



# CONSTITUTIONAL

## Amendments and Resolutions

Biennial Convention 2010

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*Keep Nurses Working: Protect Quality Care*

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# 2010 BIENNIAL CONVENTION

## Constitutional Amendments, Resolutions and New Business Passed

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### CONSTITUTION

**The following take effect immediately:**

**Article 3.09 – Amended to allow flexibility for meeting.**

The Union shall have the right to levy assessments for special purposes upon its members, provided that any such assessment must first be approved at a **Biennial Convention or** special meeting of the Union called for that purpose.

**Article 4.09 – Reflects present practice.**

When two (2) or more employers combine to become one (1) employer, **the Board will consider if it is appropriate to combine** all Chartered Local Associations and Bargaining Units within that employer group into one (1) Chartered Local Association and one (1) Bargaining Unit.

In such cases, the Board of Directors shall give such directions as it deems fit to facilitate the merger.

**Article 4.19 – Reflects present practice.**

The affairs of the Board of Directors shall be divided into specific portfolios, which will include but are not limited to:

- (1) Communications/**Government Relations and Student Liaison.**
- (2) Political Activity and Professional Issues.
- (3) Human Rights/Equity.
- (4) **Local Finance.**
- (5) Occupational Health and Safety.
- (6) Labour Relations.
- (7) Education.

**Article 4.20 – Amended to reflect Article 4.19 above.**

The portfolio of Communications/**Government Relations and Student Liaison** shall be held by the President and the portfolio of Political Activity and Professional Issues shall be held by the First Vice-President.

**Article 4.27 – Reflects present practice.**

The Board of Directors shall be responsible for the formulation and development of the general collective bargaining objectives of the Union and **the dissemination of the priorities and objectives to the members.**

**Article 4.33 – Reflects present practice.**

The time and place of meetings of the Board of Directors shall be determined by the President, provided that any meeting requested by no fewer than three (3) members of the Board of Directors pursuant to the provisions of Article 4.32 shall be held within thirty (30) days of the receipt by the President of such request. Every Director shall be given at least fourteen (14) days notice of such

meetings, the notice to be in writing and to be sent by pre-paid regular mail, facsimile transmission, e-mail or hand delivery. Such notice shall be deemed to have been received: in the case of regular mail on the seventh (7th) day after the date on which it was mailed; in the case of facsimile transmission or e-mail at the time of transmission; and in the case of hand delivery at the actual time of delivery. If regular mail service is not in operation, notice of such meeting shall be given by telephone or any expedient method of communication to be followed by a written notice when mail service resumes, if applicable.

**Article 6.17 – Reflects present practice.**

Every Chartered Local Association shall be given at least twenty (20) days notice of a special meeting, the notice to be in writing and to be sent by either pre-paid regular mail, facsimile transmission, e-mail or hand delivery to the Local Coordinator and Secretary of each Chartered Local Association. Such notice shall be deemed to have been received: in the case of regular mail on the seventh (7th) day after the date on which it was mailed; in the case of facsimile transmission or e-mail at the time of transmission; and in the case of hand delivery at the actual time of delivery. The Local Coordinator and Secretary of each Chartered Local Association shall make every effort to inform the members of the Chartered Local Association of the special meeting. If regular mail service is not in operation, notice of such meeting shall be given by telephone or any expedient method of communication, to be followed by a written notice when mail service resumes, if applicable.

**Article 6.21 – Reflects present practice.**

Every Chartered Local Association shall be given at least twenty (20) days notice of sector and joint sector meetings, or such lesser notice period as the Board of Directors may specify in its vote or request for the meeting. The notice shall be in writing and shall be sent by either pre-paid regular mail, facsimile transmission, e-mail or hand delivery to the Local Coordinator and Secretary of each Chartered Local Association. Such notice shall be deemed to have been received: in the case of regular mail on the seventh (7th) day after the date on which it was mailed; in the case of facsimile or e-mail transmission at the time of transmission; and in the case of hand delivery at the actual time of delivery.

If regular mail service is not in operation, notice of such meeting shall be given by telephone or any expedient method of communication, to be followed by a written notice when mail service resumes, if applicable.

**Article 7.04 – Reflects present practice.**

- (a) Remains unchanged.
- (b)
  - i) A member running for Vice-President can only be a candidate in a region in which they are currently employed.
  - (b) Becomes new
    - ii) Each nomination for Vice-President submitted shall be on a proper nomination form bearing the signatures of five (5) members of the region for which the member is a candidate and the consent in writing of the nominee stating that the member will accept office if elected.

**Article 7.05 – Clarifies the specific time deadline.**

Nominations shall be accepted by the Chief Executive Officer until 1600 hrs on the sixtieth (60th) day before the election date, or first day of the election period, if applicable.

**Article 9.02 (k) – Now includes the *Occupational Health and Safety Act*.**

Wilfully engaging in acts of harassment and/or discrimination as defined under the *Human Rights Code* or *Occupational Health and Safety Act*.

**By-Law II – Local Executive Committee – Amended to provide Local Executive accountability for financial monitoring.**

1. The affairs of the Chartered Local Association shall be governed by Local policies voted on by membership at a Chartered Local Association Meeting and administered by a Local Executive Committee.

All members of the Local Executive Committee are responsible for monitoring the financial situation of the Local and ensuring that monies are spent effectively, appropriately and within the scope of Local and Provincial Policies.

The Local Executive Committee shall be composed of the following:

**By-Law III – Duties of Officers – (d) (v) – Reflects accountability of Treasurer; (e) (iv) – Reflects present practice.**

(d) Treasurer

- (v) The Treasurer will provide the monthly financial summary to the Local Coordinator and the Local Executive, including an explanation of the financial status of the Chartered Local Association.

(e) Bargaining Unit President

- (iv) Liaise with the Local Coordinator of the Chartered Local Association, the Provincial Vice-Presidents, President, First Vice-President and Labour Relations Officer.

**ONA STATEMENT OF BELIEFS**

**Diversity and Equity – This paragraph was amended to include “sex and gender identity.”**

Diversity is about acknowledging differences that can impact on the fair and equitable treatment of people. Diversity can include differences in sex, age, race, ethnicity, language, religion and spiritual beliefs, culture, physical or mental ability, socio-economic status, gender identity, sexual orientation, family status and education.

**Discrimination, Harassment, Bullying and Accommodation – This section was amended to include “gender identity,” “bullying,” and “Code and non-Code harassment.”**

The Ontario Nurses’ Association believes that every member has the right to be treated with dignity and respect.

ONA is committed to working toward the elimination of all forms of discrimination and harassment in the workplace and in the Union. This includes discrimination and harassment based on grounds prohibited in the Ontario *Human Rights Code*, which are race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy and gender identity), sexual orientation,

age, record of offences, marital status, family status and disability. ONA will also work to eliminate personal harassment and workplace bullying (*Code and non-Code* harassment). Accommodation may be required when dealing with members' needs related to disability, religion, family status, pregnancy or other grounds in the *Human Rights Code*. ONA is committed to pursuing accommodation in the workplace and providing accommodation at union functions.

To achieve its commitment, ONA will strive to:

- Provide educational programs and communications addressing discrimination, bullying, *Code and non-Code* harassment and accommodation issues.
- Conduct strategic collective bargaining on discrimination, bullying, *Code and non-Code* harassment and accommodation issues.
- Address breaches of members' rights through the grievance and arbitration procedure.
- Advocate for effective workplace policies and complaint investigation procedures.
- Provide policies and procedures for the investigation and resolution of membership complaints.
- Provide support mechanisms for members experiencing discrimination, *bullying and Code and non-Code* harassment.
- Provide a supportive and welcoming environment for members requiring accommodation.
- Provide services, organizational structures, activities and policies concerning human rights and equity issues.

## Housekeeping

### Article 6 – Meetings

**B. Special, Sector and Joint Sector Meetings – Title amended to add a comma after the word “Special.”**

**Article 6.04 – The last sentence in Article 6.04 was moved to Article 6.03 as a new “g.”**

Where the Chief Executive Officer has declared an amendment beyond the power of the Biennial Convention, the reasons for the decision shall also be provided to the Chartered Local Association.

**The following amendments are effective January 1, 2012.**

**The following articles have been amended to provide lifetime ONA membership and specific entitlements when the member meets the eligibility and entitlement criteria:**

**Article 1.2 – This is deleted and captured in the new Article 3.01 (c).**

### Article 3 – Membership

#### A. Eligibility and Entitlement

**Delete current Article 3.01 (c) and add new 3.01 (c).**

The word member and used herein shall mean any person who has signed a membership application form and currently holds membership entitlements.

- i) A member will hold membership entitlements if they are currently employed in an ONA Bargaining Unit and have remitted dues in the previous twelve (12) months.

- ii) A member shall have all the rights, privileges and obligations granted by the Union, including entitlement to vote, attend meetings, to hold office or to be a candidate for office.

### **Article 3.02**

Members shall not be required to pay dues or assessments during their period of absence from work if the absence is due to layoff, an authorized leave of absence, long-term disability, workers' compensation or a termination which has been grieved, prior to the determination of the grievance, and such non-payment of dues or assessments shall not affect membership entitlements.

### **Article 3.03 – This is deleted. Renumber the remaining articles.**

And renumber the remaining articles.

### **Article 3.04**

A member ceases to *have membership entitlements* if:

- (a) The member is in arrears in the payment of required dues, assessments or fines for a period of twelve (12) months. Such member shall lose their entitlements and shall not regain their entitlements except upon payment of any unpaid dues, assessments or fines.

### **Article 3.05 – This is deleted, and captured in the new Article 3.01 (c) ii).**

Delete article, captured in new 3.01 (c) ii).

### **Article 3.11**

- (b) A retired member is *one* who was a member prior to retirement (either early or at a pensionable age) or is in receipt of a permanent disability pension from a long-term disability program or workers' compensation.

### **Housekeeping**

Remove "bonafide" from the following articles:

4.15 and 7.07

## **NEW BUSINESS PASSED**

### **# 1**

**THEREFORE BE IT RESOLVED** that the ONA Board of Directors consider the following:

1. Integrate within our campaigns to defend public health care and our jobs, wages and living standards support for campaigns to raise social assistance rates to levels prior to the Harris cuts.
2. Endorse the Ontario Coalition Against Poverty's Raise the Rates campaign, which includes the demand to restore the Special Diet.
3. Implement a sustaining financial contribution to the Raise the Rates campaign.
4. Integrate education around the negative health outcomes of cuts to welfare and ODSP, including the cancellation of the Special Diet for poor communities into all member education regarding cuts to health care.
5. Invite speakers from the Ontario Coalition Against Poverty to attend regional and provincial educational and political organizing/action meetings and conferences.

### **# 4**

**THEREFORE BE IT RESOLVED** that the Board of Directors review Finance Policy 26.10, "Funding for PSLRTA Campaigns" and consider the following:

- i) Type of sector.
- ii) Number of sites in affected Bargaining Unit(s).
- iii) If supplementary funded Local.
- iv) If multi-Bargaining Unit Local.

This review would include discussion with Locals/Bargaining Units who have been through PSLRTA campaigns.

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The revised ONA Constitution, incorporating these amendments, is available on the ONA website at [www.ona.org](http://www.ona.org).



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