaining Conferences shall be a majority of the Delegates in attendance. A vote requires support of fifty percent (50%) plus one (1) to become a decision of the Conference. Decisions arrived at during the Conference shall be binding on all affected Locals covered by the Conference.

The Independent Sector Bargaining Conferences will discuss priorities in upcoming bargaining in order to assist the Bargaining Committees within the Sector.

Decisions arrived at during the Conference shall be forwarded to affected bargaining committees for their consideration and potential inclusion in their bargaining demands.

In addition, individual bargaining committees representing Independent Sector bargaining units will determine other bargaining demands and priorities specific to their Membership's requirements.

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## **Section D – First Nations Sector Bargaining**

**D (1) BARGAINING CONFERENCE FOR THE FIRST NATIONS SECTOR:** Bargaining Conferences for the First Nations Sector Bargaining shall be held at times and places set by the Secretary-Business Manager, at the direction of the President.

**D (2) LOCAL REPRESENTATION:** Locals representing members in the First Nations Sector are entitled to at least one (1) delegate the their Bargaining Conference, plus additional representation as determined by the Secretary-Business Manager or designate, with consideration given to size, regional representation, geographic isolation and other appropriate factors, to ensure comprehensive representation.

**D (3) PROPOSED BARGAINING PRIORITIES:** Bargaining priorities will be determined by the Bargaining Conference, based on a variety of means which may include advance surveys and submissions and a prioritization process during the Bargaining Conference.

**D (4) COMMITTEES:** The Secretary-Business Manager, or designate, shall have the authority to appoint a Committee(s) as may be necessary for the organization and management of the First Nations Bargaining Conference.

**D (5) DECISIONS:** The quorum at the Bargaining Conference shall be a majority of Delegates in attendance. A vote requires support of fifty per-cent (50%) plus one (1) to become a decision of the Conference. Decisions arrived at during the Conference shall be binding on all affected Locals covered by the Conference.

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In addition, individual bargaining committees representing First Nations bargaining units will determine their Membership's requirements.

## **ARTICLE 10**

### **Bargaining Committee Elections**

#### **Section A**

##### **A(1) FACILITIES SECTOR BARGAINING COMMITTEE:**

A Facilities Sector Bargaining Committee shall be elected to negotiate the Bargaining Proposals formulated by the Facilities Bargaining Conference.

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

Delegates wishing to be elected to the Facilities Sector 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.)

Elections for the Bargaining Committees shall be on an individual basis. On the initial ballot, if a fifty percent (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

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

#### **A(2) PROVINCIAL EXECUTIVE CANDIDATES FOR FACILITIES BARGAINING COMMITTEES:**

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 Facilities Bargaining Committee as the other Delegates in attendance at their Bargaining Conference.

However, upon election to the Bargaining Committee, these Members of the Provincial Executive must relinquish their position on the Provincial Executive.

### **Section B**

#### **B(1) COMMUNITY HEALTH AND COMMUNITY SOCIAL SERVICES SECTOR BARGAINING COMMITTEES:**

A Community Health Sector and a Community Social Services Bargaining Committee shall

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be elected to negotiate the Bargaining priorities formulated by their respective Bargaining Conferences.

Each Bargaining Committee shall be composed of two (2) Members who shall be elected from the Delegates in attendance at the Sector's Bargaining Conference, plus the Secretary-Business Manager or designate.

Delegates wishing to be elected to the Bargaining Committee may make a personal biography/statement available to the other Delegates and have an opportunity to briefly address the Conference in advance of the elections.

Upon the completion of the election of the Bargaining Committee Members, one (1) election shall be held to select two (2) Alternate Bargaining Committee Members. These Alternates shall be known as Alternate #1 and #2 and will fill Bargaining Committee vacancies in ascending order.

**B(2) PROVINCIAL EXECUTIVE CANDIDATES FOR BARGAINING COMMITTEES:** 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 their respective Community Health or Community Social Service Sector's Bargaining Committee as the other Delegates in attendance at their Sector's Bargaining Conference.

However, upon election to the Bargaining Committee, these Members of the Provincial Executive must relinquish their position on the Provincial Executive.

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## **Section C**

### **INDEPENDENT SECTOR BARGAINING**

**COMMITTEES:** Independent Bargaining Committees shall be elected to negotiate the identified bargaining priorities that are formulated with consideration to the decisions of the most recent Independent Sector Bargaining Conference and other membership meetings; combined with canvassing the membership of the specific bargaining unit(s). The Secretary-Business Manager or designate will determine the structure and composition of each Independent Bargaining Committee within the following guidelines:

- No bargaining committee shall have fewer than two (2) elected members, in addition to the Secretary-Business Manager or designate;
- The Secretary-Business Manager or designate shall be the official spokesperson;
- Bargaining committees and negotiating structures may combine multiple certifications, bargaining units and employers, as may be strategically advantageous to the bargaining process.

Members wishing to be elected to their Independent Bargaining Committees may make a personal biography/statement available to the other members covered by the negotiations.

## **Section D:**

### **FIRST NATIONS SECTOR BARGAINING**

**COMMITTEES:** First Nations Bargaining Committees shall be elected to negotiate the identified bargaining priorities that are formulated with consideration

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to the decision of the most recent First Nations Sector Bargaining Conference and the other membership meetings; combined with canvassing the membership of the specific bargaining unit(s). The Secretary-Business Manager or designate determine the structure and composition of each First Nations Bargaining Committee with the following guidelines:

- No bargaining committee shall have fewer than two (2) elected members, in addition to the Secretary-Business Manager or designate;
- The Secretary-Business Manager or designate shall be the official spokesperson;
- Bargaining committees and negotiating structures may combine multiple certifications, bargaining units and employers as may be strategically advantageous to the bargaining process.

Members wishing to be elected to their First Nations Bargaining Committees may make a personal biography/statement available to the other members covered by negotiations.

## **ARTICLE 11**

### **Collective Agreement Negotiations**

#### **Section A**

**PARTICIPATION:** Wherever possible, all Locals shall participate in negotiations affecting their collective agreement.

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## **Section B**

**SPOKESPERSON:** The Secretary-Business Manager or designate shall be the spokesperson for the Facilities Bargaining Committee and the Bargaining Committee shall select the Alternate Spokesperson. The Secretary-Business Manager shall designate the spokesperson and chief negotiator for the Community Health, Community Social Services and Independent Sector bargaining tables.

## **Section C**

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

The Bargaining Committee shall be a party to all negotiations affecting the Collective Agreement. The Bargaining Committee shall have the authority to process negotiations through all phases of existing labour legislation, but shall not have the authority to authorize strike/job action nor have the authority to refer bargaining disputes to a binding tribunal.

## **Section D**

### **INFORMATION DURING NEGOTIATIONS:**

The Bargaining Committee shall exercise its discretion regarding what can reasonably be disclosed during negotiations, but shall keep the Membership informed of the progress of negotiations.

## **Section E**

### **TERMS OF SETTLEMENT:**

The Facilities, Community and Community Social Services Bargaining Committees 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

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wishes of the Membership.

## **Section F**

### **NEWS RELEASES:**

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

## **Section G**

### **REPORT ON PROPOSED TERMS OF SETTLEMENT:**

A Comprehensive Report on the proposed Terms of Settlement must be posted on the HEU website, in a downloadable format, at least 5 days prior to the ratification vote. This posting requirement applies to the agreements named in Article 11, Section E only.

The manner in which the report is discussed, will be determined at the time of the ratification vote and communicated to the membership. Copies of the report will be provided to locals as available.

Reports may be given at the local or regional level and/ or centrally, utilizing new technologies.

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 H

### VOTING – RATIFICATION OF PROPOSED TERMS OF SETTLEMENT:

- a) **Voting:** Eligible members in each Local shall vote individually on the proposed terms of settlement. Where a vote is conducted in person and wherever practical, eligible Members on all shifts shall be provided with an opportunity to cast a ballot.
- b) **Eligibility:** At the time of ratification, the union will establish what format the secret ballot will take and communicate that to the members. This could include the expanded use of advance polls and the use of new technologies. The union will ensure that every voting member casting a ballot is eligible to vote.
- c) **Secret Vote:** All voting on proposed terms of settlement shall be by secret ballot, conducted in accordance with established balloting procedures. Only the official ballot shall be used for voting.
- d) **Count & Report:** 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.
- e) **Return of Ballots:** 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 vote.
- f) **Membership decision:** The decision to ratify or reject a tentative agreement shall be made by a majority of the ballots cast.

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For Provincial or Multi-site votes, a Membership decision shall prevail:

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

## **ARTICLE 12**

### **Strike/Job Action**

#### **Section A – Notice of Impasse**

The Provincial Executive shall be notified as soon as it appears there is a bargaining impasse. There shall be no strike/job action without Provincial Executive authorization.

#### **Section B – Voting**

- a) **Scheduling:** Eligible members in each Local shall vote individually at such time(s) and place(s) as determined by the Local Executive. Wherever practical, eligible Members on all shifts shall be provided with an opportunity to cast a ballot. Each Local shall also be allowed to conduct an advance poll.
- b) **Eligibility:** Every Member in good standing who is covered by the certification and collective agreement subject to the vote is eligible to vote.
- c) **Secret Vote:** All voting on proposed strike/job action shall be by secret ballot, conducted in accordance with the balloting procedure established in the Constitution. Only the official ballot shall be used for voting.

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- d) Count & Report:** On a date to be 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.
- e) Return of Ballots:** 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 vote.
- f) Membership Decision:** A majority vote of the affected membership within a Local shall determine whether such Strike/Job Action vote shall be accepted or rejected by a Local.

For Provincial or Multi-site votes, a Membership decision shall prevail:

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

### **Section C – Approval to Take Action**

The extent, scope and location of strike/job action must be approved by the Provincial Executive who shall determine under what circumstances and when financial assistance shall be paid.

### **Section D – Strike/Job Action/Picket Pay**

In the event of an authorized strike/job action, the Hospital Employees' Union shall pay a minimum of Five Hundred Dollars (\$500.00) per week.

In order to be entitled to this Pay, a Member must fulfill

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at least 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, and may be pro-rated in cases when the authorized action is for less than twenty (20) hours of five (5) days.

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

### **Section E – Dependent Pay**

In addition to strike/job action pay, the Hospital Employees' Union shall pay Fifty Dollars (\$50) per week for each dependent. In order to be entitled to Dependent Pay, a member must first fulfill the requirements for strike/job action pay and the amount may be pro-rated.

A dependant shall be defined as a person without any taxable income who is totally reliant on the Member for financial support.

### **Section F – 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.

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## **Section G – Provincial Executive – Strike/Job Action Pay**

Any Provincial Executive member who works for or is on leave from an employer where all sites of that employer are engaged in an authorized strike/job action shall not receive any salaries for the duration of the strike/job action. Instead, they shall be granted strike/job action pay in lieu of their normal salaries.

## **Section H – 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 I – Imprisonment – Discharge of Duties & Salary**

Any Member, Officer or employee of the Union who is jailed because of discharging their duties as directed by the Provincial Executive shall have full salary paid to the Member, Officer or employee of the Union's family for the period of time so imprisoned.

# **ARTICLE 13**

## **Equity Standing Committees**

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

1. Indigenous Peoples
2. Ethnic Diversity
3. Pink Triangle
4. People with Disabilities

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5. 2-Spirit, Women & Non-Binary

6. Young Workers

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.

All Equity Standing Committees shall report to the membership via newsletter, the Guardian or HEU website, their activities on a yearly basis.

## ARTICLE 14

### By-Laws Covering Locals

#### Section A

**NAME AND COMPOSITION OF LOCAL:** The name and composition of each local shall be determined by the Provincial Executive, in consultation with the members of the Local, within 90 days of certification or establishment of the local by other means. Within 90 days of the determination of the name and composition

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of the local, all the necessary information for the local to establish its financial accounts at credit union, bank, or community savings will be provided to the local by the Financial Secretary.

## **Section B**

**UNION COMMITTEES:** Union Committees shall consist of Shop Stewards' Committee and any other Committee deemed necessary by the Local Membership. Members of Committees may be appointed by the Executive and shall work under the direction of 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 15, 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.
- The method of filling vacancies that occur between elections.

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- A steward structure.
  - A requirement to adopt an annual budget detailing how rebates and any other income will be spent for meetings, 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, quorum of five (5),
- b) one hundred and seventy-five (175) or less, quorum of seven (7),
- c) one hundred and seventy-six (176) to three hundred (300), quorum of nine (9),
- d) three hundred one (301) to five hundred (500), quorum of fifteen (15),
- e) five hundred one (501) to one thousand (1,000),

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quorum of twenty (20),

- f) one thousand one (1,001) and over, quorum of 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.

Local meetings may be held using electronic or virtual conferencing platforms at the expense of the Local, or by a mix of virtual and in-person attendance provided the Local has a clear process to conduct votes, record attendance, and monitor for quorum.

## **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.

## **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 15

### Nomination & Election of Local Officers

#### Section A

**LOCAL OFFICERS:** The Officers of the Local shall consist of Chairperson, Vice-Chairperson, Secretary-Treasurer, Assistant Secretary, 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 14 – Section C.

#### Section B

##### NOMINATION & ELECTION OF OFFICERS:

- a) The nomination and election of Officers shall take place no later than April 30 in the calendar year, by secret ballot. The method of conducting the elections shall be decided by a majority vote of the

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membership, as determined by the Local by-laws or at any meeting with quorum that provides for 30 days' notice of election; or as prescribed by the Provincial Executive.

- b) The timelines in Article 15 Section B Subsection a) above do not apply to newly organized locals within the first 12 months of their establishment.

### **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, as determined in the Local By-Laws, or as agreed to by the membership at a previous meeting with quorum that provides for 30 days' notice of the election. 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 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 succeed-

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ing Annual General Meeting, two (2) Trustees shall be elected, the one receiving the higher number of votes to serve the two (2) year term.

## **ARTICLE 16**

### **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 this office. It shall be the Chairperson's duty to see that all other Officers perform their duties strictly in accordance with the Constitution and By-Laws. The Chairperson shall also be ex-officio Member of all Committees.

#### **Section B**

**VICE-CHAIRPERSON (OPTIONAL ONLY WITH THE APPROVAL OF THE LOCAL MEMBERSHIP AND THE PROVINCIAL EXECUTIVE):** The Vice-Chairperson shall assist in keeping order, and in the absence of the Chairperson preside over meetings of the Local. The Vice-Chairperson 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 may be the co-ordinating Officer between the Shop Stewards' Committee and the Local Executive.

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

The Secretary-Treasurer 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. The Secretary-Treasurer 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 ONLY WITH THE APPROVAL OF THE LOCAL MEMBERSHIP AND THE PROVINCIAL EXECUTIVE):** 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.

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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.

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 ONLY WITH THE APPROVAL OF THE LOCAL MEMBERSHIP AND THE PROVINCIAL EXECUTIVE):** The Conductor shall conduct candidates through the initiation ceremony and perform such other duties as the Union may direct

## **Section G**

**WARDEN (OPTIONAL ONLY WITH THE APPROVAL OF THE LOCAL MEMBERSHIP AND THE PROVINCIAL EXECUTIVE):** The Warden shall take charge of the door and prevent any non-Members from entering the meeting unless requested otherwise by the Chairperson. The Warden shall record all Members' attendance at the meetings.

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## **Section H**

**RETIREES:** See Article 25 – 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 these absences, or should any Officer resign or in the event of the death of any Officer, the 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.

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 Financial Secretary, in consultation with the Trustees, has the power to suspend monthly rebates until the matter is corrected.

# **ARTICLE 17**

## **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.”*

## ARTICLE 18

### 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 them or see them*

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*wronged if in my power to prevent it.*

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

## **ARTICLE 19**

### **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.”

The purpose of the procedures provided for under Articles 19 and 20 provide members in good standing with an internal process to have complaints dealt with in a fair and impartial manner. These procedures are necessary to foster and maintain the solidarity necessary to further the interests of the Union through the ability to discipline members who commit an offence under the Constitution. They are not intended to be used for political gain or to resolve interpersonal conflict which does not have foundation in one of the “Offenses” identified in this Article.

### **Section A**

**CHARGES:** A Member in good standing who considers that a Member or Officer has committed an offence against the Constitution may file a charge with the Office

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of the President of the Union.

If the President is the person making the charge, or is the person being charged, the First Vice President will assume all the duties assigned to the President by this article.

Any member of the Provincial Executive who is charged, who makes a charge, or has a conflict of interest with regard to a member who is charged or making a charge, must recuse themselves from all proceedings under Article 19, including membership in the Standing Appeal Panel.

## **Section B**

**OFFENSES:** Any Member of the HEU who acts in a manner detrimental to the welfare or interests of the union is guilty of an offense against the Constitution and By-Laws. Specifically, it is an offense to:

- a. violate the Constitution contrary to the oath of installation to Office or initiation to the Union;
- b. work in the interests of a rival union;
- c. sponsor or advocate decertification of an HEU bargaining unit;
- d. be in a legal strike position and cross the picket line, or be paid by the employer not to participate in strike action, or perform paid work for the employer, unless required to do so by law, or to otherwise impede or act in opposition to the lawful strike or other collective actions of the Union;
- e. cross a picket line that is endorsed by HEU
- f. misappropriate the property and/or assets of the Union, or commit a fraudulent or dishonest act

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- against the Union;
- g. without lawful excuse, refuse or fail to pay Dues, Initiation or Temporary Dues Increases in three (3) or more consecutive months;
  - h. discriminate against a Member contrary to the Human Rights Code;
  - i. without lawful excuse, violate the confidentiality of union meetings, union and membership information, or publish or circulate false reports or misrepresentations; or
  - j. fail without good cause to appear and present evidence after filing charges, or where there is a finding that the charges were brought maliciously or in bad faith;
  - k. otherwise engage in conduct detrimental to the welfare or interests of the Union, its Locals, or its Members.

## **Section C**

**FORM OF CHARGES:** All charges must be set out in writing and delivered to the Office of the President of the Union no later than ninety (90) days after the date on which the person making the charge knew or ought to have known of the action or circumstances giving rise to the charge. The form of complaint must include:

1. Name, address, telephone number, email, and signature of the person making the charge (the complainant);
2. Member named in the charge (the respondent);
3. Each allegation on which the charge is based, including the parts of the Constitution alleged to

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- have been violated;
4. All the facts being relied on that support each allegation so that the respondent can understand and defend the charges;
  5. Whether the complainant has personal knowledge of the facts and if not, from where the information was derived; and
  6. The penalty sought by the complainant.

The President of the Union shall at this stage appoint an independent investigator to review the complaint to determine that the form of the charge is complete.

The independent investigator may recommend to the Provincial Executive to dismiss the charge if the allegation(s) could not, even if proved, be a violation of the Constitution and By-Laws.

The Provincial Executive may or may not accept the recommendation and may invite the complainant to address the recommendation before making a decision.

Where the independent investigator is satisfied that the charge could, if proved, constitute a violation of the Constitution and By-Laws, the complaint shall be tabled at the next session of the Provincial Executive.

Where the complaint is brought to the Provincial Executive on the basis of the independent investigator's conclusion that the charge could, if proved, constitute a violation of the Constitution and By-Laws, the President shall appoint a mediator who will urge the complainant and respondent to participate in that process to endeavor to resolve the complaint. The independent investigator

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will not be appointed as mediator.

Members of the Standing Appeal Panel of the Provincial Executive shall not participate in any Provincial Executive discussions or decisions regarding the charges filed with the Office of the President.

## **Section D**

### **METHOD OF RESOLVING THE CHARGE:**

An independent investigator's recommendation that the charge could, if proved, constitute a violation of the Constitution and By-Laws, will also address the question of:

1. Whether the charge is a dispute that is limited to the Local level and/or relating to Local members who are seriously disruptive to the function of the Local, or
2. Alternatively, whether the charge is a dispute that extends beyond the Local level.

The Provincial Executive may or may not accept a conclusion that the charge relates to the Local level, or alternatively extends beyond the Local level, and may in its sole discretion refer the charge to either a Standing Disciplinary Panel as provided for in Article 20 or a Trial Panel as provided for in Article 19.

## **Section E**

**NOTICE OF CHARGES:** The Provincial Executive shall forward a copy of the form of the charge to the Respondent and shall confirm whether the charge is being dealt with by a Trial Panel or a Standing Disciplinary Panel.

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## Section F

**TRIAL PANEL:** As soon as practicable after a referral of a charge to a Trial Panel, the Secretary-Business Manager, or a designate, shall have a list prepared 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. In the presence of a witness, the Secretary-Business Manager, or a designate, shall draw nine (9) names from the container and these shall constitute the Trial Panel.

The complainant and respondent shall each have the right to challenge two (2) Local Officers on the Trial Panel. The first five (5) unchallenged Local Officers shall constitute the Trial Panel. Of these five (5) Local Officers, the last two (2) shall serve as alternates. The Secretary-Business Manager, or designate, shall appoint one of the three (3) Local Officers on the Trial Panel to act as Chairperson.

## Section G

**BIAS:** No member of the Trial Panel can be both witness and judge and no one with a conflict of interest in relation to the charge shall be permitted to serve on, advise or assist the Trial Panel.

## Section H

**TRIAL PROCESS:** The Trial Panel shall normally convene a hearing within fourteen (14) days of its establishment, ensuring that the complainant and respondent have received not less than seven (7) days written notice of the hearing date, time and location.

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Both the complainant and respondent shall have the opportunity to present their evidence (including any relevant witnesses or documents) and arguments, and to cross examine the other's witnesses.

The Trial Panel shall proceed to hear the charge as follows:

- a. The complainant may make an opening statement;
- b. The respondent may make an opening statement;
- c. The complainant shall, in every case, proceed first and present all the evidence in support of the charge, subject to the right of the respondent to cross-examine witnesses;
- d. The respondent may then present all the evidence in response to the charge, subject to the right of the complainant to cross-examine witnesses;
- e. The complainant may make a closing statement;
- f. The respondent may make a closing statement;
- g. The Trial Panel shall have the authority to maintain order during the hearing, and to ensure that proceedings are dealt with in an expeditious and fair manner.

## **Section I**

**RULES AND PROCEDURES:** The Trial Panel process is intended to be expeditious and informal. The Trial Panel may establish its own rules and procedure for a hearing, but must encourage the complainant and respondent to engage in mediation if they have not yet done so, and may:

- a. Decide where the hearing will be held and when;

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- b. Grant postponements or adjournments;
  - c. Refuse the right to attend the hearing to any person who is not implicated directly by the charge;
  - d. Proceed in the absence of the complainant or respondent if they have been duly notified that the hearing was to be held;
  - e. Allow for either party to be represented by counsel of their own choosing and at their own cost;
  - f. Ask questions of the witnesses, the complainant or the respondent; and
  - g. Dictate such other rules and procedures as will further the objective and intent of a fair, expeditious and informal hearing process.

## **Section J**

**DECISIONS:** The Trial Panel shall issue a decision, in writing, in response to the charge and, if the charge is allowed in whole or in part, it shall decide on the penalty to be imposed.

## **Section K**

**PENALTIES:** The Provincial Executive, a Trial Panel or a Disciplinary Panel may impose penalties on any Member found to have committed an offence, including one or more of the following:

- a. written reprimand;
- b. suspension from office and/or membership and its rights and privileges, for a specified period of time;
- c. removal from office;
- d. denial of the right to hold office in the Union or Local for a specified period of time;

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- e. expulsion from membership;
  - f. denial of membership and its rights and privileges;
  - g. fines;
  - h. in the case of a violation of Article 19, Offenses, (d) of the Constitution, a fine up to and including the equivalent of one hundred percent (100%) of net daily earnings for each day that the person acted in violation of Article 19, Offenses, (d);
  - i. in the case of a violation of Article 19, Offenses, (d) of the Constitution, denial, suspension or revocation of Membership;
  - j. where a Member without lawful excuse has refused, failed or neglected to pay a lawful Temporary Dues Increase, in each instance the Temporary Dues Increase shall be deemed to be and is hereby doubled;
  - k. in the case of a violation of Article 19, Offenses, (d), Membership status shall automatically be revoked; and/or
  - l. such other penalties or actions that the Provincial Executive, a Trial Panel, or a Standing Disciplinary Panel may deem just and reasonable in the circumstances.

## **Section L**

**EMERGENCY SUSPENSION:** Where in the opinion of the Provincial Executive, a Member engages in egregious activities which are seriously detrimental to, or jeopardizing the interests or welfare of the Union, the Provincial Executive may immediately discipline such Member; and such discipline shall remain in effect until a determina-

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tion has been rendered by a Trial Panel convened in accordance with this Article. A hearing shall be scheduled within fourteen (14) days.

### **Section M**

**EXPENSES:** The Union shall reimburse the reasonable expenses of the participants to attend the hearing, including loss of wages. The Provincial Executive may assess a Local or individual(s) for any or all of the expenses of a hearing.

### **Section N**

**APPEAL:** Any Member dissatisfied with the determination of a Trial Panel or Standing Disciplinary Panel may appeal to a three (3) member Standing Appeal Panel of the Provincial Executive.

The Members of the Standing Appeal Panel shall not participate in any Provincial Executive discussions or decisions regarding any charge filed with the Office of the President.

The form of the appeal must be filed with the Office of the President within fourteen (14) days of receipt of the decision of the Trial or Standing Disciplinary Panel, as the case may be. The form of appeal must specify the grounds of appeal and all supporting documents. The appeal is not a new trial. The form of appeal shall be forwarded to the opposing party, who shall have seven (7) days within which to respond to the grounds of appeal.

The Standing Appeal Panel shall hear all appeals as soon as reasonably possible and may, in its discretion, conduct a hearing in person, by tele-conference, or render a decision based on the written materials provided. The

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Standing Appeal Panel of the Provincial Executive shall have control over its own process. The Standing Appeal Panel may uphold the decision of the Trial Panel or Disciplinary Panel, reverse it, or render any other decision it deems advisable. The decision of the Standing Appeal Panel shall be final.

## **ARTICLE 20**

### **Standing Disciplinary Panel**

The Provincial Executive shall establish a Standing Disciplinary Panel consisting of three (3) Members and three (3) alternates, and will include some regional representatives but shall not include members of the Provincial Executive or their Alternates.

Upon referral of charges to the Standing Disciplinary Panel from the Provincial Executive, the Panel's hearing process and rules and procedures shall be the same as those of a Trial Panel in Article 19 except as necessarily modified by this Article.

The Standing Disciplinary Panel shall have the authority to issue those penalties it considers just and equitable in the circumstances, however, it shall not have the power to expel from the Membership.

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## ARTICLE 21

### Rules of Order

#### Section A

**CHALLENGE OF CHAIR:** When the decision of the Chairperson is challenged by two (2) or more Delegates, the Chairperson shall vacate the Chair and shall state their 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.

#### 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.

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## **Section E**

**UNPARLIAMENTARY CONDUCT:** Should a Member persist in unparliamentary conduct, the Chairperson will be compelled to name the Member and submit the Member's 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 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.

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## 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 & FACILITIES SECTOR

#### BARGAINING CONFERENCES:

- 1) The President, or in the President's absence or 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 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, the Delegate shall rise to a Pro or Con microphone and, when recognized by the Chair, shall give their name and the name of the Local represented, and shall confine remarks as being for or against the question at issue based on the microphone at which they are speaking.
- 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.

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- 7) If a Delegate while speaking be called to order, that Delegate shall, at the request of the Chair, be seated until the question of order has been decided.
  - 8) Should a Delegate persist in unparliamentary conduct, the Chairperson shall be compelled to name the Delegate's 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 this decision. The party challenging shall then briefly state the reasons for the challenge.
  - 11) The Chairperson shall have the same rights as other Delegates to vote on any question. In case of a tie vote the Chairperson 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

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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.
- 17) Resolutions shall require a simple majority to be adopted. Constitutional Amendments shall require a 2/3 majority to be adopted.
- 18) A motion for Concurrence which is carried means that the Resolution or Constitutional Amendment itself has been carried. A motion for Concurrence which is defeated means that the Resolution or

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Constitutional Amendment itself has been defeated. A motion for Non-Concurrence which is carried means that the Resolution for Constitutional Amendment itself has been defeated. A motion for Non-Concurrence which is defeated means that the Resolution or Constitutional Amendment 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 22**

### **Miscellaneous**

#### **Section A**

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

#### **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 stepchildren and children under the legal guardian 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.

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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**

**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 E**

**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.

## **ARTICLE 23**

### **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, the Member is no longer entitled to benefits. Notwithstanding the foregoing, any Member who because of a terminal illness, is obliged to relinquish employment shall be eligible for Death Benefits.

#### **Section D**

**BENEFITS:** The Benefit for members will be equal to the maximum Canada Pension Plan (CPP) Death Benefit or \$2,500, whichever is greater.

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 E

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

## Section F

**PROVING OF A CLAIM:** When any death occurs, the person applying for benefit shall furnish the Financial Secretary of the Union with a certified copy of the official 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 one (1) year 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.

## Section G

**NO BENEFICIARY:** When a Member dies without naming a beneficiary, payment of any benefits accruing

from the Member's death shall be made payable to the Member's estate.

### **Section H**

**MINOR OF BENEFICIARY:** In case a deceased Member's beneficiary is a minor, and the deceased was a Member, the Financial Secretary 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 I**

**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.

## **ARTICLE 24**

### **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 their field.

A list of HEU staff successful applicants will be reported to the following HEU convention.

Members of the Provincial Executive or Provincial Bargaining Committees shall have the same opportunities to secure vacancies, but must on appointment to

any vacancy relinquish their Provincial Executive or Provincial Bargaining Committee position for the balance of their term.

At no time shall any Provincial Executive or Provincial 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 25**

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

#### **Section B**

**RETIRED MEMBERS:** Retired Members 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) 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 26**

### **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
- Fred Muzin

#### **Secretary-Business Managers**

- W. M. (Bill) Black
- R. S. (Ray) McCready
- J. D. (Jack) Gerow
- Carmela Allevato
- Chris Allnutt
- Judy Darcy
- Bonnie Pearson
- Jennifer Whiteside

#### **Financial Secretaries**

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

#### **Staff**

- Mary Black

## **ARTICLE 27**

### **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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# Constitution and By-Laws

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