



CONSTITUTION

OF THE

Manitoba Association Of Health Care Professionals

(Amended to October 12, 2017)

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Constitution was Amended on October 12, 2017



Bob Moroz, President

CONSTITUTION

ARTICLE 1: NAME

- 101 The name of the Association shall be the **MANITOBA ASSOCIATION OF HEALTH CARE PROFESSIONALS**, herein referred to as the Association.

ARTICLE 2: OBJECTIVES

- 201 To act as collective bargaining agent on behalf of certified bargaining units comprised of eligible employees in the health care field.
- 202 To promote membership in the Association and to assist in organizing eligible employee groups for purposes of collective bargaining.
- 203 To apply to the Manitoba Labour Board for certification as collective bargaining agent for the appropriate bargaining units.
- 204 To represent members in Labour Board hearings, arbitration proceedings, and in legislative matters.
- 205 To gather and maintain information it considers useful in the pursuit of its objects.
- 206 To negotiate and enter into collective agreements with employers on behalf of members and their certified bargaining units.
- 207 To assist in the maintenance and interpretation of collective agreements by advising employees and Member Advocates of their legal and contractual rights and obligations, by co-ordinating grievance handling, and by active participation in resolving Employer-Employee disputes.
- 208 To explore, promote, coordinate and/or administer social and benefit programs on behalf of its members.
- 209 To conduct such other business and social affairs as are deemed appropriate by the Association, including without limiting the generality of the foregoing:
- a) To establish and collect fees, dues, levies, premiums or other monies;
 - b) To maintain (a) bank account(s);
 - c) To borrow, invest and/or disburse funds;
 - d) To purchase, lease, rent, or otherwise acquire office premises, equipment, supplies and/or services;
 - e) To sell, manage, lease, mortgage, dispose of or otherwise deal with property or assets of the Association;
 - f) To engage and employ staff, counsel or consultant services;
- 210 To promote, conduct or participate in educational programs on subjects of labour relations, health and safety, or other matters that the Association deems appropriate.
- 211 To maintain close liaison with various professional and/or occupational societies and associations of member and potential member employees, for the purpose of identifying and pursuing mutual interests and objectives.

ARTICLE 3: LOCATION

301 The operations of the Association shall be conducted in and throughout the Province of Manitoba, except insofar as external activities are deemed useful or necessary in the pursuit of its objectives.

ARTICLE 4: INTERPRETATION

401 In these articles, singular and plural terms, masculine and feminine terms and words "professional" and "occupational" shall be considered interchangeable where the context so requires.

ARTICLE 5: MEMBERSHIP

501 Except as otherwise herein provided, any person employed in a technical, technological, professional or paramedical and other healthcare related fields as determined by the Executive Council may apply for membership.

502 The Association may grant, withhold, suspend or terminate membership according to criteria which shall be applied in a non-discriminatory manner.

503 Any eligible person who completes and signs an application form and pays prescribed dues and assessments shall enjoy all the rights and privileges of membership.

504 The Association recognizes the role, authority and value of the various professional societies and associations, and the designations they are empowered to confer, but does not require membership in any other organization as a condition of membership in the Association.

505 There are four (4) categories of Association membership:

FULL MEMBERS WILL INCLUDE THOSE WHO ARE:

- i) Dues paying members employed in a bargaining unit of the Association.
- ii) On a leave of absence as described in the collective agreement.
- iii) On layoff / recall from their employer within the provisions of their MAHCP Collective Agreement.
- iv) Being represented by the Association through the grievance/ arbitration procedure, until the dispute has been resolved.
- v) Casual employees who have contributed dues in the previous twelve (12) months.

2) ASSOCIATE:

- i) Retired, laid off, or permanently disabled people, who were previously full members and are no longer employed in a bargaining unit of the Association who pay a nominal annual sum, as established by the Executive Council. Associate members receive the official publications of the Association and are entitled to participate in programs offered by the Association.
- ii) Staff persons employed by the Association.

3) HONORARY:

People who are not full or associate members but are recognized by the Association for their particular contribution to the Association.

4) **HONOUR ROLL:**

Members are full members or former full members who are recognized by the Association for their valuable contributions to the affairs of the Association.

506 The rights of members of the Association are:

1. Full members are entitled to attend General Meetings of the Association, vote on Association business, hold elective office, and are eligible for appointment to committees.
2. Associate members may attend Annual General Meetings of the Association but do not have the right to vote. Associate members are not able to hold elective office. Associate members are eligible for appointment to committees.
3. No member of an MAHCP bargaining unit shall hold an elected/appointed position in MAHCP while holding an elected/appointed position in another bargaining unit (union).

507 Annual membership dues, levies, and/or assessments shall be determined by a two-thirds (2/3) vote at any General Meeting, provided that members have received two (2) weeks prior notice of intention.

ARTICLE 6: OFFICERS

601 a) The following officers shall be elected by the Association and empowered to administer the affairs of the Association within the terms and conditions of the Constitution and By-Laws:

- i) PRESIDENT
 - ii) VICE-PRESIDENT
 - iii) DIRECTORS (See Article 701)
- and constitute the Executive Council.

b) The Secretary and Treasurer shall be elected from Members of the Executive Council by a majority vote by Members of the Executive Council. The Secretary or Treasurer positions may be declared vacant by a vote of two-thirds (2/3) of the Executive Council. A vacancy occurring in either of the offices shall be filled by and from the Executive Council.

602 a) The term of office for all elected officers shall be two (2) years, commencing at the close of the Annual General Meeting at which they are elected.

b) Election of members of the Executive Council shall be alternated in a manner that about half of the Executive Council shall be elected in any one year.

c) The President shall be elected in even years. The Vice-President shall be elected in odd years.

603 If any elected officer, other than the President, fails to complete his term of office, the Executive Council is empowered to appoint a successor to complete the term, from among its number if possible, or from the general membership. If the President fails to complete their term of office, Article #606 b) shall apply.

604 Any elected officer that is absent, without cause, from four (4) Executive Council meetings in the same term of office will have their position reviewed by the Executive Council.

605 The President shall:

- a) Call and preside at General Meetings of the Association and meetings of the Executive Council. May call and attend meetings of Member Advocates, unit meetings and special meetings as required.
- b) Serve as ex-officio member of standing and ad-hoc committees.
- c) Remain informed as to the activities and affairs of the Association and report to the Executive Council and membership at General Meetings on those matters.
- d) Monitor the effectiveness of the Association in establishing and accomplishing its objectives.
- e) Serves as one of the four (4) authorized signing officers for all cheques issues by the Association.
- f) Be a paid full time position.
- g) Perform such duties and functions as the Executive Council may determine from time to time.

606 The Vice-President shall:

- a) In the absence of the President, act in his capacity with all authority and responsibilities of that office.
- b) Succeed the President upon failure by the President to complete his term of office.
- c) Chair the Governance Committee.
- d) Serves as one of the four (4) authorized signing officers for all cheques issued by the Association.
- e) As Chair of the Governance Committee, appoint a chair for the Ad Hoc Nominating Committee.
- f) Perform other duties and functions as the Executive Council may determine from time to time.

607 The Secretary shall:

- a) Be responsible for recording, producing and distributing minutes of all general, Executive and Member Advocate meetings.
- b) Chair the Communication Committee.
- c) Oversee all membership records, printing and distribution of membership cards.
- d) Serves as one of the four (4) authorized signing officers for all cheques issued by the Association.
- e) Perform such other duties and functions as the Executive Council may determine from time to time.

608 The Treasurer shall:

- a) Serve as one of the four (4) signing officers for all cheques issued by the Association.
- b) Ensure that proper financial controls and practices are followed in all business transactions of the Association.
- c) Ensure that accurate records of all financial transactions are kept.
- d) Submit a written financial statement at each Executive Council meeting.
- e) Obtain and attest to an audited financial statement for each completed fiscal year for presentation at the Annual General Meeting.
- f) Chair or Co-Chair the Management Committee.
- g) Perform such other duties and functions as the Executive Council may determine from time to time.
- h) ensure all cheques by the Association are signed by 2 of the 4 authorized signing officers.

- 609 The Directors shall:
- a) Represent the interests of the Association as a whole.
 - b) Recommend and vote on matters of Association policy.
 - c) Attend all meetings of the Executive Council and ensure adequate communication between the Association and its membership.
 - d) Perform such other duties and functions as the Executive Council may determine from time to time.
- 610 Appointed Officers:
- a) The Executive Director shall:
 - i) be hired by the Executive Council.
 - ii) act under the immediate direction of the Executive Council.
 - iii) recommend plans of work and conduct the day to day business of the Association.
 - b) The Healthcare Employee Benefits Plan (HEBP) Trustee shall:
 - i) be appointed by the Executive Council.
 - ii) represent the Association on the Healthcare Employee Benefits Board and report said activities to the Association Executive Council after each (HEBP) meeting.
 - iii) submit a written report to the Annual General Meeting summarizing his involvement.
 - c) The Healthcare Employee Pension Plan (HEPP) Trustee shall:
 - i) be appointed by the Executive Council.
 - ii) represent the Association on the Healthcare Employee Pension Plan and report said activities to the Association Executive Council.
 - iii) submit a written report to the Annual General Meeting summarizing her involvement.
 - d) Other Officers deemed necessary by the Executive Council may be appointed by the Executive Council subject to the following:
 - i) Approval by 2/3 vote of Executive Council.
 - ii) temporary appointment lasting until the next Annual General Meeting.

ARTICLE 7: NOMINATION, ELECTION AND RECALL OF OFFICERS

- 701 a) One (1) Director may be nominated and elected by each professional, occupational, or employee interest group as determined by Executive Council of which at least ten (10) individuals are members of the Association. The Directors will be nominated and elected by persons of the same occupational, or employee interest groups. (Current Employee Interest Groups: Clinics, CCMB, CTS.)
- b) Up to two (2) Directors may be nominated and elected by the Association members in each Region that employs Association members. The members will nominate and elect "their" Director on a regional basis.
- c) The President and Vice-President will be nominated and elected by the general membership subject to Article 602 (c).
- 702 Elections will be held within one (1) month before the AGM. Ballots will be returned to and counted by an external agency selected by the Nominations Committee. Results will be announced and included in the minutes of the AGM. Ballots may be destroyed upon a motion to do so being carried at the AGM.
- 703 Elections shall be determined by the greatest number of eligible votes cast in favour of a particular candidate.

- 704 Upon petition of forty percent (40%) of members eligible to elect any particular officer, a vote shall be conducted to determine whether an officer is to be removed from office. A majority of votes cast shall determine the issue.
- 705 A person can only hold one (1) position elected by the general membership at a time. If any member wishes to stand for election to a position the term of which would run concurrently with a position elected by the general membership that the member already holds, the following will apply; the member must resign the position presently held, effective at the time of the upcoming AGM in order to be eligible to run for the desired position.
- 706 No person may run for more than one (1) elected Executive Council position in the same election period.

ARTICLE 8: COMMITTEES

- 801 The Executive Council shall appoint the following standing committees, each comprised of not less than three (3) members:
- a) **Governance:** The Governance Committee under the general direction of the Executive Council advises the Executive Council on constitutional and legislative matters. This committee shall prepare and present any recommended changes to this Constitution for review by the Executive Council. This committee shall solicit and receive nominations to allow for the election of officers as provided herein. This committee shall ensure that the required election procedures are followed to solicit and receive nominations for Member Advocates. The committee shall approve all campaign posters and material prior to posting.
 - b) **Management:** The Management Committee under the general direction of the Executive Council shall provide a venue for the members to vote on issues and constitutional changes at the AGM. Provides the financial framework for the Association, and gives recommendations to the Executive Council on the limits of the Executive Director (delegation). This Committee advises the Executive Council on financial matters, preparing and presenting the following year's budget for approval by the Executive Council, and ensures regular monitoring of MAHCP's financial situation.
 - c) **Communications:** The Communication Committee, under the general direction of the Executive Council, promotes and facilitates communication between and within the Executive Council, the membership and the public.
 - d) **Oversight:** The Oversight Committee under the general direction of the Executive Council reviews considers and reports to the Executive Council on the effectiveness of the governance of MAHCP.
- 802 The term of office of each standing committee shall be one year.
- 803 Each standing committee may be assigned to perform such other duties and functions as the Executive Council may determine from time to time.
- 804 The Executive Council may appoint such other standing and ad hoc committees as it deems appropriate from time to time.
- 805 Each committee shall prepare an annual report for presentation at the Annual General Meeting.

ARTICLE 9: WORKPLACE HEALTH AND SAFETY

901 Appointments to the Workplace Safety and Health Committee shall be governed by Association policy.

ARTICLE 10: MEETINGS

1001 An Annual General Meeting shall be held on any date during the month of October each year, for the purpose of reporting to the membership and attending to other Association business.

All annual reports and any proposed motions/resolutions will be sent out to members no less than fourteen (14) days prior to the AGM, but not necessarily with the Association newsletter.

1002 A General Meeting may be called at any other time of year by the President on his own initiative.

1003 A General Meeting must be called at the request of a majority of the Executive Council, or upon petition of ten (10) percent (%) or more members of the Association.

1004 Notice of any General Meeting including agenda and notices of motion, if any, must be sent to members not less than fourteen (14) days before the meeting is held.

1005 a) Executive Council meetings shall be held at the call of the President or designate.
b) The Executive Council shall meet not less frequently than six (6) times in each year.

1006 Fifty-five (55) of the voting members of the Association shall constitute a quorum at any Annual General Meeting or General meeting of the Association.

1007 A majority of members of the Executive Council shall constitute a quorum at Executive Meetings.

1008 In default of a quorum after a lapse of one-half (1/2) hour beyond the set hour of meeting or during the meeting, the President or Vice-President may either call for a motion to proceed with the meeting, which motion shall be passed by no less than a vote of two-thirds (2/3) of the members present, or adjourn the meeting to any other time and place, and if not adjourned, the meeting shall be deemed to be dissolved.

1009 a) Notice of any meeting at which a STRIKE VOTE or RATIFICATION VOTE will be taken must be posted on the departmental bulletin board(s) of the bargaining unit affected not less than forty-eight (48) hours in advance.

b) On request by a majority of Member Advocates for a bargaining unit, an informational meeting to discuss the STRIKE VOTE or RATIFICATION VOTE shall be conducted not less than forty-eight (48) hours before such vote is taken.

1010 The foregoing requirement may be waived at a meeting called with lesser notice ONLY if such a motion is carried by a majority of members of the bargaining unit (not a majority of those in attendance).

- 1011 The Executive Council may act by teleconferencing, facsimile machine or other means of communication provided that any decision is made by a quorum constituted through such means.

ARTICLE 11: PARLIAMENTARY PROCEDURE

- 1101 Except as otherwise expressly provided herein, the current edition of Roberts Rules of Order Newly Revised shall govern parliamentary procedures of the Association.
- 1102 This Constitution may be amended by a two-thirds (2/3) vote at any General Meeting, provided that members have received two (2) weeks' prior notice of motion.
- 1103 Dissolution of this Association shall require a two-thirds (2/3) vote of the total membership.
- 1104 In the event of dissolution, net assets of the Association shall revert to certified bargaining units on a per capita basis.

ARTICLE 12: INDEMNIFICATION

- 1201 The Association indemnifies and saves its elected representatives and/or employees harmless from any personal or financial liability for actions or causes of actions arising directly or indirectly from their conscientious conduct of Association affairs, either by act or omission.

ARTICLE 13: MEMBER ADVOCATES

- 1301 Member Advocates shall be nominated and elected as per Association Policy.
- 1302 a) Member Advocates shall be elected for 2 (two) year terms commencing at the close of the Annual General Meeting at which they are elected.
b) Member Advocates may be appointed by the Executive Council at the request of members who present a completed Nomination Form. The temporary appointment is terminated at the next AGM.
- 1303 Elections of Member Advocates shall be held within one (1) month before the AGM. Elections shall be determined by the greatest number of eligible votes cast in favour of a particular candidate. The election results will be publicized to the relevant membership.
- 1304 Member Advocates shall keep the membership informed of Association activities, and communicate all relevant developments within their bargaining unit.
- 1305 General Member Advocates' meetings shall be held regularly.
- 1306 Upon petition of forty percent (40%) of members eligible to elect any Member Advocate, a vote shall be conducted to determine whether a Member Advocate is to be removed from office. A majority of votes cast shall determine the issue.

ARTICLE 14: COLLECTIVE BARGAINING

- 1401 General collective bargaining objectives shall be established by questionnaires generated from the membership and/or from problems generated from ambiguous language in our collective agreements.
- 1402 Specific contract proposals shall be determined by each certified bargaining unit provided they do not conflict with or undermine the interests of other bargaining units.
- 1403 Each bargaining unit and/or occupational group will be represented by the Executive Council during negotiations for a new or revised collective agreement negotiated on its behalf.
- 1404 Each bargaining unit shall be entitled to ratify or reject a collective agreement negotiated on its behalf.
- 1405 The Chairperson of the Central Bargaining Committee shall be the President of the Association or designate from the Executive Council.

ARTICLE 15: CODE OF ETHICS

- 1501 One or more of the following acts shall constitute conduct unbecoming a member of the MAHCP:
- a) crossing a picket line established by the Association;
 - b) obtaining or soliciting membership by misrepresentation;
 - c) violating of any provision of the Constitution;
 - d) attempting to bring about the withdrawal of any member or group of members from the Association;
 - e) knowingly publishing or circulating false reports or misrepresentations among the members of the Association;
 - f) working in the interests of another union to the detriment of the Association;
 - g) without proper authority using the name of the Association to solicit funds or to advertise;
 - h) misappropriating assets belonging to the Association;
 - i) furnishing to anyone, without proper authority or for any purpose not in the best interest of the Association, a list or a portion of a list of members of the Association;
 - j) failing without reasonable excuse, to pay membership dues, assessments or other fees of the Association;
 - k) slandering or libeling, that is, spreading defamatory comments, either verbally or in writing, which would tend to injure the reputation of a member or an officer of the Association;
 - l) failing to follow the lawful order of the chair of any meeting of the Association to the point where business of the meeting may not be fairly and reasonably conducted;
 - m) interfering with the performance of the duties of any officer of the Association;
 - n) engaging in conduct detrimental or prejudicial to the best interest of the Association;
 - o) willfully neglecting the duties of an elected Association position;
 - p) failing to follow the lawful directions and ruling of the Executive Council;
 - q) filing frivolous, unnecessary or vindictive charges against a member of the Association;
 - r) harassing any member or staff member of MAHCP;
 - s) actively interfering with contractual or other rights of members;
 - t) violating the published policies of the Association;
 - u) revealing confidential information about the Association or the membership or personal information about a member or members to anyone not entitled to such information;

- v) committing fraud or misrepresentation in connection with an Association election.

ARTICLE 16: DISCIPLINE

1601 Complaints

Any member(s) who has (have) reasonable grounds to believe that another member has been guilty of a breach of the Code of Ethics, or a breach of the Constitution of the Association may make a complaint thereof, in writing to the President of the Association or to the Executive Council.

1602 Form of Complaint

All complaints must be set out in writing and delivered to the President of the Association or to the Executive Council. Complaints must contain the following information:

- i) name, address, telephone number and signature of person making the complaint;
- ii) member named in complaint;
- iii) facts which form the basis of the complaint;
- iv) the portion of the constitution which is alleged to have been violated;
- v) whether the person making the complaint has personal knowledge of the facts and if not, from where the information is derived.

1603 Complaint Process

- a) A complaint shall be delivered to the President or the Executive Council not later than **six months after the date** on which the person making the complaint knew or ought to have known of the action or circumstances giving rise to the complaint.
- b) When a written complaint is received the President shall bring the complaint to the **next regular meeting** of the Executive Council. If the President considers the complaint to be of an urgent nature, a special Executive Council meeting may be called.
- c) The Executive Council shall determine whether the complaint is within the scope of MAHCP disciplinary process and if it is, appoint **at the same meeting**, a Complaint Committee from the Executive Council membership to investigate the complaint. This committee shall consist of a minimum of three members and shall select its chair from among the committee members.
- d) Within **fifteen (15) days of being appointed**, the Complaint Committee shall advise the respondent(s) of the complaint in writing. The Complaint Committee shall provide the respondent(s) with contact information for the Complaint Committee and outline the Complaint Investigation Procedure. The respondent(s) have the right to know the nature of the complaint, to be provided with particulars, and be provided with the opportunity to respond in writing to the Complaint Committee **within thirty (30) days**.
- e) The Complaint Committee shall inquire into the complaint by contacting the complainant(s), respondent(s), and witness(s) to determine the scope of the investigation and to determine if there is sufficient evidence to support the establishment of a Discipline Committee.
- f) The Complaint Committee shall report to the Executive Council in writing **at each Executive Council meeting** on the ongoing progress of the investigation.

The Complaint Committee Chair shall ensure that minutes are kept of all Committee meetings and that these minutes, written communications and other relevant documents are maintained in a safe and secure manner. When the Complaint committee has decided on the resolution of the complaint a written report shall be provided to the Executive Council. This report shall consist of the documentation maintained by the Chair of the Complaints Committee, a synopsis of the documentation and the Complaint Committee's recommendation for the resolution of the complaint.

The Complaint Committee may suggest that the Executive Council resolve the complaint in one of the following ways:

- i) that the Executive Council dismiss the complaint; or
 - ii) that the Executive Council strike a Discipline Committee to consider the information gathered in the investigation and whether discipline should be applied; or
 - iii) that an alternative resolution mechanism as suggested by the Complaints Committee be offered to the complainant(s) and the respondent(s).
- g) The Executive Council shall ensure that both the respondent(s) and the complainant(s) are advised in writing of the results of the Complaint Committee's report.

1604 **Discipline Committee**

- a) The Executive Council shall strike a Discipline Committee from within the Executive Council membership on the recommendation of the Complaint Committee. The Discipline Committee shall consist of a minimum of three (3) members, none of whom participated as members of the Complaint Committee, and shall select its chair from among the committee members. The Discipline committee shall hear and determine the disposition of the complaint.
- b) The Discipline Committee:
 - i) may accept oral or written evidence that it considers proper, whether admissible in a court of law or not.
 - ii) shall follow the rules of natural justice in the conduct of its investigation.
 - iii) is not bound by the law of evidence applicable to judicial hearings.
 - iv) may allow witnesses to be called and cross examined.
 - v) shall deliberate upon its decision in private considering only the evidence and submissions raised during its proceedings to reach its decision.
 - vi) may seek legal advice regarding procedures and practices at any time during the existence of the committee.
 - vii) may hold a hearing as part of the investigation procedure.
 - viii) the Discipline Committee Chair shall ensure that minutes are kept of all Committee meetings and that these minutes, written communications and other relevant documents are maintained in a safe and secure manner.
- c) Within **fifteen days (15) days of being appointed**, the Discipline Committee shall contact the respondent(s) and complainant(s) in writing to outline the discipline committee investigation procedure. The Discipline Committee shall provide respondent(s) and complainant(s) with the opportunity to respond in writing to the Discipline Committee **within thirty (30) days**.
- d) the respondent(s) has/have the right :
 - i) to be informed of the complaint.

- ii) to know the identity of the complainant.
- iii) to be provided with copies of documented evidence relevant to the proceedings.
- iv) to provide evidence to the committee which may include calling witnesses.
- v) to be advised by or represented by legal counsel if he/she wishes.

1605 **Discipline Committee Decisions**

- a) The Discipline Committee shall render a decision, in writing, explaining the rationale for its decision and for any penalty assessed, and will submit it to:
 - i) the Executive Council
 - ii) the Respondent(s)
 - iii) the complainant(s)**within forty-five (45) days** after conclusion of the proceedings.
- b) if the Discipline Committee finds the complaint proven it may, in its absolute discretion; reprimand, censure, remove from office, fine, suspend, or expel the respondent(s) as the circumstances of the case may require.
- c) the decision shall be sent to the respondent(s) and the complainant(s) by registered mail or courier, requiring a signature on receipt.

1606 **Appeal Process for Disciplinary Actions**

- a) The respondent(s) may appeal the decision of the Discipline Committee to the Executive Council as a whole by sending a written letter of appeal to the Executive Council **within thirty (30) days** of documented receipt of the decision of the Discipline Committee.
- b) On receiving an appeal of a Disciplinary decision, the Executive Council shall review all the evidence presented during the Discipline Committee proceedings, and convene a special Executive Council meeting to hear the respondent's presentation as to the basis of the appeal. This meeting should occur **within forty-five (45) days**.
- c) The disciplinary action will be confirmed, modified, or reversed by a secret ballot vote of the Executive Council members, excluding those Council members who constituted the Disciplinary Committee. The decision of the Discipline Committee may be modified by a simple vote, but may be reversed only with a two-thirds (2/3) vote.
- d) A vote on an appeal of Disciplinary action by the Executive Council is final and binding.