

# REPORT OF THE CONSTITUTION COMMITTEE

## Report submitted by

Tracy Zambory, SUN — Chair

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# NO BACKING DOWN.

CFNU/2021



## Report of the Constitution Committee

to the Canadian Federation of Nurses Unions

20<sup>th</sup> Biennial Convention

June 8-9, 2021

Constitution Committee Members:

**Tracy Zambory**, Saskatchewan Union of Nurses – Chair

**Yvette Coffey**, Registered Nurses' Union Newfoundland and Labrador

**Darlene Jackson**, Manitoba Nurses Union

**Cathryn Hoy**, Ontario Nurses' Association

**Linda Silas**, Canadian Federation of Nurses Unions – ex officio

The Constitution Committee met as required to carry out the work assigned to this Committee and to provide interpretation of the Constitution. In preparation for this Convention, the Committee met in February 2021 to review the Constitution and is recommending the following changes.

The Committee will be submitting  
**six (6) proposed amendments**,  
including the rationale for change to the 2021 Biennial Convention  
Assembly for consideration.

Amendments to the Constitution require  
a two-thirds (2/3) vote to carry.

These amendments are included for consideration at this Convention.

CURRENT LANGUAGE	PROPOSED CHANGE	RATIONALE
<b>3.01</b> The Federation office shall be in Ottawa.	...Ottawa – <b>the traditional unceded territory of the Algonquin Anishnaabeg People.</b>	We are including a land acknowledgement as an expression of gratitude to the First Nations, Inuit or Métis whose land we are on. In so doing, we acknowledge our role in historical injustices and offer it as a gesture of reconciliation.
New language	<b>5.07</b> The Federation shall promote, both within society and our workplaces, an environment free of violence, harassment, bullying and any form of racism.	The CFNU is committed to eliminating violence in the workplace in all of its form.
New language	<b>7.01 D)</b> Where due to unforeseen events, the NEB can modify the notice to convention.	In exceptional cases, and with a decision of the National Executive Board, it should be possible to modify the notice period in a way that is in keeping with the spirit of the existing article.
New language	<b>8.02</b> Add “Officer from CNSA as a non-voting member” to list.	CNSA added to CFNU Constitution as Associate Member Organization in 2007. Following current practice.
<b>8.03 (4)</b> Meet at least twice a year in a face-to-face meeting. When not in session, the National Executive Board shall meet by letter, telephone, e-mail or any form of telegraphic communication, ...	<b>8.03 (4)</b> Meet at least twice a year in a face-to-face meeting, <b>unless unforeseen situations makes it impossible.</b> When not in session, the National Executive Board shall meet by letter, telephone, e-mail or <b>virtually</b> , ...	2020/2021 has taught us that unforeseen circumstances can present themselves, and that the NEB can meet its governance obligations, in an extraordinary circumstance, through virtual means.
<b>9.02 2)</b> all relevant biographical information.	<b>9.02 2)</b> all relevant biographical, <b>which must include being in an elected position of CFNU Member Organizations’ Executive Committee or Board for one term.</b>	The roles of national President and Secretary-Treasurer are demanding positions at the national level. A minimum of one term in an elected board position would be important to ensure that the elected leadership comes to the CFNU with adequate experience to perform the positions.



**Canadian Federation of Nurses Unions**

## **CONSTITUTION**

**as amended at 2019 Convention**

**Founded May 01, 1981**

### **ARTICLE 1 - NAME**

- 1.01 This Organization shall be known as the CANADIAN FEDERATION OF NURSES UNIONS, hereinafter referred to as the "Federation".

### **ARTICLE 2 - DEFINITIONS**

- 2.01 In the interpretation of the constitution, a gender-neutral language will be utilized, and singular shall include the plural and vice versa as applicable.
- 2.02 **Member Organizations** - means a bargaining agent or representative body with respect to collective bargaining that is a member of the Federation.
- 2.03 **Associate Member Organization** - means a national representative body of nursing students and may speak to, but may not move or vote on business of the Federation.
- 2.04 **The Board** - means the National Executive Board.
- 2.05 **President** - means the President of the Federation.
- 2.06 **National Officer** - means a member of the National Executive Board.

- 2.07 **Constitution** - means the Constitution of the Federation, unless otherwise specified.
- 2.08 **Voting Delegate** - means a member selected by a Member Organization, who is registered as a delegate on behalf of their respective Organization at a Convention of the Federation and who has the right to speak to and vote on business of the Federation.
- 2.09 **Invited Guest** - means any person whom the President or National Executive Board invites to attend all or part of a Convention of the Federation. Invited guests may speak to an issue with the consent of two-thirds of the voting delegates.

### **ARTICLE 3 - HEADQUARTERS**

- 3.01 The Federation office shall be in Ottawa.

### **ARTICLE 4 - OBJECTIVES**

The Federation shall be the national voice for unionized nurses – its objectives are to:

- 4.01 Promote nurses' labour issues within the Canadian Labour Congress (CLC).
- 4.02 Advance the social, economic and general welfare of its members.
- 4.03 Preserve free democratic unionism and collective bargaining in Canada.
- 4.04 Promote unity within the nursing unions and other allied health fields through co-operation with and support of other organizations sharing these objectives.
- 4.05 Provide its members with a national forum for the purpose of promoting desirable legislation on matters of national significance, which affect its Member Organizations and all living in Canada.
- 4.06 Promote educational goals; disseminate information on labour legislation and labour strategies among Member Organizations.
- 4.07 Promote the highest standards of health care throughout Canada.
- 4.08 Be advocates for social justice, equity and inclusion and Health in All Policies (HiAP).

### **ARTICLE 5 - PRINCIPLES AND STANDARDS OF CONDUCT**

In working towards the foregoing general objectives, the Federation shall adhere to the following principles and standards of conduct:

- 5.01 It shall give full recognition to the autonomy of its Member Organizations. All powers, other than those delegated to the Federation, shall remain with the Member Organizations whose fundamental autonomy and freedom shall be maintained by the Federation as a first principle.
- 5.02 Notwithstanding Article 5.01, the CFNU shall be the national affiliating body to the CLC, and all Member Organizations shall become members of the CLC.

- 5.03 It shall speak for and represent its Member Organizations on national matters of its members. In the situation where a Member Organization is specifically involved in such matters, such Organizations will be consulted before a statement is made.
- 5.04 It shall provide to its members a forum to seek assistance for research, legislative, public relations, educational and any other collective bargaining support.
- 5.05 It shall be non-partisan and non-sectarian.
- 5.06 The Federation shall conduct its affairs in both official languages and in the most efficient and expedient manner.

#### **ARTICLE 6 - MEMBERSHIP**

- 6.01 All bona fide members of a Member Organization or Associate Member Organization shall hold membership in the Federation through their Organization.
- 6.02 The Federation, by two-thirds (2/3) majority of the Board, may accept additional nursing Organizations as Member Organizations or Associate Member Organizations.  
  
Applications shall be supported by evidence that such is the wish of the applicant's members.
- 6.03 Membership Certificates shall be issued to all Member Organizations or Associate Member Organizations.
- 6.04 A Member Organization or Associate Member Organization may withdraw from the Federation subject to written notice of twelve (12) months being given to the Federation, supported by evidence that such is the decision of its membership.
- 6.05 A Member Organization or Associate Member Organization that has withdrawn from the Federation in the manner described above may make written application for re-admission to the Federation through the Board.

#### **ARTICLE 7 - CONVENTIONS**

- 7.01
  - A) The Biennial Convention of the Federation shall be held every two (2) years.
  - B) The Convention shall be the supreme governing body of the Federation. The time and place of the Biennial Convention shall be determined by the Board.
  - C) Notice of the time and place of the Convention shall be circulated to all Member Organizations and Associate Member Organizations of the Federation one hundred and eighty (180) days prior to the commencement of the Convention.
- 7.02 Organizations in possession of a valid membership as a Member Organization with the Federation shall be entitled to representation at Federation Conventions by voting delegates selected by their respective Organizations.

All delegates to Conventions must be members of the Organizations they represent. Each Member Organization may cast its full number of votes provided that it has at least one (1) voting delegate present at the Convention.

- 7.03 A Special Convention of the Federation may be called at the written request, with signatures, of at least fifty per cent (50%) plus one (1) of the Board and/or ten per cent (10%) of the Federation membership. All expenses for meeting facilities arising out of the Special Convention will be borne equally by the member organizations.
- 7.04 Each Member Organization of the Federation shall be entitled to three (3) votes for the first five hundred (500) or less persons on whose behalf the Member Organization remits membership dues, and one (1) additional vote for each additional five hundred (500) or major fraction thereof of persons on whose behalf the Member Organization remits membership dues.
- 7.05 The President, Secretary-Treasurer and National Officers shall have full status as a voting delegate at Conventions by virtue of Office and shall each hold one (1) vote.
- A) Members of a Member Organization, who are not voting delegates, may attend a Convention of the Federation on behalf of their respective Organization and may speak to, but may not move or vote on business of the Federation.
- B) Staff of the CFNU Member Organizations and guests may attend a convention of the Federation, and may speak with the consent of two-thirds (2/3) of the voting delegates. Staff and guests may not move or vote on the business of the Federation.
- C) Members of Associate Member Organizations may attend a Convention of the Federation on behalf of their respective Organization and may speak to, but may not move or vote on business of the Federation.
- 7.06 Member Organizations shall bear the expenses of their own voting delegates and non-voting members and staff.
- 7.07 The President and Secretary-Treasurer's expenses re attendance at Conventions shall be borne by the Federation.
- 7.08 A) Resolutions to the Federation may be submitted by any member of the Federation. Resolutions must be received at the Federation Office at least ninety (90) days before the opening date of the Convention. Resolutions shall be circulated to all Member Organizations at least forty-five (45) days prior to the commencement of the Convention.
- B) Emergent resolutions will be accepted at the Convention up to the deadline established on the agenda.
- 7.09 Any Member Organization which is in arrears to the Federation for membership dues shall not be entitled to recognition or representation at the Convention.
- 7.10 Any Organization which has not applied for and obtained a Membership Certificate at least one (1) month prior to the Convention shall not be allowed representation.



- 7.11 Quorum is constituted by a majority of the Member Organizations and a majority of the votes.
- 7.12 Unless otherwise specified in this Constitution, a majority of votes shall be sufficient to pass resolutions or make decisions for the Convention.
- 7.13 The Rules of Order of business governing Convention shall be *ROBERT'S RULES OF ORDER* (Newly Revised).
- 7.14 Equity caucuses shall meet during allotted times over the course of the Biennial Convention. These caucuses shall include: Young Workers, Racialized Workers, LGBTQ2S+ Workers, Workers with Disabilities, Indigenous Workers, and Francophone Workers.
- 7.15 The Human Rights & Equity Council shall meet during the Biennial Convention. This Council will consist of members from the equity caucuses, including those who may identify with more than one equity-seeking group. The Council will report to the Human Rights & Equity Committee of the National Executive Board.

#### **ARTICLE 8 - NATIONAL EXECUTIVE BOARD**

- 8.01 There shall be a National Executive Board which shall be the governing body of the Federation when a Convention is not in session.
- 8.02 The Board shall be comprised of:
  - President
  - Secretary-Treasurer
  - National Officers
- 8.03 The Board shall:
  - (1) Take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the Convention of the Federation and to enforce the provisions contained in this Constitution.
  - (2) Establish such advisory committees as may be deemed appropriate.
  - (3) Be recognized by Member Organizations as the governing body under the terms of the Constitution, except when the Federation is in Convention.
  - (4) Meet at least twice a year in a face-to-face meeting. When not in session, the National Executive Board shall meet by letter, telephone, e-mail or any form of telegraphic communication, on all matters of any nature requiring action by the National Executive Board. Such action so taken by the members of the National Executive Board shall constitute action of the National Executive Board and it shall be reviewed at the next face-to-face meeting and shall be part of the minutes.
  - (5) Meet at the call of the President or at the request of half the members of the National Executive Board, made in writing to the President.



- (6) Initiate action for federal legislation in the interest of the Federation.
  - (7) Reimburse members of the Board for necessary expenses in performing their duties for the Federation in relation to specific duties assigned by the Board.
  - (8) Be authorized to alter membership dues between Conventions, when such an alteration results in a reduction of dues.
- 8.04 Each Member of the Board shall be entitled to one (1) vote at Board meetings, and a quorum for such meetings shall be a majority of the members of the Board and a majority of Member Organizations.
- 8.05 The Board shall, as it considers necessary, cause to have such members of the Board and staff of the Federation to be bonded in such amounts as necessary.
- 8.06 The standing committees of the National Executive Board shall be:
- 1. Finance/Human Resources Committee
  - 2. Nominations Committee
  - 3. Constitution Committee
  - 4. Resolutions Committee
  - 5. International Solidarity Fund Committee
  - 6. Human Rights and Equity Committee

Representatives on these committees shall be appointed following the CFNU Biennium from the members of the National Executive Board. The National Executive Board may also appoint ex-officio members to serve on these standing committees.

## **ARTICLE 9 – ELECTIONS**

- 9.01 The President and Secretary-Treasurer shall be elected at each regular Convention. Nominations for the position of President and Secretary-Treasurer must be received in writing by the Federation, showing the mover and seconder of the nominations, at least ninety (90) days prior to the commencement of the Convention, and the Ticket of Nominations shall be circulated to all Member Organizations at least forty-five (45) days prior to the commencement of the Convention.
- 9.02 The Nominee for the position of President and Secretary-Treasurer of the Board shall be responsible for submitting within the timelines outlined in 9.01:
- 1) a signed nomination form
  - 2) all relevant biographical information.
- 9.03 The Nominations committee shall be responsible for conducting the election process.

- 9.04 Nominations from the floor will be accepted at the Biennium only if there has been no nomination to the position of President or Secretary-Treasurer in accordance with Article 9.01.
- 9.05 Each Member Organization with a membership under twelve thousand (12,000) members shall be entitled to have one (1) member as a National Officer on the Board; each Member Organization with a membership over twelve thousand (12,000) members shall be entitled to have two (2) National Officers on the Board. The National Officers shall be selected by, and at the discretion of, their respective Member Organizations.
- 9.06 The election of the President and Secretary-Treasurer of the Federation shall be by secret ballot. A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain such a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the presiding officer may cast the deciding vote.
- 9.07 The terms of office of elected officers of the Federation shall commence at the adjournment of the Convention at which they were elected.
- 9.08 The Member Organizations shall be responsible for notifying the Federation of the name of their National Officer(s).
- 9.09 In the event of a vacancy or a leave of absence of less than one year, in the office of the President, the Secretary-Treasurer shall perform the duties of the President for the unexpired term or leave of absence.
- Should the Secretary-Treasurer be unable to act as President, the Secretary-Treasurer shall, within fifteen (15) days of becoming aware of the vacancy or the leave of absence, call a meeting of the Board upon ten (10) days notice, for the purpose of filling the vacancy or the leave of absence from among the members of the Board.
- In the event of a vacancy or leave of absence of one year or more, the unexpired term or leave of absence shall be filled in a manner determined by the Board.
- 9.10 In the event of a vacancy or a leave of absence in the office of the Secretary-Treasurer, the National Officer(s) on the Finance Committee shall perform the duties of the Secretary-Treasurer for the unexpired term or the leave of absence. Should the National Officer(s) be unable to act as Secretary-Treasurer, the President shall, within fifteen (15) days of becoming aware of the vacancy or the leave of absence, call a meeting of the Board upon ten (10) days notice, for the purpose of filling the vacancy or the leave of absence from among the members of the Board.
- 9.11 A vacancy occurring in the position of National Officer of the Board shall be filled for the unexpired term by the Member Organization.
- 9.12 The Board shall, by virtue of office, hold title to the real estate of the Federation as trustees for the Federation. They shall have no right to sell, convey or encumber any real estate without approval of a Convention.

9.13 The number of terms an elected member of the Federation may serve shall not be limited.

#### **ARTICLE 10 – DUTIES OF THE PRESIDENT**

The President shall:

- 10.01 Be the head of the Federation. Be accountable for the affairs of the Federation, sign all official documents and preside at all Conventions and meetings of the Board.
- 10.02 Be the official spokesperson of the Federation.
- 10.03 Be the Federation representative to the CLC Executive Committee and Canadian Council.
- 10.04 Be responsible for overall management and direction of the Federation employees therein.
- 10.05 Report about the administration of the office and on the affairs of the Federation to the Convention through the report of the Board.

#### **ARTICLE 11 - DUTIES OF SECRETARY-TREASURER**

The Secretary-Treasurer shall:

- 11.01 Carry out the duties as assigned by the President and act in lieu of the President in President's absence.
- 11.02 Assist the President in the preparation and facilitation of the National Executive Board meetings.
- 11.03 Be the chief financial officer of the Federation and cause to be kept the books, documents, files and effects of the Federation, which shall, at all times, be subject to inspection by the Board.
- 11.04 Be responsible for the preparation of a financial report of the Federation for each meeting of the Board.
- 11.05 Have the books of the Federation audited and an audited financial statement prepared December 31 of each year. Such audited financial statements shall be furnished to the Board and the Convention.
- 11.06 Report about the administration of the office of the Secretary-Treasurer to the Convention.
- 11.07 Be empowered to require Member Organizations to provide statistical data in their possession, relating to the number of persons paying dues to the Member Organization.
- 11.08 Be the second CFNU officer to the CLC Canadian Council.

#### **ARTICLE 12 - DUTIES OF NATIONAL OFFICERS**

The National Officer shall:

- 12.01 Be a bona fide member of a Member Organization.

- 12.02 Be charged with the responsibility of representing the interests of the Federation and shall assist in establishing and maintaining communication between the Federation and the Member Organizations.
- 12.03 Aid in the duties of the President as the head of the Federation and act on the President's behalf when requested to do so. Each National Officer shall administer the delegated responsibilities assigned by the President.
- 12.04 Have voting rights at NEB meetings and during conventions and/or special meetings.

#### **ARTICLE 13 - REVENUE AND FINANCIAL CONTROL**

- 13.01 The revenue of the Federation shall be derived from membership dues as determined at the Convention or as per Article 8.03 (8). Such dues shall be payable by Member Organizations on the full dues paying membership of each Organization.
- 13.02 Each Member Organization shall forward to the Federation before the last day of each month the membership dues payable for that month.
- 13.03 Any Member Organization which does not pay its membership dues as specified in sub-section 13.01 of this Article shall be notified of that fact by the Secretary-Treasurer. Any Member Organization three (3) months in arrears in payment of membership dues may become suspended from membership in the Federation and can be reinstated only after arrears are paid in full.
- 13.04 The fiscal year of the Federation shall be the calendar year.
- 13.05 The National Executive Board shall appoint a Finance Committee consisting of the President, Secretary-Treasurer and at least one (1) National Officer. The Committee shall perform such functions as the National Executive Board may from time to time direct.

#### **ARTICLE 14 - INTER-ORGANIZATIONAL DISPUTES**

- 14.01 Disputes between Member Organizations shall be addressed in accordance with the policy of the Federation.
- 14.02 Inter-organizational disputes shall be resolved according to the CLC Constitution.
- 14.03 If a Member Organization is found guilty under Article IV, section 3, 4, or 5 of the Canadian Labour Congress Constitution, and does not comply with the umpire's ruling within the timelines identified in the Canadian Labour Congress Constitution, the National Executive Board shall meet and determine appropriate action, which may include discipline under Article 15.

#### **ARTICLE 15 - DISCIPLINE**

- 15.01 Non-compliance with this Constitution, or the Constitution of the Canadian Labour Congress, or action by a Member Organization or Associate Member Organization to the detriment of the objectives and/or activities of the Federation, shall be regarded as grounds for discipline, including fines, suspension or expulsion from the Federation, as determined by the Board.

## **ARTICLE 16 - AMENDMENTS**

- 16.01 The Constitution of the Federation may be amended by the Convention by a two-thirds (2/3) vote. Amendments to the Constitution can be submitted by the Board or by Member Organizations.

Amendments must be submitted to the Federation at least ninety (90) days prior to the opening day of the Convention and must be circulated to all Member Organizations at least forty-five (45) days prior to the commencement of the Convention.

- 16.02 All constitutional amendments shall, unless otherwise specified, take effect immediately after they are adopted.

Updated June 2019

by

The Constitution Committee

Debbie Forward, Chair