



**THE CONSTITUTION  
OF  
THE BERMUDA PUBLIC SERVICES UNION**

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## **Definitions**

The following terms when used in the written Constitution will have the following meanings ascribed below.

**“Union”** - the Bermuda Public Services Union (BPSU).

**“Constitution”** - the written Constitution of the Bermuda Public Services Union as a registered Trade Union under the requirements of the Trade Union Act, 1965.

**“Divisional Councils”** - formal bodies within the Union with duties and responsibilities described in Article V 2 (h).

**“General Membership Meeting”** - meeting called pursuant to Article V 2(a).

**“General Council”** - formal body within the Union with duties and responsibilities described in Article V 2(f).

**“Government Agency”** - branch of Government administration wholly or in part supported by Public Funds and whose Executive Officer reports to a Board or Council appointed by or responsible to a Minister.

**“Members”** - as outlined in Article II – Membership

**“Roberts Rules of Order”** will be followed when conducting all meetings.

**“Special Delegates’ Conference”** - conference called pursuant to Article V 2(e).

**“Triennial Delegates’ Conference”** - Conference of the Union that meets every three years pursuant of Article V 2 (b).

**“Triennial General Election”** - voting of General Officers by secret ballot pursuant to Article XIII 2 (a) (i).

**“Trustees”** - persons to whom legal title to property is entrusted to be held for the benefit of the Union with duties and responsibilities described in Article IV.

In this Constitution, words importing the masculine gender include the feminine gender.

## **Description**

- (i) The Bermuda Public Services Union shall have a Constitution in accordance with the Trade Union Act, 1965 and is hereinafter called the Union.
- (ii) The mailing address of the Union shall be P.O. Box HM 763, Hamilton HM CX, Bermuda, and the office or place of business for the time being shall be communicated to all members.
- (iii) The business hours of the Secretariat shall be from 8:30 a.m. – 5:00 p.m. Monday to Friday except Public Holidays.

## **ARTICLE I – Objective and Purpose**

The objective and purpose of the Bermuda Public Services Union shall be:

- (i) To encourage all workers who are eligible for membership to join the Union;
- (ii) To represent the legitimate interests of such members in safeguarding, improving and maintaining their conditions of service;
- (iii) To ensure promotion of the well-being of members by way of consultation, negotiations, and formal agreement between employers and the Union and thereby to encourage a good relationship, satisfactory to employer and employee;
- (iv) To represent members' views on all matters concerning the welfare of the members whether they be political or otherwise.
- (v) To promote and encourage contact with public service organizations in Bermuda and overseas in the interest of safeguarding, improving and maintaining international recognition and respect for the condition of service of each organization's members.
- (vi) To encourage all members to pursue vocational, technical and other educational training in order to keep abreast of current and future trends.

## **ARTICLE II – Membership**

### **Membership**

Membership of the Union shall be open to those employed in an executive, administrative, professional, technical, supervisory, clerical or other capacity, by an employer directly or indirectly.

- (i) Any person eligible to join the Union may make written application to join, and unless governed by an existing Agency Shop Agreement or other arrangement, shall signify the method by which he intends to pay his dues. Unless the application is refused in writing within twenty (20) working days for cause, he is a member and entitled to all privileges of membership on payment of dues. Representation shall commence from the first day of employment.

Members shall pay dues in accordance with Schedule I (a).

- (ii) Membership cards shall be issued to persons joining the Union within twenty (20) days of receipt of their first payment of dues.
- (iii) Membership shall terminate on the cessation of payment of dues. Members shall return cards upon termination.

### **Associate Membership**

Every candidate applying for associate membership shall not be less than 16 years of age. Persons being admitted shall agree to abide by the Constitution, Bye-Laws and policies of the Union in every respect. If, in the opinion of the General Council, a person fails to abide by the Constitution, Bye-Laws and policies at any time, that person shall be liable to forfeit membership.

Associate Membership shall be open to:

- (a) person (s) who were members of the Union at the time of resignation
- (b) member (s) of overseas sister organizations affiliated with the Bermuda Public Services Union, provided that members of the Union receive, or will receive, reciprocal treatment in that country
- (c) person (s) selected to represent the Union in sporting events and who have been proposed by two (2) Union members in good standing

Associate members shall not be eligible to attend general meetings, hold office or vote.

Associate Membership dues shall be prescribed by the General Council and as set out in Schedule 1 (b).

### **Honorary Membership**

At the discretion of the General Council, Honorary Membership on application shall be open to person (s) who were members of the Union at the time of retirement.

Honorary Members shall not be required to pay any subscription to the Union but shall be entitled to benefits as laid down by the General Council.

Honorary Members shall not hold office or vote.

### **Honorary Life Membership**

Honorary Life Membership may be bestowed upon individuals who have been adjudged worthy of making an outstanding contribution to the welfare and programmes of the Union in particular, and to the trade union movement in general, by the Triennial Delegates' Conference on the recommendation of the General Council.

## **ARTICLE III - Finances**

All funds of the Union shall be used for the furtherance of its objective and purpose as set forth in Article I of this Constitution and as determined and approved by the Triennial Delegates' Conference.

- (i) The General Council shall appoint from the general membership a Finance Committee which shall be chaired by the Treasurer. It shall be the responsibility of the Finance Committee to prepare annual budgets with the assistance of the Treasurer and the General Secretary and submit the proposed budgets to the General Council for review and approval. In years in which the Triennial Delegates' Conference is held, the proposed budget shall be submitted by the General Council to the Conference for discussion and approval by the Delegates.
- (ii) The Finance Committee, *chaired by the Treasurer*, shall establish an Audit sub-committee that shall include at least one qualified accountant. The Treasurer shall chair the Audit sub-committee. The Audit sub-committee shall provide for an annual audited account of the Union's funds which the Treasurer shall submit to the General Council no later than April 15 of each year, (except in a Triennial Election year), and that will meet requirements for submission to the Registrar General. An independent auditor shall be appointed by the General Council upon the recommendation of the Finance Committee to verify the accuracy of the income and expenditure accounts and statement of assets and liabilities.
- (iii) In years in which the Triennial Delegates' Conference is held, the General Council shall submit to the Conference all audit reports from the years since the last meeting of the Triennial Delegates' Conference.

- (iv) Upon having received financial advice and having conducted a review of investment options, the Finance Committee may recommend to the General Council that the Union's funds be invested in appropriate securities. A complete report and audit of such investments shall be included in the annual audit report, which the General Council may make available to the membership.
- (v) The Treasurer shall be responsible for the proper control of accounts and the recording of receipts and expenditures. The Treasurer shall prepare and present a quarterly financial statement to the General Council and shall advise the Council of any deviations from the approved budget of expenditure.

#### **ARTICLE IV – Trustees**

The property of the Union shall be vested in five (5) Trustees, who shall be appointed by Delegates' Conference. They shall hold office at the pleasure of the Union.

The office of a Trustee shall automatically be vacated if a Trustee:

- 1. is found to be of unsound mind;
- 2. becomes bankrupt;
- 3. dies; or
- 4. is removed for cause by a two-thirds majority of the members of a Delegates' Conference.

A Trustee may tender his resignation in writing to the General Council.

The Trustees shall elect a chairperson amongst themselves, and conduct quarterly meetings that shall include the President, Treasurer and General Secretary. In the absence of an Executive Officer, any two of the three shall sit.

Any person offering themselves to run for the seat of a Trustee must have been a retired member of the Union.

#### **ARTICLE V – Organization**

- 1. The Supreme Authority of the Union shall be vested in:
  - the General Membership Meeting, then
  - the Triennial Delegates' Conference/Special Delegates' Conference,

Subject to either Authority, the Union shall be governed by a General Council and, in between meetings of the General Council, by the Executive Committee.

2. The organizational structure of the Union shall be as follows:

- (i) General Membership Meeting
- (ii) Triennial Delegates' Conference
- (iii) Special Delegates' Conference
- (iv) General Council
- (v) Executive Committee
- (vi) Divisions

### **2(a) General Membership Meetings**

General Membership Meetings shall fall into three categories:

- (i) The General Council shall convene a General membership Meeting at least once a year.
- (ii) A Special General Membership Meeting which shall be convened on the written request of not less than one hundred (100) members, stating the reasons for such a meeting.
- (iii) An Emergency General Membership Meeting called by a General Officer of the Union with the acquiescence of the General Council.

A General or Special General Membership Meeting, as the case may be, shall require three (3) weeks or fifteen (15) working days notice by circular and/or by public advertisement. Notice to members through Divisional Councils should include the place and time of the meeting and the matters to be discussed, which may be in the form of an agenda. Notice of motions of all matters to be discussed or put to a General or Special General Membership Meeting shall be forwarded to the General Secretary not less than two (2) weeks or ten (10) working days before the advertised date of the meeting. If not already included in the agenda, the motions shall be distributed to the Membership not less than five (5) working days before the meeting. To be valid, a motion shall be proposed and seconded in writing by members of the Union who shall be present at the meeting at which the motion is put. At a General Membership Meeting, any matter raised which has not been subject of a motion or included in the agenda or arising therefrom, shall be ruled out of order. Should a dispute arise the ruling of the Presiding Officer, who may call a temporary adjournment of not more than fifteen (15) minutes, shall be final.

An Emergency General Membership Meeting may be called at notice of not less than 24 hours. Every feasible method shall be employed to inform the membership of the time, place and reason for such meeting.

### **2(b) Triennial Delegates' Conference**

- (i) The Triennial Delegates' Conference of the Union shall be held at such place as the General Council of the Union may from time to time determine, and shall be convened after the first Thursday in February and no later than 15<sup>th</sup> March in a Conference year. Forty-nine (49) days

notice of such meeting shall be given by a circular and/or by public advertisement.

- (ii) The delegates at the Triennial Delegates' Conference shall be members who are not General Officers, and whose contributions are fully paid up to the end of the previous month, and who have either been elected by the respective Divisions or appointed by the General Council.
- (iii) Each division of the Union shall be entitled to three Delegates. The names of such Delegates shall be sent to the General Secretary of the Union at least thirty-five (35) days before the date of the Triennial Delegates' Conference. The General Secretary, upon receipt of the names of the Delegates so submitted, shall enter them in the Register of Delegates for the Conference. General Council Members cannot be Delegates.
- (iv) The General Council of the Union shall have the right to nominate members to represent those Divisions who are unable to elect Delegates, after consultation with the Vice President responsible for the Division and/or Divisional Chairperson. The number of Delegates shall be in accordance with subparagraph (iii) above.
- (v) The President or in his absence, the Vice-Presidents in their turn, or in the absence of the President and Vice-Presidents, any Delegate appointed by the Delegates present, shall preside.

Voting at Conference on all matters shall be conducted in accordance with the procedure as outlined in this Constitution. In the event that the business of the meeting is incomplete, the meeting can be adjourned by a majority vote of the Delegates present, provided that there is a quorum and the stated period for holding the meeting has expired. In the event that the period has not expired, it will require a two-thirds majority to enforce an adjournment. Should there be such an adjournment, the meeting shall decide the time, date and place of the next meeting.

- (vi) No motion, the substance of which is lost or rejected at any Triennial Delegates' Conference, may be brought up again until after the expiration of six months.
- (vii) No Delegate shall be at liberty to speak more than once on the same subject, except with the permission of the Presiding Officer, provided however, that the mover of any motion shall have the right to reply.
- (viii) The General Council of the Union shall fix the date or dates and time over which the business of the Triennial Delegates' Conference shall be conducted and the same shall be stated on the notice convening the meeting.

- (ix) The order of business of the Triennial Delegates' Conference shall include the following:
  - (a) Call to Order and Prayers
  - (b) Roll Call of Delegates
  - (c) Chairman's Remarks
  - (d) Minutes of previous Delegates' Conference (s)
  - (e) Matters Arising out of the Minutes
  - (f) Presentation of Reports of the General Secretary and Principal Officers
  - (g) Discussion on Reports of the General Secretary and Principal Officers
  - (h) Motions and Questions
  - (i) Installation of Executive Officers
  - (j) Any Urgent Business
  - (k) Closure
  
- (x) The order of business shall only be changed with the consent of the majority of delegates present provided there is a quorum. Any new matter not appearing on the order paper must have the consent of two-thirds of the members present before it may be entertained.

**2(c) Business of the Triennial Delegates' Conference**

The business of the Triennial Delegates' Conference shall be to receive reports from the General Secretary and other Principal Officers, to review the work of the Union, to plan future tasks, and to consider all matters on the agenda.

**2(d) Agenda of the Triennial Delegates' Conference**

- (i) Motions and other business for discussion at the Triennial Delegates' Conference shall be sent by Divisions to the General Secretary of the Union no later than thirty-five (35) days before the date of the Conference.
- (ii) The General Secretary shall prepare the Agenda of the Triennial Delegates' Conference which shall contain all motions and other business for discussion of which due notice has been given, and shall forward it to the delegates no later than twenty-one (21) days before the date of the Conference.
- (iii) Any member of the Union shall have the right to submit in writing any matter for discussion no later than thirty-five (35) days before the date of a Triennial Delegates' Conference of the Union. Any matter so submitted shall only be discussed if raised by a Delegate to Conference.

**2(e) Special Delegates' Conference**

- (i) The General Council shall have the power to call a Special Delegates' Conference at any time provided that not less than seven (7) days notice

by circular and/or public advertisement shall be given of such Special Delegates' Conference and of the business to be discussed.

The procedure at (v), (vii), (viii), (ix), (xi) of Article V 2 (b) of the Triennial Delegates' Conference and Article XVI – Delegates' Conference shall apply.

- (ii) The delegates to be summoned shall be those appearing on the Register of Delegates at the previous Triennial Delegates' Conference, unless changes have been made by the Divisions, and communicated in writing to the Secretariat, and provided such delegates are financial members.
- (iii) Any Division may petition the General Council of the Union to summon a Special Delegates' Conference.
- (iv) The General Secretary of the Union, upon receipt of such a request, shall summon a special meeting of the General Council within two (2) weeks to make a decision on whether such a Conference should be summoned.
- (v) The General Council, upon the granting of such a request, shall determine the date upon which the Conference should be held, provided at all times that (i) and (ii) above are adhered to.
- (vi) One hundred ordinary members of the Union may request the General Council in writing to call a Special Delegates' Conference to discuss any business, the nature of which must be stated. The General Secretary, upon receipt of such a request shall summon a special meeting of the General Council and following the procedure outlined in (iv) and (v) above, fix the date of the Conference which shall be no later than fourteen (14) days after the date of the General Council meeting.

## **2(f) General Council**

The President shall preside over General Council meetings.

The General Council, which consists of the General Officers of the Union, Chairmen and Secretaries of the respective Divisions, is empowered to make policy decision for the direction of the activities of the Union as a whole within the bounds of the Constitution. The General Council is also responsible for the day to day organization and management of the affairs of the Union.

The General Council may co-opt persons to advise or serve in a special capacity, but such persons whether members or not, shall have no vote in General Council decisions. The Committee shall be responsible for its own procedure in accordance with Robert's Rules of Order.

The General Council shall set up Ad-hoc and Standing Committees as required. All Committees appointed shall be responsible to the General Council. For the avoidance of doubt the following Committees shall also be deemed Standing Committees in accordance with Roberts Rules of Order: -

- (1) Social Activities
- (2) Education
- (3) Building
- (4) Bar
- (5) Public Relations
- (6) Finance
- (7) Benefits Committee
- (8) Future Leaders
- (9) Women's Committee
- (10) Election Committee (The General Council shall set regulations and guidelines for the operation of this Committee.)
- (11) Disciplinary Committee
- (12) Appeals Committee

*(A) Disciplinary Committee*

The General Council shall set up a Disciplinary Committee. The Committee shall be chosen from the members to deal with all matters of conduct prescribed by this Constitution.

The Committee shall be responsible to the General Council for investigating any alleged infringements by Union members.

On recommendation of the Disciplinary Committee the General Council shall, after due process, have the power to censure, fine, suspend or expel from membership any member who is guilty of any form of misconduct:

- (i) Wrongfully obtaining possession of, or refusing to give up, when in his possession, any books, keys, papers or other documents or effects belonging to the Union or any Division thereof.
- (ii) Refusing or failing to comply with the Constitution, policy document, bye-laws or other regulations authorised by this Constitution.
- (iii) Failing to pay any contribution, subscription, levy or fee due the Union, or any fine imposed by the Union.
- (iv) Generally acting in any way contrary to the interest of the Union.

- (v) Making any fraudulent claim upon the Union, or receiving benefits from or on behalf of the Union when not entitled thereto.
- (vi) Misappropriation or wrongfully converting or withholding or misapplying any money/property of the Union.
- (vii) Tampering with, falsifying or otherwise misusing any books or other documents of the Union.

The Committee, based on its findings, may make such recommendations as they deem fit.

Notwithstanding any such suspension or fine the Union may lawfully take any other steps in respect of any such misconduct.

*(B) Election and Nomination Committees*

There will be an Election Committee, the members of which will appoint a Nomination Committee. Members who serve on the General Council, the Executive Committee or the Election Committee shall not be eligible to serve on the Nomination Committee.

*(C) Appeals Committee*

The Appeals Committee shall hear all appeals. Members who serve on the General Council, the Executive Committee or the Election Committee shall not be eligible to serve on the Appeals Committee.

**2(g) Executive Committee**

The Executive Committee, which is responsible to the General Council, is also charged with the administration of the Union between meetings of the General Council.

The Executive Committee shall comprise the President, First Vice-President, Second Vice-President, Third Vice-President, Treasurer, Recording Secretary, Assistant Recording Secretary and General Secretary.

**2(h) Divisional Councils**

Divisional Councils shall be formed by the election of not less than five or no more than twenty members from within each Division. Councils may be enlarged with the consent of General Council.

Divisional Councils shall consist of not more than twenty members elected by each Division. They shall have the power to make decisions (within the bounds of the Constitution) on behalf of the members of their Division, to call meetings of their membership, and shall be required to maintain close liaison with them. Divisional Councils shall have representation on General Council as prescribed in Article V 2(f).

Each candidate shall be nominated by two members of his own electoral group within his Division. Divisional Councils will be elected every three years. Such election to be held the year before the election of Executive Officers. This shall not prevent the interim election of a member of Council to replace one who is no longer able or willing to serve, or the replacement by Council of a Chairman or Vice-Chairman. Any such interim election will be for the remaining period of the serving Council. If a new Division is formed such Council will also serve for the remaining period until the election year.

A Vice President of the Union shall be specifically appointed by the President to supervise the organization of all members within the Divisions or Departments concerned (Article XIV), with twenty members or less to each Shop Steward. Such organization shall be either by Department or by agreed subdivision of Departments into electoral groups, or by both methods if the size of a Department within a Division shall be entitled to nominate and elect at least one Shop Steward. Should more than one candidate be nominated for Council membership in an electoral group or small Department, elections shall be held by secret ballot within the electoral group or Department concerned. The Department grouping within a Division for Council election purposes shall be communicated to and formally recognized by the General Council.

Any internal Division re-organization found necessary at any time, including consideration of a member's complaint of inadequate representation in his Divisional Council, will be discussed with the Vice-President concerned with that Division's organization. When a Divisional Council has been duly formed, they shall elect a Chairman, Vice-Chairman, Secretary and Assistant Secretary who may act as Alternates to the Chairman and Secretary at meetings of General Council. Chairmen, Vice-Chairmen, Secretaries and Assistant Secretaries shall be eligible for re-election provided that they are elected to the relevant Council at the triennial Council elections.

When a Chairman is elected, the electoral group who elected him to Council may nominate and elect a replacement provided that, in the event of a Chairman ceasing to act, his electoral group may decide, by secret ballot if necessary, who shall continue to represent them.

Prior to action being taken by a Division in accordance with an Agreement with the employer or entering into dispute, the General Council shall be informed of the specific grievance that has arisen in order that every effort may be made to achieve a satisfactory settlement. Joint Divisional Council meetings may be held if the objects of the Union are furthered thereby.

No Division shall be committed to industrial action without the agreement of its Divisional Membership and in accordance with Section 16 (a) (vii) of the Trade Union Act, 1965.

Prior to a Triennial Delegates' Conference all Divisions shall hold a meeting in the month of December or January to consider motions, and any other business for discussion.

Divisional Council elections shall be held the year before the election of Executive Officers in the months of December and January, and the results of their elections shall be forwarded to the General Secretary. All newly elected Councils shall take office as of the first General Council meeting in the month of February. Divisional Councils must be represented at seventy-five percent of General Council meetings in order to receive annual remuneration.

Voting at Divisional Membership or Council meetings on all matters shall be by ballot, by show of hands, or by acclaim if there is no contest, unless the majority of members decide otherwise. The election of Delegates and Divisional Officers however shall be by secret ballot.

#### **ARTICLE VI - Audit**

An independent Auditor shall be appointed by the Union to verify the accuracy of the income and expenditure account and statement of assets and liabilities drawn up by the Treasurer for presentation to the General Council/Triennial Delegates' Conference. He shall also render a general audited statement of the finances of the Union for the previous year for presentation to the Registrar General.

#### **ARTICLE VII – Inspection of Records**

Subject to the laws of Bermuda, records of membership and books of account shall be private, and not open to inspection by members of the public. They may be inspected by a member of the Union provided that he gives three (3) days notice to the Secretariat of his intention. No records or books of account shall be removed from the office.

#### **ARTICLE VIII – Ruling**

- (i) The President, in consultation with the General Secretary, shall have the power to call a Special General Membership Meeting on any matter on which the Constitution is silent.
- (ii) Roberts Rules of Order newly revised, shall be the guide in all cases where they are applicable and in which they are not inconsistent with the Constitution or with any legally adopted special rules.

### **ARTICLE IX - Meetings**

All formal meetings established by the Constitution and/or the General Council shall be private. Any person, whether a member or not, may be invited to attend for a special purpose. He may be allowed to speak, but no person other than a bona fide member of that meeting may vote.

Voting at meetings on all matters shall be by show of hands unless the majority of members present decide otherwise, except in an election since the legal requirement is that voting in elections shall be by secret ballot.

### **ARTICLE X - Publicity**

The President and the General Secretary, in consultation with the General Council or the Executive Committee, shall decide what information, public or otherwise, shall be given to persons who are not members about meetings of members or the affairs of the Union.

### **ARTICLE XI - Conduct**

Should the conduct of any member be considered by another member to be harmful to the Union, the General Council when so informed shall examine the matter as prescribed in Article V 2(f) and express an opinion in writing to the member concerned on its finding which may, if the General Council sees fit, be circulated to the members.

The General Council may fine any member who has been found guilty of conduct prejudicial to the interest of the Union, a minimum of \$100 for each offence, or may suspend such member from the Union. A vote by not less than two-thirds of the members of the General Council assembled shall be sufficient to fine or to suspend any member of the Union.

A member fined or suspended under the above paragraph or Article V 2(f) (A) Disciplinary Committee shall have the right to appeal against the decision of the General Council to an Appeals Committee, a Delegates' Conference or Special Delegates' Conference whose decision shall be final and binding.

Any member who is three months in arrears of subscriptions shall be deemed an un-financial member, and shall forfeit all rights and privileges of membership.

### **ARTICLE XII – Amendments to the Constitution**

The Constitution may be amended or revoked by a two-thirds majority of the Delegates present at a Triennial or Special Delegates' Conference.

### **ARTICLE XIII - Executive Officers**

1.
  - (a) The Executive Officers of the Union shall consist of President, First Vice-President, Second Vice-President, Third Vice-President, Treasurer, Recording Secretary, Assistant Recording Secretary and General Secretary.
  - (b) The General Secretary shall be a paid full time officer of the Union, appointed by the General Council on such terms and conditions they consider fit. The General Secretary shall be charged with the day-to-day running of the affairs of the Union and shall be designated Chief Executive Officer.
  - (c) Paid full-time members of the Secretariat staff cannot hold office as an Executive Officer, with the exception of the General Secretary who sits as an Ex-Officio member of all committees.
  
2.
  - (a)
    - (i) All Executive Officers, other than the General Secretary, shall be elected by secret ballot at a Triennial General Election to be held the first Thursday in February when all members shall have the right to cast their ballots.
    - (ii) Election of all Executive Officers, other than the General Secretary, shall be held at a place designated by the General Council. The date shall be prior to the Triennial Delegates' Conference. The elected Officers shall only assume office after their installation at the Triennial Delegates' Conference and hold office until the next Triennial Delegates' Conference. Any Executive Officer may offer himself for re-election in the same or other office.
    - (iii) Prior to a Triennial Delegates' Conference, nominations for the election of Executive Officers shall be accepted on the second Thursday during the month of November. Nomination forms will be available from the Secretariat on the first business day in November and handed to the Nomination Committee on the second business Thursday in November, before the end of the business day. Nominees must be proposed and seconded.
    - (iv) Apart from removal in the manner specified in paragraph 3 below, should an Executive Officer for any cause, be unable or unwilling to continue to serve in his office, a vacancy of office shall be declared.
    - (v) Should a vacancy exist on the Executive Committee, greater than six (6) months prior to a Triennial Delegates' Conference, the

General Council shall declare a nomination and General Election date. The successful candidate shall be sworn-in immediately following the tally of the results and shall hold office until the next Triennial General Election. Nomination and Election rules shall apply.

3. In the event that it appears necessary to a member that an Executive Officer should cease to hold office by reason of dereliction of duty, or action bringing the Union into disrepute, he may, in writing, inform the General Council of his intentions to raise the matter by motion, duly seconded, at the next General Membership Meeting, or if it is a Conference year such matter shall be forwarded to the next Triennial Delegates' Conference. On receiving notice of such intention, the General Council shall examine the matter in accordance with Article XI and forward their observations to a General Membership Meeting or Special Delegates' Conference convened for the purpose, who after due consideration shall recommend disciplinary action, including expulsion, if such officer is found guilty as charged. In either case, a majority of not less than two-thirds of members present and voting by secret ballot shall be necessary for notice of dismissal from office to take effect.
4. In the event the seat remains unfilled, or the seat becomes vacant within six (6) months of a Triennial Delegates' Conference, the General Council, by majority vote of a secret ballot, will appoint a member of the General Council to fill such a vacancy until the next Triennial Election in accordance with Roberts Rules of Order.
  - (a) No person who has been convicted of any offence involving fraud or dishonesty or who is an undischarged bankrupt shall within five (5) years of the date of such conviction or until he is discharged, as the case may be, be an officer or a person employed in administering or collecting funds of a trade union and any such officer or person who is convicted or who is an undischarged bankrupt shall forthwith vacate his office or cease to be so employed, as the case may be.

#### **ARTICLE XIV – Duties of Executive Officers**

1. **The President** shall be an elected full-time paid officer and shall act as Chairman at Delegates' Conferences, General Membership Meetings, and meetings of the General Council and Executive Committee provided that taking the Executive Officers as listed in Article XIII 1 (a) in order, the President shall delegate one who is able to be present to take his place in the chair should he be unavoidably absent. Reasonable notice of such delegation should be given to the Secretariat. At any meeting the Chairman has a casting vote, in the case of a tied vote between members present and voting. The President shall appoint a member as the Chairperson of each Standing Committee but should the Chairperson be temporarily unable to act, including the Chairperson of the Finance Committee, the President or the Officer delegated to act for him may designate an Officer to act as Chairperson for the time being. The President shall act as Ex-Officio on all committees.

**The Vice Presidents** shall have a key role in the handling of grievances filed by members of the Union. In consultation with the General Secretary, the President may assign other duties to the Vice Presidents, specifically among others the supervision of the internal organization of divisions. The Vice Presidents will provide assistance to division chairs in handling of grievances.

**The General Secretary** is the **Chief Executive Officer** of the Union and shall be responsible for the day-to-day running of the Union. He shall be an Ex-Officio member of all committees and shall attend, in particular, the Triennial Delegates' Conference, General Council and Executive Committee meetings. He shall conduct the Union's business in accordance with general union practices, this Constitution, and the Trade Union Act 1965, and shall carry out the decisions and mandates of the Triennial Delegates' Conference.

The General Secretary, in consultation with the General Council, shall employ such staff as is deemed fit to execute the work of the Union and is provided for in the Union's budget.

The General Secretary may, from time to time, seek policy guidance from the General Council and will keep members of the Executive Committee currently informed about the Union's operations.

The General Secretary shall decide, in consultation with the President, what information, public or otherwise, shall be given to persons who are not members about meetings of members or the affairs of the Union.

**The Treasurer** shall be responsible to the Union for the proper control of accounts and the recording of receipts and expenditure. He shall prepare a budget for consideration and determination by the General Council. He shall prepare and present a quarterly financial statement to the General Council and shall advise on any proposal for extra expenditure. The Treasurer shall act as Ex-Officio on all committees, except for General Council and the Executive Committee.

The Treasurer shall operate in accordance with Article III Finances and/or the Bye-Laws to this Constitution.

**The Recording Secretary** shall be responsible for the keeping of minutes or records of Delegates' Conferences, General Membership Meetings, General Council Meetings, and meetings of the Executive Committee and shall ensure that such records are available when required.

**The Assistant Recording Secretary** shall assist the Recording Secretary in his duties.

2. **All Chairpersons, Secretaries, Vice Chairpersons and Assistant Secretaries** of Divisions shall be General Officers of the Union while they hold such office and have equal rights with Executive Officers in the business affairs of the General Council of which they are, *ipso facto*, members. General Council members shall not be Delegates at Delegates' Conferences.

The Chairperson shall not vote at a meeting, except in the case of a tied vote between members present and voting.

#### **ARTICLE XV – Remuneration and Pensions for Officers and Staff**

- (a) Honoraria to the Officers and Trustees of the Union may be provided annually from the funds of the Union, and the quantum of the Honoraria shall be fixed by the General Council of the Union.
- (b) Any Member whose duties involve financial responsibility shall provide such security as the General Council may require.
- (c) The General Council of the Union, in consultation with the General Secretary, shall have the right to employ such staff as they deem fit to execute the work of the Union, and shall fix such salaries and benefits as are considered remunerative.
- (d) The General Council shall determine the level of any pension plan payable to Staff on their retirement from the service of the Union.

#### **ARTICLE XVI – Quorum**

If the specific quorum required for any Union meeting, including Committee meetings, is not reached within thirty (30) minutes of the arranged time of meeting, except in the case of Special or Emergency General Meetings, the meeting shall be adjourned, and the matters on the agenda referred to the next meeting of the same description to be convened.

All dues paying Chairmen shall form part of a quorum at all meetings.

#### **General Meeting**

The quorum for any General Meeting shall be fifty (50) members. Should a quorum fail to materialize within thirty (30) minutes of the advertised time of the meeting, the meeting shall be adjourned. In the case of a Special or Emergency Meeting, the meeting shall be cancelled, and notices of motion or agenda for such meeting shall be considered null and void.

### **Delegates' Conference**

Delegates representative of fifty per cent of the Divisions of the Union and not less than fifty percent of the maximum entitled delegates shall constitute a quorum.

### **General Council Meeting**

The quorum for General Council Meetings shall be twelve (12) persons. For effective decisions, not less than a minimum of six Divisions shall be present, consisting of Chairmen or Secretaries of Divisions or their alternates.

### **Executive Committee Meeting**

The quorum for Executive Committee Meetings shall be a simple majority.

### **Divisional Meeting**

The quorum for any Divisional Meeting shall be ten (10) persons.

### **Trustees Committee Meeting**

The quorum for Trustee Committee meetings shall be three (3) Trustees.

## **ARTICLE XVII – Chain of Authority**

The entire membership of the Union shall be expected to carry out all decisions of the Union arrived at through the duly constituted chain of authority, provided that:

- (a) The Executive Committee shall have the power to reverse or modify a decision made by the General Secretary or President; and
- (b) The Trustee Committee shall have the power to reverse or modify a decision of the Executive Committee where it relates to fiscal matters; and
- (c) The General Council shall have the power to reverse or modify a decision of the Executive Committee; and
- (d) The Delegates' Conference shall have the power to reverse or modify a decision of the General Council; and

- (e) The Membership, by ballot referendum, through the divisions shall have the power to reverse or modify all decisions of the Union.
- (f) Provided that in the case of (a), (b), (c), and (d), a two-third majority of those persons who are eligible to vote, support the resolve by ballot and, where special arrangements are considered necessary for the conduct of such a ballot, the General Council shall arrange the same.

### **ARTICLE XVIII - Dissolution**

The Union may be dissolved by resolution passed by the membership duly convened for that purpose provided that no action on such a resolution shall be taken for thirty (30) days. At the time of such resolution the membership shall propose the manner in which liquidation and disposal of assets shall take place.

### **SCHEDULE I**

- (a) Members shall pay a monthly subscription as prescribed by the membership on recommendation of Delegates' Conference.
- (b) Associate members shall pay an annual subscription as set by Delegates' Conference from time to time.

### **SCHEDULE II**

To further the activities of the Union and facilitate intercommunication, the Union is divided into divisions as created by the General Council.

Revised: February 2015