

# HSA Constitution

EFFECTIVE NOVEMBER 2020



HEALTH SCIENCES ASSOCIATION  
The union delivering modern health care

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# HSA CONSTITUTION

## Article 1 – Name

The name of the union is “the Health Sciences Association of British Columbia,” hereafter referred to as “the Union.”

## Article 2 – Location

The head office of the Union shall be maintained in the Greater Vancouver area.

## Article 3 – Objects and Purposes

The Union’s objects and purposes are as follows:

- (a) to seek recognition as bargaining agent on behalf of employees in the health care professions, in other occupations in the provision of health care, and in related professions and occupations;
- (b) to regulate relations between employees and employers through collective bargaining, and to establish and maintain the best possible standards of pay, benefits, and other working conditions;
- (c) to provide a high level of representation for the members and generally promote the interests of the members;
- (d) to promote progressive legislation – particularly in the areas of health care, labour relations, labour standards, and human rights - without affiliating to any political party;
- (e) to cooperate with professional associations on matters of common interest and concern; and
- (f) to cooperate with unions and organizations of unions in order to promote the above objects and purposes.

## Article 4 – Definitions

In this Constitution:

“**Board of Directors**” is the elected governing body composed of Officers and Regional Directors.

“**Chapter**” means a unit of seven or more members represented by the Union and/or a group of two or more units of members represented by the Union, where at least one of the units has fewer than 7 members. Chapters with fewer than seven members which cannot be grouped because of geographical or other considerations will retain chapter status.

“**Code of Conduct**” means the policy adopted by the Board of Directors to set out the responsibilities of Directors.

“**Director**” means a member of the Board of Directors: that is, an Officer or Regional Director.

“**Member in good standing**” means any person who qualifies under Article 5.

“**Officer**” means the President, Vice-President or Secretary-Treasurer.

“**Ombudsperson**” means a member of the Union appointed by the President or her/his designate to investigate and make decisions in regards to complaints of improper conduct which require immediate action at union functions.

“**Recognised Unit**” means a certified bargaining unit or a unit otherwise recognised as represented by the Union for collective bargaining purposes.

“**Region**” means a group of Chapters which elects Regional Directors and certain other representatives.

“**Regional Director**” means a member of the Board of Directors elected by a Region.

“**Steward**” means an elected representative of the members in a Chapter.

## Article 5 – Membership

### Section 1. Eligibility and Membership Criteria

- (a) Any person employed in a bargaining unit which is represented by the Union is a member of the Union; any person who could be represented by the Union is eligible for membership. Any such membership must not

be prohibited under the Constitution.

- (b) The Board of Directors may refuse membership for reasonable cause. Reasonable cause shall include the fact that an applicant for membership has:
  - (i) crossed a lawful picket line of this or another union;
  - (ii) accepted employment as a replacement for an employee not at work due to a strike or lockout;
  - (iii) acted to prevent a union from obtaining or maintaining a certification for any unit of employees.
- (c) Every applicant for membership shall have a right to natural justice and shall not be denied membership on a discriminatory basis.

#### **Section 2. Initiation Fees and Dues**

- (a) The initiation fees and membership dues shall be determined from time to time at a convention of the Union.
- (b) The Board of Directors may as a result of job action, initiate a temporary dues increase to a maximum of 17% of earnings on some or all working members covered by the affected Collective Agreement with such funds to form part of the Defence Fund of the Union.
- (c) No member shall pay more than one initiation fee in any 12 month period.

### **Article 6 – Members’ Rights and Obligations**

#### **Section 1. Democratic Participation**

Every member has the right to participate in the democratic processes of the Union as set out in this Constitution and specifically has the right to attend and speak at annual and special conventions.

#### **Section 2. Right to Representation**

- (a) Every member in a recognized bargaining unit has the right to representation by the Union in presenting appeals pursuant to workers’ compensation and employment insurance legislation, and in presenting complaints before labour standards and labour relations tribunals.
- (b) The membership of every recognized unit has the right to representation by the Union in collective bargaining. That membership has the right to ratify any proposed collective agreement by secret ballot vote conducted by the Union in accordance with its policies.
- (c) Every member in a recognized bargaining unit has the right to be represented by the Union in presenting grievances to their employer, including representation before arbitrators or other third parties.
- (d) Nothing in (a) or (c) requires the Union to represent a member where the member’s claim is without merit and/or where the claim would result in more detriment to other members or the membership generally than benefit to the member with the claim. Decisions to proceed, or not to proceed, shall be made in good faith and without discrimination, and shall not be made arbitrarily. Nothing in (a), (b), or (c) requires the Union to participate in a specific tribunal if the Union, by properly adopted policy or resolution, is boycotting the tribunal.
- (e) Every member who is affected by a decision under (a) or (c) of this section and believes that the decision is contrary to the principles expressed in this Constitution has the right to appeal that decision to the Executive Committee of the Board of Directors.
- (f) Every member who is affected by a decision under 2(b) of this section and believes that the decision is contrary to the principles expressed in this Constitution has the right to appeal that decision to the Board of Directors.

#### **Section 3. Responsibilities**

Every member shall pay membership dues established in accordance with this Constitution, comply with Union policies, and comply with decisions of the Convention and the Board of Directors.

#### **Section 4. Political and Human Rights Issues**

Where the Union, through its democratic processes takes positions on political, human rights or other issues not directly related to the objects and purposes set out in sections (a), (b), and (c) of Article 3, these positions are not “policies” or “decisions” for purposes of Article 6, Section 3. No member is liable for any sanction under this Constitution because that member disagrees with or disassociates him or herself from such a position. It is expressly acknowledged that any position taken on such an issue, and any money spent in connection with such an issue,

reflects collective decisions, and does not imply the financial or other support of any member who does not support the decision of the Union.

### **Section 5. Liability of Members**

No member of the Union is liable as an individual for any debt or liability of the Union.

### **Section 6. Obligations**

No member shall:

- (a) Willfully publish or circulate, verbally or otherwise, misrepresentations concerning the Union, or concerning any member of the Union with respect to a matter connected with the affairs of the Union;
- (b) Refuse to comply with the decision of a Union Trial Committee or where the decision of the Trial Committee is appealed, the decision of the Convention or the Discipline Appeal Committee;
- (c) Resign membership in the Union during a strike or lockout if the resignation has or may have the purpose or effect of avoiding obligations under this Constitution with respect to strikes or lockouts;
- (d) Cross any union picket line established to maintain or improve wages or conditions, except that this obligation does not apply where the Board of Directors specifically declares that the line is unsanctioned;
- (e) Work during a work stoppage unless working in accordance with the Union's essential service policy or otherwise specifically authorised by decision of the Board of Directors;
- (f) Take or obtain money or property of the Union without authorisation;
- (g) Misrepresent eligibility for any Union office or position;
- (h) Engage in harassment at any Union function; or
- (i) Seek a remedy in court or before another tribunal against the Union, or anyone acting on behalf of the Union, before exhausting the procedures set out or permitted by this Constitution.

### **Section 7. No Discrimination**

- (a) The rights and benefits of the Union are conferred on each member, without discrimination on the basis of sex, gender identity, gender expression, age, race, colour, religious affiliation, national or ethnic origin, disability, sexual orientation, political belief, socio-economic, marital or family status.
- (b) Subsection (a) does not apply
  - (i) as it relates to affirmative action policies or programs, or
  - (ii) as it relates to age, to a bona fide scheme based on seniority, or
  - (iii) as it relates to marital status, physical or mental disability, sex or age, to the operation of a bona fide retirement, superannuation or pension plan or to a bona fide group or employee insurance plan.

### **Section 8. Harassment**

The Union is committed to harassment-free functions and expects all its members to recognize the right of each individual to be treated with respect. Any person alleging harassment by a member at a Union function may complain directly to an Ombudsperson.

## **Article 7 – Convention**

### **Section 1. Powers**

The Annual Convention when in session has all legislative, executive, judicial and administrative powers of the Union.

### **Section 2. Annual Convention**

- (a) The Union shall hold an Annual Convention each year at a time and place to be determined by the Board of Directors.
- (b) The Board of Directors shall advise members of the time and place of the Annual Convention at least six weeks prior to the date of the Convention.
- (c) Upon the advice of the Board of Directors, the Annual Convention shall appoint the Union's auditor.

### **Section 3. Special Convention**

Special conventions shall be at the call of

- (i) the Board of Directors or

- (ii) more than 25 percent of the membership who have indicated in writing their desire for a Special Convention.

For purposes of this provision the size of the membership is determined by the number of people paying dues in the month prior to the month of the petition. All of this Article applies to a Special Convention except Section 2 and 4. Special conventions shall deal only with the subject matter contained in the petition or, where called by the Board of Directors, in the Convention call. Upon receipt of a petition with the required number of signatures, the Board of Directors shall call a Convention for a date within six weeks and notify the Chapters of the time and place forthwith.

#### **Section 4. Resolutions**

- (a) Members of the Union may bring matters before a Convention for consideration by means of resolutions submitted to, and approved by, their Chapter. These resolutions may include proposed constitutional changes or policy matters.
- (b) The Board of Directors may submit its own resolutions to Convention.
- (c) All resolutions for submission to Convention must be received at Union head office at least 65 days prior to Convention or they will not be considered. This requirement does not apply to special conventions.
- (d) All policy resolutions shall not exceed 150 words.
- (e) Copies of resolutions shall be sent to all Chapters at least 30 days before the Convention except in the case of a Special Convention.
- (f) The Board of Directors shall arrange that each delegate to Convention shall be sent a copy of all resolutions to be presented to the Convention, together with a copy of reports to be submitted to the Convention at least 14 days prior to the Convention date except in the case of a Special Convention.
- (g) An extraordinary resolution may be submitted from the floor of the Convention, but only if it arises from circumstances that prevented the resolution from being submitted in the normal manner.

#### **Section 5. Delegate Status at Convention**

- (a) Representation shall be based on the following: Chapters with up to and including 49 members shall be entitled to one delegate who shall be the Chief Steward or her/his Alternate. Chapters with over 49 members will be entitled to one additional delegate for each additional 50 members or portion thereof.
- (b) Members are eligible to be elected as delegates if they are employed in the Chapter they seek to represent.
- (c) The Chief Steward shall call a Chapter meeting to elect the delegate(s) and shall advertise it in order to provide sufficient notice for members to attend. The meeting should take place not less than six weeks prior to the Convention.
- (d) It is the responsibility of the delegates to attend the Convention and to report back to the Chapter on significant results of the Convention.
- (e) Chapters that have elected their complete delegate entitlement can elect up to two additional members as alternates in the event that a (the) registered delegate(s) is (are) unable to attend.

#### **Section 6. Board of Directors and Members-at-Large Delegates**

Members of the Board of Directors and Members-at-Large are automatic delegates. Directors-elect and members of committees reporting to Convention are entitled to attend and participate with voice but no vote in the Convention, unless they are otherwise attending as duly eligible and elected delegates.

#### **Section 7. Convention Voting**

- (a) Only delegates in attendance at the Convention are entitled to vote and they are entitled to cast one vote on each issue.
- (b) A straight majority vote of the delegates present and voting shall be sufficient to pass any resolution presented to Convention except those which change the Constitution for which a two-thirds majority is required. All resolutions that are adopted will take effect upon adjournment of the Convention unless otherwise specified.

#### **Section 8. Quorum**

Fifty delegates constitute a quorum at any Annual or Special Convention.

#### **Section 9. Procedure**

Except as otherwise provided in this Constitution, all matters of procedure at Convention and at any meeting of the

Union shall be conducted in accordance with Bourinot's Rules of Order.

## **Article 8 – Board of Directors**

### **Section 1. Powers**

The Board of Directors is the supreme governing body of the Union when the Convention is not in session, subject to the provisions of the Constitution.

### **Section 2. Board Composition**

The Board of Directors is composed of the President and one Regional Director from each of the regions. The officers are: President, Vice-President and Secretary-Treasurer. No member may hold more than one position as an Officer, nor simultaneously hold the positions of President and Regional Director.

### **Section 3. Election of Officers**

The Board of Directors shall annually elect by majority vote a Vice President and a Secretary-Treasurer. They shall hold office for one year. The Vice-President or Secretary-Treasurer positions may be declared vacant by a vote of two-thirds of the Board of Directors. A vacancy occurring in either of the offices shall be filled by and from the Board of Directors.

### **Section 4. Duties of Vice President**

The Vice-President may exercise the following powers and shall perform the following duties:

- (a) Assumes the duties of the President at the President's request or in the President's absence.
- (b) Acts as senior delegate in the absence of the President.
- (c) Chairs the Resolutions Committee and is a member of the Executive Committee.

### **Section 5. Duties of Secretary-Treasurer**

The Secretary-Treasurer may exercise the following powers and shall perform the following duties:

- (a) Ensures that accurate records are kept of all official proceedings and financial matters.
- (b) Chairs the Finance Committee and is a member of the Executive Committee.
- (c) Is a signing officer.
- (d) Has the books and accounts of the Union verified by the auditor as needed and at least annually and presents an audited report and statements to the Annual Convention.
- (e) Presents the financial report and budget to the Annual Convention.
- (f) Takes conduct of complaints as set out in Article 15, Complaints & Dispute Resolution.

### **Section 6. Expense Approval**

All expenses of Directors are authorised by the Board of Directors and must be documented with receipts and are subject to the scrutiny of the Finance Committee.

### **Section 7. Meetings**

Meetings of the Board of Directors may be held at any time and place upon seven days' notice or such lesser time as may be agreed upon by a majority of the members of the Board of Directors.

Meetings shall be at the call of the president or a majority of the Directors. Six members constitute a quorum.

### **Section 8. Electronic Communication**

The Board of Directors may act by telephone, email or other means of communication provided that any decision is made by a quorum constituted through such means.

### **Section 9. Indemnification**

The Union shall indemnify and agree to hold the Board of Directors, Stewards and persons elected to serve the Union including their heirs, executors and administrators from and against any and all charges, costs, expenses, damages and actions to which they, or any of them, may become subject, including legal costs for or in respect of anything done or omitted to be done relating to the duties of their office, provided that nothing herein shall exempt those persons from any liability arising out of their own acts or omissions arising from their lack of good faith, dishonesty, or willful misconduct.

### **Section 10. Staff**



- (a) The Board of Directors shall ensure that employees are hired, as necessary, to carry out the affairs of the Union.
- (b) The Board of Directors shall establish the remuneration and other terms and conditions of employment of the employees of the Union, subject to collective bargaining or contract provisions.

### **Section 11. Lending and Borrowing Powers**

The Union may, by resolution of the Annual Convention, or a Special Convention, or upon a motion of the Board of Directors, borrow or lend such amounts of money as are necessary for the conduct of the affairs of the Union.

### **Section 12. Board of Directors Authority During Job Action**

In case of any job action involving HSA members, the Board of Directors has the authority and responsibility, subject to express provisions of this Constitution, to determine appropriate policies and procedures with respect to the job action for HSA and its members. Without limiting the generality of the foregoing, and regardless whether the job action is initiated by HSA, by another Union, or by the employer, the Board of Directors has the authority:

- (a) To set and revise job action pay.
- (b) To establish conditions for receiving job action pay, which may include a requirement to perform an amount of picket or alternate duty.
- (c) To determine the members who are permitted or required to perform essential services.
- (d) In the case of a job action initiated by HSA, to determine the timing and duration of strike at any facility.

### **Section 13. Oath of Office**

All newly elected/re-elected members of the Board of Directors shall take and be bound by the following Oath of Office: I, \_\_\_\_\_, promise that:

I shall truly and faithfully carry out my duties as a member of the Board of Directors to the best of my abilities.

I shall uphold the Constitution and principles of the Union.

I shall always act in accordance with the Board of Directors' Code of Conduct.

I shall, in good faith, abide by, support and promote the Union Policies.

I shall return all Union properties or funds in my possession at the end of my term of office.

I shall promote a harassment-free and discrimination-free environment and work to ensure the human rights of all members are respected.

I shall endeavour to build harmony and solidarity in the Union and the labour movement.

## **Article 9 – President**

### **Section 1. Term of Office of President**

The term of office is two years. The President is elected at the Annual Convention in odd numbered years.

### **Section 2. Nomination of President**

- (a) To be eligible, nominees must have been a member of the union for at least one year immediately prior to election.
- (b) Any six members may nominate any other member to seek election as President. This nomination shall be in writing, signed by all six nominators, and must be accompanied by a written consent signed by the nominee.
- (c) If the nomination, together with a suitable black and white photograph and a statement of not more than 400 words is received by the head office 60 days or more before the Convention, the statement and photograph will be published in the Annual Report.
- (d) After the Convention is convened, nominations may be delivered to the Chair of the Election Committee or designate until the final call for nominations.

### **Section 3. Election of the President**

- (a) The election of the President is by secret ballot and requires a majority vote: that is, over 50 percent of those delegates voting.
- (b) If no candidate gets more than 50 percent, then the candidate receiving the least number of votes and any candidate receiving less than 5% of the votes is dropped from the ballot and a new ballot is cast.

- (c) In event that there is only one candidate, the ballots shall be dispensed with and the presiding officer at the Convention shall declare that candidate elected.
- (d) The outgoing President shall complete a two-week paid transition period with the new President.

#### **Section 4. Vacancies**

If there is a vacancy in the office of President, the Vice-President shall become President until the next Annual Convention where the vacant position will be filled by regular election or by election to finish the term.

#### **Section 5. Recall of the President**

- (a) A motion to recall the president is in order at a Special Convention, if notice is contained in the Convention petition or call.
- (b) A resolution to recall the President is in order at an Annual Convention.
- (c) Either (a) or (b) above requires a two-thirds majority vote of those voting in order to pass.

#### **Section 6. Duties of the President**

The President is the senior elected officer of the Union, who performs the duties on a full-time basis and has the following powers and duties which may be exercised or performed in person or by delegation:

- (a) Presides at all meetings, conventions and conferences of the Union except regional meetings and Chapter meetings.
- (b) Is the chief representative of the Union in relations with labour centrals, other unions, and professional associations, (except with respect to collective bargaining) and is the senior delegate of the Union to labour movement meetings, conferences and conventions.
- (c) Is the primary spokesperson for the Union, internally and externally, with respect to the Union's policy, health care issues, and all other matters as determined by the Board of Directors.
- (d) Is Chair of the Executive committee and an ex-officio member of all board and negotiations committees with the exception of the Presidential Issues Committee.
- (e) Is the Chief Executive Officer of the Union.
- (f) Is a signing officer.
- (g) Keeps the Vice-President informed of matters necessary to assume the duties of the President.
- (h) Ensures that policies and decisions of Conventions and the Board of Directors are carried out.
- (i) Reports to the Board of Directors and to the Annual Convention.

#### **Section 7. Remuneration**

The President shall receive such salary and benefits as may be approved by the Board of Directors and reported to Convention at the next meeting of Convention following the approval by the Board of Directors.

## **Article 10 – Regional Directors**

### **Section 1. Regions**

There are ten Regions. Each Region is determined by the Board of Directors with consideration of geographic and numerical factors. Chapters are assigned to the appropriate Region by the Board of Directors. Chapters may appeal the decisions of assignment. Chapters have the right to make final appeal by resolutions to convention.

### **Section 2. Term of Office**

The term of office is two years. Regional Directors are elected by the members in the Regions they seek to represent. Elections are arranged so that odd-numbered Regions elect in odd-numbered years and even-numbered Regions elect in even-numbered years.

### **Section 3. Nominations of Regional Directors**

- (a) Regional Directors must have been a member of the Union for at least one year immediately prior to election.
- (b) Any two members within a Region may nominate any other member in their Region to seek election as a Regional Director.
- (c) This nomination shall be in writing, signed by both nominators. The nomination must be accompanied by

a written consent signed by the nominee, together with a suitable photograph and a statement of not more than 300 words.

- (d) These must be received at Union office at least 70 days before Annual Convention.

#### **Section 4. Election of Regional Directors**

The Board of Directors shall establish a process for the election of Regional Directors. Election of Regional Directors shall be by secret ballot and requires a majority vote. Regional Directors take office at the conclusion of the Annual Convention in the year in which they are elected.

#### **Section 5. Vacancies**

- (a) If a Regional Director is unable to complete a two year term, or if a Regional Director position is vacant for any reason, the Board of Directors shall arrange for the election. However, if a vacancy occurs within six months of the expiry of the term of office, the vacancy will be filled by the Resolution Committee member elected by that Region.
- (b) Nominations to fill vacant Regional Director positions shall be declared open for 21 days. At the close of nominations, balloting shall be conducted for a period of at least 35 days.
- (c) Successful candidates elected to fill vacant Regional Director positions shall take office at the conclusion of the ballot count.

#### **Section 6. Recall of Regional Directors**

Recall of a Regional Director requires written petition by a majority of the members of that Region, delivered to the Board of Directors within 45 days from the date of the first signature. The Board of Directors will establish an election procedure. The Regional Director is eligible to contest the election, and continues in office pending its outcome. For the purposes of this provision, the size of the membership is determined by the number of people paying dues in the month prior to the month of the petition. No recall petition shall be acted on if it is delivered within six months of the end of the Regional Director's term.

#### **Section 7. Duties of the Regional Director**

The Regional Director is the senior elected official in each region who advocates for the membership and has the following duties:

- (a) uphold HSA policies;
- (b) attend Board of Director meetings;
- (c) chair or participate on HSA committees;
- (d) represent the members of their region at the HSA Board of Directors;
- (e) chair regional meetings;
- (f) perform duties as requested by the President; and
- (g) report to the members of their Region.

### **Article 11 – Members-at-Large**

#### **Section 1. Duties of Members-at-Large**

The regions will elect members who are willing to participate in standing and special committees, as delegates to regional meetings, to Convention, and to the BC Federation of Labour convention.

#### **Section 2. Term of Office**

The term of office for Members-At-Large shall be two (2) years and will commence upon completion of the annual convention following the regional meeting where elections took place.

#### **Section 3. Election of Members-at-Large**

Nominees must have been a member of the Union for at least one year immediately prior to election.

Regions up to and including 1,999 members shall be entitled to two Members-at-Large and two alternates. Regions with more than 1,999 members will be entitled to one additional Member-at-Large for each additional 1,000 members or portion thereof.

A Region's Member-at-Large entitlement is based on the number of members in that region 60 days prior to the election.

A Region's Member-at-Large entitlement remains the same for the balance of the two- year term.

Odd-numbered regions elect Members-at-Large at regional meetings within the 12-month period prior to Convention held in odd-numbered years.

Even-numbered regions elect Members-at-Large at regional meetings within the 12-month period prior to Convention held in even-numbered years.

A Region's Members-at-Large must be elected from at least two different hospitals/facilities.

Each Region, at the time of election, will elect one of the above Members-at-Large to the Resolutions Committee for a two-year term.

#### **Section 4. Vacancies**

- (a) The Alternate Member-at-Large will fill a vacancy for the remainder of the term.
- (b) In the case of an unfilled vacancy, the vacant position shall be filled at the next regional meeting.

#### **Section 5. Oath of Office**

All newly elected/re-elected Members-at-Large shall take and be bound by the following Oath of Office:

I, \_\_\_\_\_, promise that:

I shall truly and faithfully carry out my duties as a Member at Large to the best of my abilities.

I shall uphold the Constitution and principles of the Union.

I shall, in good faith, abide by, support and promote the Union Policies.

I shall promote a harassment-free and discrimination-free environment and work to ensure the human rights of all members are respected.

I shall endeavour to build harmony and solidarity in the Union and the labour movement.

### **Article 12 – Stewards**

#### **Section 1. Representation**

- (a) There will be a minimum of one Steward per Chapter - the Chief Steward.
- (b) Chapters with two and up to and including 49 members are entitled to two Stewards - the Chief Steward and the Assistant Chief Steward.
- (c) Individual facilities within a Chapter that have more than 49 members are entitled to one additional Steward - General Steward - for each additional 25 members or portion thereof.
- (d) In addition to the provisions of (b) and (c), there will be a minimum of one steward per site in a Chapter comprised of two or more sites.
- (e) There will be a minimum of one Occupational Health and Safety Steward and one Alternate Occupational Health and Safety Steward per Chapter. In those Chapters which have more than one site, there will be a minimum of one Occupational Health and Safety Steward where practical, per site.
- (f) Chapters may apply to the Board of Directors for consideration of increased steward representation.

#### **Section 2. Term of Office and Election**

- (a) The term of office is one year.
- (b) A Chapter meeting for the purpose of electing Stewards shall be held annually. Steward elections must be held prior to the deadline set by the Board of Directors. Any member is eligible to stand for election.
- (c) Meetings to elect Stewards shall be called with sufficient notice for members to attend.
- (d) The Chapter meeting shall also elect or determine the manner of election where applicable of the Assistant Chief Steward(s).
- (e) If a Chapter is left without any Steward because its stewards are unable to complete the term of office, it may hold an emergency election to replace the absent steward(s), and notify the HSA office of this change.

#### **Section 3. Recall**

- (a) Recall of a Steward requires written petition by a majority of the members of that Chapter, delivered to the Board of Directors within 45 days from the date of the first signature.
- (b) The Board of Directors will establish an election procedure. The Steward is eligible to contest the election,

and continues in office pending its outcome. For the purposes of this provision, the size of the membership is determined by the number of people paying dues in the month prior to the month of the petition.

- (c) No recall petition shall be acted on if it is delivered within three months of the end of the Steward's term.

#### **Section 4. Duties**

##### **1. Chief Stewards**

- (a) To call and preside over Chapter meetings as required.
- (b) To attend the Annual Convention.
- (c) To handle Chapter grievances and to assist other Chapter Stewards in handling grievances.
- (d) To be an advocate on behalf of the members to the employer.
- (e) To keep members informed of Union affairs.
- (f) To meet the new members in their Chapters and introduce them to the Union.
- (g) To keep the assigned Union staff person informed on grievances and other developments in the Chapter.
- (h) To communicate any significant problems and developments to the Regional Director.

##### **2. Assistant Chief Stewards**

- (a) To assist the Chief Steward in handling grievances.
- (b) To perform the other functions of the Chief Steward as assigned in consultation with Chief Steward or in the absence of the Chief Steward.

##### **3. General Stewards**

- (a) To handle grievances and/or perform other duties as assigned in consultation with the Chief or Assistant Chief Steward.

##### **4. Occupational Health and Safety Stewards**

- (a) To represent members on the Joint Occupational Health and Safety Committee in the Chapter or worksite, as required.
- (b) To be an advocate on behalf of members to the employer in health and safety matters.
- (c) To keep members informed on workplace health and safety matters.
- (d) To communicate significant health and safety problems to the Chief Steward and the Union staff person.

#### **Section 5. Fair Representation**

No Steward shall act in a manner that is arbitrary, discriminatory or in bad faith in the representation of a member or the Union and its policies.

#### **Section 6. Confidentiality**

A Steward shall use appropriate discretion with respect to personal matters involving members disclosed to them in the course of their duties, and shall maintain appropriate confidentiality with respect to Union matters where disclosure may harm the interest of the members.

### **Article 13 – Committees**

#### **Section 1. Board of Directors Authority to Establish Committees**

In addition to standing committees established by this Constitution, the Board of Directors may establish committees. Without limiting the generality of this authority, the Board of Directors may establish an Education Committee, a Staff Relations Committee, a Pension Committee, an Equality of Rights Committee and such other special committees as the Board of Directors may from time to time deem advisable. Unless otherwise directed by the Board of Directors, the role of special committees is advisory to Board of Directors.

#### **Section 2. Standing Committees**

##### **1. Finance Committee**

- (a) The committee is chaired by the Secretary-Treasurer.
- (b) The committee is composed of the Secretary-Treasurer and two Regional Directors elected by the Board of Directors. The Chairperson may appoint up to two Members-at-Large to the committee. The Board of

Directors may assign staff to support the committee.

- (c) The committee prepares a budget for the new fiscal year and recommends it to the Board of Directors.
- (d) The committee makes fiscal policy which is subject to the approval of the Board of Directors and monitors the implementation of approved policies.
- (e) The committee prepares in consultation with the Secretary-Treasurer, a financial report for the Annual Convention.

## **2. Resolutions Committee**

- (a) The committee is chaired by the Vice-President.
- (b) The committee is composed of the Vice-President and ten Members-at-Large elected on the basis of one per Region at the time of Member-at-Large elections.
- (c) The committee studies and makes recommendations to the Convention on all resolutions.
- (d) The committee determines the order of dealing with all resolutions at Convention subject to amendment by the delegates.

## **3. Trial Committee**

- (a) The committee is composed of seven members elected at Convention to adjudicate complaints brought against members through the provisions of the Complaints and Disputes and Resolution procedure.
- (b) The committee elects its Chairperson. The Chairperson may appoint panels of the committee as needed that shall have all the authority and responsibility of the committee for a specific complaint.
- (c) Vacancies will be filled by appointment from the general membership by the Board of Directors.
- (d) All newly elected/re-elected Trial Committee members shall take and be bound by the following Oath of Office: I, \_\_\_\_\_, promise that I shall truly and faithfully carry out my duties as a member of the Trial Committee to the best of my abilities, fairly and without bias. I promise that I shall uphold the Constitution and principles of the Union.

## **4. Executive Committee**

- (a) The committee is composed of the President, the Vice-President and the Secretary Treasurer.
- (b) The committee is chaired by the President.
- (c) The committee shall hear appeals by members affected by decisions under Article 6, Section 2(a) and/or (c) of the Constitution.
- (d) The committee develops strategies for initiatives as directed by the Board.
- (e) The committee develops recommendations for Board consideration.
- (f) The committee undertakes such other tasks as delegated by the Board of Directors.

# **Article 14 - Negotiations**

## **Section 1. Bargaining Proposals**

- (a) The Board of Directors shall establish the process for determining bargaining proposals prior to the expiration of the collective agreements.
- (b)
  - (i) The process for the collective agreement, which directly affects the largest number of HSA members, shall be the Bargaining Proposal Conference.
  - (ii) The Bargaining Proposal Conference shall be made up of the Board of Directors and elected delegates who are covered by the applicable collective agreement together with other delegates as may be determined by the Board of Directors.
  - (iii) Regions with up to and including 500 health science professional members are entitled to two delegates. Regions with more than 500 health science professional members are entitled to an additional delegate for each additional 500 health science professional members or portion thereof.
- (c) Representation in any process established by the Board of Directors for determining bargaining proposals, other than the Bargaining Proposal Conference, shall include, but may not be limited to, the participation of members directly affected by the bargaining.
- (d) Bargaining proposals may be submitted by any directly affected Chapter or by the Board of Directors.



Proposals must be voted on and approved by the sponsoring Chapter and where there is no bargaining conference are subject to the approval of the Board of Directors.

- (e) Bargaining proposals must be submitted in a time and manner established by the Board of Directors.
- (f) In the case of contract re-openers where it is necessary to draw up contract proposals but where the agreement is not expiring, the process established by the Board of Directors shall provide for representation from each Region with members directly affected by the re-opened contract, and ensure that the number of delegates from such regions is not less than the number of delegates from the Board of Directors.

## **Section 2. Negotiating Committees**

- (a) The composition of any Negotiating Committee shall be as established by the Board of Directors.
- (b) When a Bargaining Proposal Conference is established, the Negotiating Committee shall include representatives elected at the conference.
- (c) Negotiating committees are subject to the direction of the Board of Directors.
- (d) Negotiating committees shall report to the President on a regular basis.
- (e) The President may designate the chairperson and the spokesperson for the Negotiating Committee.
- (f) The committee shall meet and formulate contract language proposals based primarily on the recommendations of the Bargaining Proposal Conference, or where there is not a Bargaining Proposal Conference, proposals are approved by the Board of Directors.

## **Section 3. Ratification by Membership**

- (a) Members shall be provided with a summary of negotiated changes prior to voting on any proposed Collective Agreement.
- (b) All Bargaining Committees shall make a recommendation to the Board of Directors with respect to ratification. The Board of Directors shall make a recommendation to the members preceding any ratification vote.
- (c) All members directly affected by the Collective Agreement are eligible to vote. The proposed Collective Agreement shall be deemed accepted if a simple majority of those actually voting accept it.

## **Section 4. Job Action**

Any proposed job action requiring withdrawal of services provided by HSA members will be submitted to the members who are affected for a vote. However, in the case of a picket line set up by another union concerning a collective bargaining dispute, there will not be a vote.

# **Article 15 - Complaints & Dispute Resolution**

## **Section 1. Complaints**

A member who has reasonable grounds to believe that another member has violated any Obligation or Responsibility provided for in this Constitution may file a complaint against the member in accordance with the procedure set out in this article.

## **Section 2. Form of Complaint**

All complaints must be set out in writing and delivered to the Secretary-Treasurer of the Union. Complaints must contain the following information:

- (a) Name, address, telephone number and signature of person making the complaint (the "Complainant");
- (b) Member named in complaint;
- (c) Facts which form the basis of the complaint;
- (d) The portion of constitution which is alleged to have been violated;
- (e) Whether the Complainant has personal knowledge of the facts and, if not, from where the information is derived.

## **Section 3. Time for Bringing Complaint**

A complaint shall be delivered to the Secretary-Treasurer not later than six months after the date on which the Complainant knew or ought to have known of the action or circumstances giving rise to the complaint.

## **Section 4. Notice of the Complaint**

- (a) The Secretary-Treasurer shall, as soon as practicable, after receiving a complaint, notify the person who is the subject of the complaint (the “Respondent”) by mail, ensuring proof of delivery and provide that person with a copy of the complaint received.
- (b) The Secretary-Treasurer shall in the same notice require the Respondent to provide a written response to the complaint which response may be limited to admitting or denying the complaint. Such response shall be provided within fifteen working days of the complaint being mailed to the Respondent.

### **Section 5. Investigation of Complaint**

- (a) When a complaint has been received, the Secretary-Treasurer takes conduct of the complaint, shall appoint an investigator as needed, and so notify the Board of Directors.
- (b) If the Secretary-Treasurer determines that the complaint relates to an alleged violation of the Personal Information Protection Act, the matter shall also be referred to the Privacy Officer.
- (c) The Investigator shall make a preliminary investigation of the complaint and for this purpose may consider such evidence and facts which are considered relevant.
- (d) If the Investigator sees an opportunity for alternative dispute resolution, then the Investigator shall recommend this action to the Secretary-Treasurer.
- (e) If the Investigator deems that the complaint is without merit, the complaint is dismissed by the Secretary-Treasurer, whose report is provided to the Board of Directors.
- (f) Where the Investigator has determined that the complaint has sufficient merit to proceed to trial in whole or in part, the Investigator shall provide a report through the Secretary-Treasurer to the Board of Directors. The Secretary-Treasurer shall then direct the Chair of the Trial Committee to convene a Hearing Panel.

### **Section 6. Hearing Panel**

- (a) The Chair of the Trial Committee shall convene a Hearing Panel consisting of at least three members of the Trial Committee to hear the complaint.
- (b) The hearing panel, so convened, shall have authority to fulfill its responsibilities up to and including publishing its written decision, notwithstanding the Trial Committee’s end of term date.
- (c) Respondent has the right to know the complaint against them and to be provided with the particulars.
- (d) The Respondent must be given reasonable notice of the complaint prior to any hearing and must be given reasonable notice of the hearing date.
- (e) The Hearing Panel shall determine its own procedures, and shall hear and receive evidence in accordance with the following principles:
  - (i) The hearing must be conducted in compliance with the intent and purpose of this Constitution and within the framework of the Terms of Reference of the Trial Committee;
  - (ii) The Hearing Panel shall call evidence; examine witnesses; receive evidence from the Respondent, Complainant, and other witnesses, and, subject to (h) below, the representative(s) of the Board of Directors; and receive documents and submissions;
  - (iii) The Complainant, Respondent, and, subject to (h) below, the representative(s) of the Board of Directors, have the right to examine and cross-examine witnesses;
  - (iv) The trial shall be conducted in good faith and without bias;
  - (v) The Hearing Panel is not bound by the strict rules of evidence. However, any decision reached must be based on the actual evidence adduced and not influenced by any matters outside the scope of the evidence.
  - (vi) If the Hearing Panel cannot reach consensus on the charge, the decision of the majority of the Hearing Panel will be the decision of the Hearing Panel.
- (f) The Respondent and the Complainant have the right to have a representative accompany them to the hearing.
- (g) The Hearing Panel shall be provided with access to legal counsel.
- (h) Where the Board of Directors determines that the matter before the Hearing Panel is of significant interest to the Union or for other good reason, the Board of Directors shall be a party with the same rights of participation as the other parties to any trial. The decision to be a party is in the sole discretion of the Board of Directors. The Board of Directors may appoint a representative(s), including legal counsel, to appear before the Hearing Panel.



## **Section 7. Decision**

- (a) Upon conclusion of the trial the Hearing Panel shall, as soon as practicable, publish a written decision and forward it to the Board of Directors, the Investigator, the Complainant, and the Respondent.
- (b) Where the member has been found guilty of a breach of any Obligation or Responsibility in the Constitution, the Hearing Panel shall decide the appropriate level of discipline considering all of the circumstances. If appropriate, the Hearing Panel may seek further submissions from the parties before imposing any discipline. If the Hearing Panel cannot reach consensus on the discipline, the decision of the majority of the Hearing Panel will be the decision of the Hearing Panel. Discipline may include the following:
  - (i) A written warning;
  - (ii) Removal from office or position in the Union;
  - (iii) Prohibition and/or restriction on holding elected positions in the Union;
  - (iv) Prohibition and/or restriction on attending Union events including Convention;
  - (v) A fine not in excess of \$25,000;
  - (vi) Suspension or expulsion from Union membership;
  - (vii) Any other discipline deemed appropriate.

## **Section 8. Expenses**

- (a) The Union shall reimburse members and witnesses for their reasonable transportation expenses and lost wages resulting from their necessary attendance at the hearing.
- (b) Should expenses be incurred as a result of processing a complaint and the process is not completed due to the Complainant(s) not participating in the process, the Union may bill the Complainant(s) to recoup the costs.

## **Section 9. Appeal**

- (a) Any member found in breach of the Constitution may seek leave to appeal such decision to the next Convention. Any appeal must be submitted in writing to the President within one month of mailing of the decision of the Hearing Panel to the member's address on file with the Hearing Panel. The appeal must contain the facts which form the basis for the appeal.
  - (i) If leave to appeal is granted, Convention as a whole will hear the appeal.
- (b) A disciplined member may seek leave to appeal the imposed discipline to the next Convention. Any appeal must be submitted in writing to the President within one month of mailing of the decision of the Hearing Panel to the member's address on file with the Hearing Panel. The appeal must contain the facts which form the basis of the appeal.
  - (i) If leave to appeal is granted, five (5) members at the Convention shall be selected by lot to hear the appeal of the sentence (the Discipline Appeal Committee). No witness or party to the hearing or member of the Trial Committee shall be permitted to be on the Discipline Appeal Committee.
  - (ii) The decision of the Discipline Appeal Committee is final and there is no right to appeal its decision. Any party to the original decision may participate in the hearing before the Discipline Appeal Committee. Any appeal is an appeal on the record and not a hearing de novo. The Discipline Appeal Committee may also consider any direction given by Convention at the time of granting leave.
  - (iii) The Union shall reimburse members for their reasonable transportation expenses and lost wages resulting from necessary attendance at any leave to appeal application or attendance before the Discipline Appeal Committee.
  - (iv) The Discipline Appeal Committee shall be provided access to legal counsel.
  - (v) The Discipline Appeal Committee shall publish their written decision as soon as practicable after the conclusion of the Appeal.
- (c) In the case of a suspension or expulsion from Union membership, the penalty will not be implemented in such a manner that it affects a member's employment pending resolution of an appeal. The President shall determine a fair and appropriate procedure.

# **Article 16 – Amendments to the Constitution**

## **Section 1. Introduction of Amendments**

This Constitution may be amended by the delegates at Convention. Any proposed amendments may be introduced by the Board of Directors or Chapters as provided in Article 7 Section 4 of this Constitution.

**Section 2. Amendment Procedure**

Such amendments shall be effective only if the following procedure has been complied with:

- (a) The proposed amendments were distributed to members using their last known contact information at least 30 days before any vote considering such amendments is to be held.
- (b) Two-thirds of the eligible delegates voting on the proposed amendments are in favour of the amendments.





HEALTH SCIENCES ASSOCIATION  
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