

**REPORT
OF THE
BY LAWS, REGULATIONS AND POLICIES REVIEW
AD HOC COMMITTEE**

Committee members:

Marc Blanchard (Chair)

Rubin Kooner

Steve Maund

Todd Panas (National President)

The committee met for two days on July 20th and 21st in Ottawa at the Ottawa Delta Hotel. At that meeting Marc Blanchard was elected as committee chair and a complete review of all By-Laws, Regulations and Policies for the UHEW was completed.

Changes were categorized as additions, deletions or amendments and the work was prioritized by the committee. For this initial meeting Policies and Regulations were given a higher priority because only they can be changed outside of convention. This is a “first pass” and it is the intention of this committee to continue to review and bring forward additional recommendations as deemed necessary. The next meeting of the By Laws, Regulations and Policies ad hoc Committee is November 26-28, 2019.

The following are the recommended changes as proposed by the By laws, Regulations and Policies Review ad hoc Committee.

Recommendation 1

HOUSE KEEPING

Regulations and Policies:

- a) Any reference to NHU or UEW be amended to reflect the new organization.

- b) References to UHEW or Union of Health and Environment Workers be changed to “the Component”.

Rationale: UHEW or Union of Health and Environment appears throughout our Regulations, Policies and By Laws. For the sake of consistency, the committee is recommending the change to “the Component”

Recommendation 2

REGULATION 1 – AWARDING OF LIFE MEMBERSHIPS

1) **Amend title:** ~~AWARDING OF~~ LIFE MEMBERSHIPS

Rationale: Changing the title of the regulation for clarity and simplicity

- 2) To combine Regulation 1 and Regulation 2 to create one Regulation for Life Memberships. Completely remove Regulation 2 (subsequent Regulations to be renumbered).

Rationale: Both Regulations provide an equivalent life membership for UHEW members and practices. It is redundant to have 2 regulations for the same item. As well, recent awards, Life Memberships have been used to honour past members and Honorary Memberships have not been awarded since 2005.

3) **Amend** Regulation 1, Section 2.

“A nominee for Life Membership shall have performed exemplary services for the membership at any level of the UHEW” and/or “shall only be granted to a former member of the UHEW Component who has retired or who has separated from employment” from Regulation 2, Section 1

Rationale: Combining both Regulations to incorporate both members who will be eligible.

4) **Deletion** of Regulation 1, Section 3

“A nominee for Life Membership must have made an outstanding contribution for a period of at least ten years’ not necessarily consecutive. This principle shall not rule out the possibility of the National Council, in its wisdom, granting to an applicant, full Life Membership as a result of one single performance being of outstanding or exemplary value to the UHEW.”

Deletion of Regulation 1 Section 4

“Life Membership in the UHEW shall continue for the full period of the incumbent's eligibility for membership.”

Rationale: The Committee feels Life memberships should be awarded for Life and should not limit the National Council or Awards Committee.

5) **Deletion** of Regulation 1 Section 8

“The National Council shall not appoint more than three applicants per annum to Life Membership in the UHEW. The National Council may extend like recognition to Life memberships of another organization, on it becoming a constitutional part of the UHEW”

Rationale: This is not current practice of the UHEW and the Committee does not feel a limit should be placed.

6) **Deletion** of Regulation 1 Section 9.

“A person who has been granted a Life Membership in the National Health Union shall have his/her Life Membership placed in abeyance for UHEW or the duration of his employment in the Public Service while he/she is employed in any position where he/she is barred from participation in the affairs of an employee organization by reason of terms and conditions of his/her employment or any requirement of the Public Service Labour Relations Act.”

Rationale: The Committee feels once a Life Membership is awarded, the member’s award should not be placed in abeyance and be entitled to their award with respect to this Regulation.

7) **Addition** to Regulation 1 Section x.

“A Lifetime Member shall not be entitled to a voice or vote at meetings or election to office but shall be entitled to all other rights and privileges of membership in the Union of Health and Environment Workers”

Rationale: This was incorporated from Regulation 2 Section 9. The Committee feels this is an important point that should be included in this regulation as Lifetime Members are not to influence any meetings or elections and are given guest status.

8) **Amend** Regulation 1 Section 6

“All applicants for Life Membership shall be referred to the ~~ad hoc~~ Honours and Awards Committee of the National Council, ~~comprised of three members appointed to this office by the National Council in regular meeting.~~ This committee shall review all applications and make appropriate recommendations to the National Council.”

Rationale: Honours and Awards Committee is a standing committee not ad hoc. Committee composition is described in other areas and not prescribed by this regulation.

9) **Amend** Regulation 1 Section 7

*“All decisions in the awarding of a Life Membership in the Union of Health and Environment Workers shall, ~~in all circumstances~~ require a two-thirds majority of the National Council ~~assembled and~~ **with** voting by secret ballot in regular meeting.”*

Rationale: Housekeeping

10) **Amend** Regulation 1 Section 10

“A list of Life Members shall be ~~established and~~ maintained by the National President National Office.”

Rationale: Housekeeping

11) **Amend** Regulation 1 Section 13

*“Life members will be accorded the privilege of attending each National Convention dinner held in their respective regions, as guests of the National Council **and given guest status at said convention.** They will be acknowledged by the National President for their past service.”*

Recommendation 3

REGULATION 3 – EXPENSES

1) **Amend:** Regulation 3 Section 2 - ACCOMMODATIONS, MEALS AND INCIDENTAL EXPENSES

Meals and Incidental Expenses:

Per Diems	UHEW Current Rate	NJC Rates & Allowances	PROPOSED AMENDMENTS
Breakfast	\$18.00	\$20.50	\$20.00
Lunch	\$25.00	\$20.10	\$25.00
Dinner	\$46.00	\$50.65	\$50.00
Incidentals	\$22.00	\$17.30	\$20.00
Total	\$111.00	\$108.55	\$115.00

Rationale: There has not been a review comparison with the NJC rates since 2011. The NJC rates and allowances have surpassed UHEW with the breakfast and dinner rates. The net difference from UHEW to the NJC rates is \$6.45. Traditionally UHEW has always had slightly higher rates and these rates were rounded off for efficient processing of claims.

2) **New item:** Regulation 3. Section 2

Accommodation – Private Non-Commercial Accommodation Allowance:

The current NJC allowance is \$50.00 per night.

The Committee recommends the following New Addition of \$50.00 per night for approved private non-commercial accommodations.

Rationale: UHEW doesn't have a regulation on private accommodations even though our members have claimed for private accommodation and we have paid the NJC rate of \$50.00 per night without prior approval in some cases. The prior approval is to ensure that hotel rooms are not reserved and for our Financial Officers to be aware when processing claims

3) **New item:** Regulation 3 Section 2 *UN-USED ACCOMODATIONS*

Members who are on approved Component travel where accommodations have been reserved on their behalf and do not utilize their accommodations or fail to cancel without sufficient notice (48 hours) will be charged all related cancellation fees back to their local or recovered from their local monthly rebates.

Rationale: The component has experienced members not staying in their reserved hotel accommodations or failing to attend paid Component events without notifying or cancelling their accommodations. There are significant costs to the component and it's will be very difficult for the component to collect these monies from the member. This should be the responsibility of the local to hold their members accountable.

4) **Amend** Regulation 3 Section 3

~~SALARY-COMPENSATION~~

Rationale: The committee recommends changing the title of the section to be a more accurate reflection of the type of compensation being offered.

5) **Amend** Regulation 3 Section 3. Sub Section e) ii.1

1. When working or travelling on UHEW business, members elected or appointed will be paid ~~\$296.69 per day~~ ***a daily rate as determined by the pay scale of the AEU Collective Agreement – Band 7 Step 5.***

Rationale: By changing language to refer to the AEU Collective Agreement the regulation will always be up to date and will not require to be updated following each round of bargaining.

6) **Deletion** Regulation 3 Section 3 Sub sec e) ii.2

Rationale: The Committee recommends moving towards a single rate of pay for anyone receiving compensation for doing work on behalf of the component.

7) **New Item:** Regulation 3 Section 3 Sub Section f)

Members who are attending Component fully funded events and are receiving loss of salary and or component rate of pay and fail to attend or are absent from the sessions could be subject to partial or up to full salary deduction on their expense claims. Any Member or National Officer may report these absences in writing to the National President where they will review the incident and advise the Finance Officers on any action(s). Where members are continuously late or significantly late for a session, it will be reviewed by the National President and could result in a reduction of salary on their expense claim. These situations will be addressed on a case by case basis, looking at all circumstances.

Rationale: There are some members who are significantly late or are absent from Component fully funded sessions and or events without notification and there needs to be some form of accountability for these absences. There are significant salary costs for these paid events and members are selected and or elected by their local for a reason and full-time attendance at these events are mandatory.

Recommendation 4

REGULATION 5: DELEGATE ENTITLEMENT TO UHEW CONVENTION

*Pursuant to the authority and power vested under the By-Laws of the Union of Health and Environment Workers under By-Law 12, Section 2, the National Council hereby enacts Regulation ~~No. 7~~ **No. 5** which applies to procedures used for determining delegate entitlement to the Union of Health and Environment Workers Convention.*

Rationale: Housekeeping

Recommendation 5

REGULATION 6 - TERMS AND CONDITIONS OF EMPLOYMENT FOR THE NATIONAL PRESIDENT AND NATIONAL VICE PRESIDENT

1) **Amend** Regulation 6 Section 3 Sub Section c)

Overtime compensation on a day of rest shall not exceed ~~seven~~ ten hours per day at the straight time rate.

Rationale: The current regulation only truly compensates at overtime rates for 4.7 hrs and 3.5 hrs worked on Saturday and Sunday respectfully. There are likely few instances where a meeting or travel or a combination of the two would require working less than 4.7 or 3.5 hrs. In which case the President or Vice President is essentially working at straight time. If they are on the road longer than 7 hours, they are not compensated at all. In recognition of the amount of

time spent away from home and the impact on family life the committee recommends the change.

2) **Addition** Regulation 6 Section 4 Sub Section e) – add to existing language:

At December 31st, of each year, the National President and the National Vice-President may carry over any overtime accumulated, for which payment has not been received, during the calendar year to a maximum of 10 working days. They shall receive payment for any remaining accumulated overtime by the second pay in January of the following year. Payment shall be based on their regular salary rate as of December 31st.

Rationale: This added language is existing language within the Alliance Employees Union collective agreement article 12:05, b) and as per the terms and conditions of the National President and Vice-President as per By-Law 16, Section 1 and 2 and should be reflective in this Regulation.

3) **Amend:** Regulation 6 Section 5 – ~~Continuous Employment~~ ANNUAL LEAVE

Rationale: Rename and create a section on Annual Leave

4) **Addition:** Regulation 6 Section 5 b) (replace current b))

A report of Annual leave credits shall be given annually to the National Council. Such report shall list all annual leave earned and liquidated either in cash or time-off.

The Employer shall authorize the carry-over of vacation leave not exceeding the employee's annual vacation leave entitlement. Any cash-out of this such leave over the annual leave entitlement shall be done only once per year.

Rationale: This has been standard practice to report to Council all potential financial liabilities and is existing language within the AEU collective agreement, article 13:10. Also, the once per year is standard practice with many organizations and is less work for our financial officers processing small cash-out payments many times per year.

5) **New Item:** Regulation 6 Section 6 – LEAVE SUBMISSION

The National Vice-President shall submit all leave to the National President for authorization and validation, and all recording and reporting will remain with the Financial Officers. The National President shall submit all leave to the Financial Officers for validation and all recording and reporting will remain with the Financial Officers.

6) **Amend:** Regulation 6 Section 5b, current section to change to Regulation 6, Section 7, SEVERANCE PAY (subsequent Sections to be renumbered)

Recommendation 6

POLICIES

- 1) **New Policy 6** – CONVENTION REPRESENTATION (DELEGATES, ALTERNATES, OBSERVERS).

Section 1: National Council

Each Elected Member of the National Council, and his/her Alternate will be automatic delegates to the Triennial National Convention.

Section 2: Locals

There are two options for locals to send local delegates to the National Triennial Convention:

- a) As specified in their Local By-Laws (Local President or her/his Vice-President) are automatic delegates. Note: This must be clearly specified in their local By-Laws.
- b) Through an election process as stated below.

All locals where their By-laws do not indicate any automatic delegate such as the Local President or have more than one delegate must hold an election.

At least four 4 (months) prior to the opening date of the UHEW National Triennial Convention, at an Annual or General Meeting of its members, each local shall elect a member or members in good standing as a delegate or delegates, and alternate or alternates, to the Convention.

The above meetings must be held with a notice of motion served at least 30 days in advance, announcing the specified meeting with these guidelines attached to that motion.

The standard Component election process will govern these election proceedings with a nominator, seconder, secret ballot process, etc.

Each local shall be entitled to delegates as per the delegate formula in accordance with the table in Section 3.

The official minutes from this Annual or General Meetings SHALL be sent to the National Office along with the names of the accredited, elected delegates, alternates and or observers to ensure compliance with this Policy.

Section 3: Delegate Table

Add new delegate table

Section 4: Observers

Any member in good standing of the Component shall be entitled to attend a National Triennial Convention as an observer, but without voice or vote, and at no expense to the Component. Observers must be duly elected at an Annual or General Meeting or by an official motion at a Local Executive meeting.

Rationale: We currently don't have an up to date By-Law on Convention Representation as both former Components had separate formula's and delegate criteria. It's essential that we have one policy or guideline for representation at Convention. This needs to be approved at the fall 2019 Council meeting to go out asap for the AGM cycle. This will serve as the pre-convention notice for those locals holding fall AGM's and for the Convention call out.

Note: This Policy/Guideline will be submitted as a NEW BY-LAW 12 - Resolution from the National Council.

2) Delete and Move: Policy 1 – ON ABSENCE OF THE NATIONAL PRESIDENT FROM THE OFFICE

~~“In times where the National President is to be absent from the office in Ottawa due to any leave, or combination of leave, and this timeframe exceeds five consecutive working days, the National Vice President will assume the role Ottawa during the above mentioned time period (By law Section 8 Sub-section 2) and shall be paid acting pay from the date on which he/she commenced to act.~~

In the event that the National Vice-President is unavailable, the National President, prior to his/her absence, is to call in a member of the Advisory Council/National Council. Acting pay would be compensated at the base level of the current remuneration of the National President as per UHEW Regulation 6.

Move paragraph 2 to Regulation 2.g

Rationale: Paragraph 1 is already covered in By-Law 7 Section 6.