

# CONSTITUTION



**KENYA NATIONAL UNION OF NURSES**

**For Unity, Protection & Empowerment**

This is to certify that this is a true copy of the Registered Constitution  
of the Kenya National Union of Nurses.

Serial No:003

# ADMINISTRATIVE ORGANOGRAM

## VISION

To Be a World Class Union of Choice for all Nurses, in the Deliberate Regulation of Terms and Conditions of Employment.

## MISSION

To Provide Democratic and Legal Platform to Unite Nurses for Mutual Protection and Economic ^Political, and Social Empowerment Through Progressive Collective Bargaining Negotiations, Welfare Works, Education, Effective Representation, Arbitrations, Conciliations, Diplomacy, and Industrial Actions, in Order to Free Nurses from Victimization, Economic Exploitation and Restore Nurses' Deserved Self Esteem.

## PHILOSOPHY

**A Healthy Nurse is ft Healthy Nation**

## MOTTO

One Profession One Union

National Governing Council

National Executive Council

General Secretary

Branch Governing Council

Branch Secretary

Institution Committee

Institutional Secretary

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**THE CONSTITUTION OF THE KENYA NATIONAL UNION  
OF NURSES (KNUN)**

**PREAMBLE**

The, Nurses Leadership should firmly commit themselves to a unified Nurses’ work force in Kenya, free from oppression and economic exploitation, It should endeavor to:-

1. Organize the Nurses and build an effective trade union based on the democratic organization of all Nurses financed and controlled by the members through democratic elected Union leaders.
2. Unify Nurses under KNUN leadership and combat the divisions amongst the Nurses of Kenya, and unite them into being strong and confident working class with deserved self-esteem.
3. Encourage democratic Nurses organization and leadership in all spheres of our society together with other progressive sectors in the community.
4. Reinforce and encourage progressive national and international Nurses workers contact, and solidarity so as to assist one another towards better working and living conditions.
5. Call on all those who identify with us in this commitment to join us, as comrades in the task ahead. We call on all union leaders to strive to ‘-unite their members in their ranks without discrimination and prejudice. We seek to unify, protect, empower, and further the interests of all Nurses.

## **CHAPTER I: NAME AND REGISTERED OFFICE;**

1. The Trade Union constituted by this constitution shall be known as the **KENYA NATIONAL UNION OF NURSES (KNUN)**, hereinafter referred to as the Union.
2. The Registered Office of the Union shall be situated at Ngina Road off Kikuyu Road Kikata House NO. 14, which shall be the place of meeting for conducting the business of the Union; or such other place as may be decided upon by the National Executive Council of the Union. The Postal Address of the Union shall be P.O.BOX2510-00202, Nairobi or as may be decided by the Governing Council.

## **CHAPTER II: OBJECTIVES**

### **THE OBJECTIVES OF THE UNION SHALL BE:**

1. To create and sustain good employment and labour relations between Nurses and their employers and Nurses and Nurses.
2. To secure complete organization within the Union for all Nurses.
3. To make every effort to obtain just and proper terms and conditions service of employment, between Nurses and employers and between Nurses and Nurses by conciliation, arbitration, collective bargaining agreements with the aim of safeguarding their interest.
4. To put mechanism in place to ensure that Union representatives/officials in the undertaking shall enjoy effective protection against any act of prejudicial to them including interdictions, suspensions, terminations or dismissals, reduction in rank and seniority or any other form of victimization, based on their status or activities as workers representatives/Union officials or union membership and or participation

in activities and programs of the Union.

5. To apply to any governments or authority, public bodies, corporations, companies or persons for or to accept grants or gifts of money and any movable or immovable property, donations, gifts, subscription or otherwise, with a view of promoting the objectives of the union.
6. To provide and' seek facilities for members to obtain employment and labour relations training in their work places, provide education of members and officials and organize members Co-operative Societies and other developmental initiatives.
7. To get legal advice and any other assistance on any matters affecting the Union, or for protecting the rights of a member or members on matter arising out of the relations with their employers. Provided that the National Executive Council shall have the sole right to decide whether or not legal advice or assistance is in the best interest of the Union or members concerned, but must always be obtained if a member so requests and after approval by the legal secretary.
8. To work and liaise with Nurses Professional Associations / Societies or other organizations and/or unions on matters of common interest with a view to common action , when desirable.
9. To affiliate with a federation of Trade Unions and International Labour Organizations with similar objectives.
10. To collect and circulate among members of the Union such statistical and other information concerning all matters affecting the Union and to print, publish and issue such papers, periodicals, books, circulars and other literature as may seem important to any of these objects.
11. To provide for members any or all of the following benefits:-



- (a) Relief in sickness, accident, disablement, distress, unemployment, victimization or trade dispute and any assistance to a member's immediate dependants, as agreed by the National executive council, and shall always be provided for union officials and representatives.
- (b) Funeral expenses of member or his/her immediate dependants subject to maximum amount as decided by the National executive council.
- 12. To acquire either by purchase, lease or otherwise any movable or immovable property, or other assets and to sell, mortgage or charge, or otherwise deal with, or dispose of movable or immovable property belonging to the Union.
- 13. To lend and advance money or give credit to members of the union upon such security as may be thought proper or without taking any security therefore upon such terms as the Council of the union may think fit and to guarantee the performance of any contract or obligation and the payment of the money any employee of the union and generally to give guarantees and identities for the members of the union.
- 14. To invest the money in the organization not immediately required in any one or more of the modes of investments trust moneys or in such other manner as the Council of the union may from time to time determine.

### CHAPTER HI: MEMBERSHIP:

1. Membership of the Union shall be open to all employed Nurses, (Enrolled and Registered).
2. Every eligible person shall be required to pay entrance fee of KSHs. 500 on application for membership, and thereafter on being accepted, a monthly subscription 1.5 % of basic salary. The subscription fee is payable on the first day of every month, or in advance for a maximum period of twelve months, Non members shall be charged 1.5% of basic salary being agency fee.
3. Upon admission to membership the member shall be bound by this constitution and the by-laws formed by the National Executive Council and resolutions and decisions of the National Governing Council An application for membership can be denied or accepted on probation for a justified course.
4. Under no circumstances shall any entrance fee, subscription or other donations paid to the Union be refunded, and no person who is not authorized by the National executive council, shall use the instrument of the union for any business including soliciting for funds without a written authority thereto and any such money collected shall be handed over to the National Treasury, immediately.
5. Any member desiring to resign/withdrawn from membership of the Union may do so by giving one calendar month's written notice of such resignation or withdrawal and by paying all his/her dues and levies up to the end of his/her notice of resigning/withdrawal and by surrendering his/her membership card to the Branch Secretary of

his/her Branch, if he is on Check-Off, he will give another calendar month's notice to his/her employer, copy to the Secretary General and to the Branch Secretaries notifying in writing that he/she will not be a member of the Union at the end of the expiry of such notice and therefore no deduction will be made following the next month.

6. A member who had resigned/withdrawn his/her membership or otherwise had ceased to be a member of his/her Branch may be reinstated to membership as follows:-

a. If the application for re-admission is made within three months of his/her resignation/withdrawal, the member shall be required to pay all arrears and levies from the date of his/her resignation/withdrawal, and shall thereupon be reinstated to his/her previous standing membership.

b. After three months of resignation/withdrawal, the member shall be admitted as a new Member and required to pay all arrears and levies for three months.

7. No member or employee of the union or any other unauthorized person shall use Instruments of the Union including the registered name, certificate, logo or letter head, to transact any business which may ridicule the image and reputation of the Union. Any communication but not limited to the ones listed hereunder must be authorized by the Secretary General in writing: -

- a) Social electronic sites as twitter, face book, blogs etc.,
- b) Advertisements in print or electronic media.

Note such usage of the instruments of the union by authorization of the Secretary General shall be after approval of the National Executive Council.

#### **CHAPTER IV: HONORARY MEMBERSHIP:**

1. Honorary membership may be conferred on any person who in the opinion of the National Governing Council of the union has rendered outstanding service to the cause of the Union. Such Honorary membership shall not carry any right to vote on any matter, nor shall a honorary member be eligible to hold any office in the Union,
2. Any member or official may propose in writing to the National Executive Council the name of not more than one person for consideration for honorary membership of the Union provided that a honorary member shall not be eligible to propose any ,name for such consideration.
3. Honorary membership may be conferred only with the majority approval of the National Governing Council.

#### **CHAPTER V: NATIONAL MEETING**

1. The National Governing Council shall be die Supreme Authority of die Union and shall be held every five years at such time and place as decided upon by the National Executive Council.
2. The National Governing Council shall be convened by the Secretary General by giving three months notice in writing to each branch of the Union.
3. The National Governing Council shall be composed of :

- i. National Chairperson
- ii. Deputy National Chairperson
- iii. Assistant National Chairperson
- iv. Secretary General
- v. Deputy Secretary General :
- vi. Assistant Secretary General
- vii. National Treasury
- viii. Deputy National Treasury
- ix. Chief National Trustee
- x. Deputy National Trustee
- xi. Assistant National Trustee
- xii. Branch Secretaries, Branch Chairpersons and Branch  
**Treasurers**
- xiii. National Organizing /Recruitment Secretary
- xiv. Deputy National Organizing /Recruitment Secretary

4 The National Governing Council may conduct any business, including laying down the policy of the Union giving directions regarding the organization of the Union. Matters for discussion at the National Governing .Council shall be sent to the Secretary General not later than four weeks before the date of the national Meeting.

5 The Secretary General shall prepare the agenda for the national Meeting.

6 The quorum for the National Governing Council shall be two thirds (2/3) of the members entitled to attend and vote.

- 7 A.O.B (any other business) shall not be discussed during the National Governing Council if raised
- 8 No member or official of the Union shall be discussed in any properly meeting convened by the Secretary General or the Branch Secretary if a substantive motion has not been registered to the National Executive Council and grounds for such discussion have been furnished to the member or official to be discussed fourteen days prior to making that request to the National Executive Council. In case, the officer to be discussed is the Secretary General such motion shall be forwarded to the National Executive Council through the National Chairperson. In any case the National Executive Council shall formally inform the concerned official or member and enough time given to the accused member or official to prepare and be present during ti proceeding of the motion.

#### **CHAPTER VI: SPECIAL NATIONAL GOVERNING COUNCIL MEETING**

- 1. Between the Normal National Governing Council Meeting, two Special National Governing Council Meetings may be convened by the Secretary General on the directions of the National Executive Council, or at the written request of not less than one tenth of the fully paid members of the Union, each of whom shall be required to sign such requisition provided that the Secretary General shall not be required to act on the requisition of members unless and until the sum of KSHs 1,000,000 shall have been paid to the National Treasurer for the purpose of defraying

the cost of convening the meeting and such sum shall be paid by the National Treasurer into the general funds of the Union and shall not under any circumstances be subject to refund.

2. A Special National Governing Council Meeting shall have all powers of the National Governing Council and it shall be governed by the same regulation of this constitution as to composition as the national Meeting. It shall be convened by the Secretary General by giving fourteen days' notice in Writing to each branch of the Union.
3. Every Branch Secretary, shall inform the Secretary General in writing 8 weeks before the date of the National Governing Council Meeting, of the number of officials the branch is entitled to send to tile National Governing Council Meeting.
4. A notice of a special National Governing Council meeting shall be given through approved method of communication
5. In event of expulsion of an official the vacancy shall be filled by a member appointed by the National Executive Committee and shall attend all National Governing Council Meetings until a proper national election is done as per the election rules.
6. The quorum for a National Governing Council Meeting shall be two thirds ( $\frac{2}{3}$ ) of the members entitled to attend and vote thereat.
7. If for any reason the Secretary General upon a requisition from members fails to convene a National Governing Council Meeting, the members requisitioning such a Meeting shall have the right to nominate a person to convene the Meeting. If within one hour from the time appointed for the National Executive Council or National

Governing Council Meeting a quorum is not present, the Meeting, if convened upon requisition of members shall be dissolved in any other case it shall stand adjourned to the same day in the next week at the same place and same time, and if at an adjournment meeting a quorum be not present within half an hour from the time appointed for the Meeting the members present shall form a quorum. Notwithstanding die provisions of this constitution adjourned Meeting shall have no power to carry ratify amendments or alterations, to the constitution or chapters nor elect officers or Executive Council members unless the required quorum is present.

#### **CHAPTER VH: NATIONAL EXECUTIVE COUNCIL**

1. The National Executive Council shall be the Governing Council and shall be responsible for the management of the affairs of the Union, and shall exercise control over the individual officers of the Union, and shall formulate all By-Laws of the Union in accordance with the provision of this constitution, labour laws, ILO Conventions and the Constitution of Kenya.
2. The National Executive Council Shall Consist of
  - i. National Chairperson
  - ii. Deputy National Chairperson
  - iii. Assistant National Chairperson
  - iv. Secretary General
  - v. Deputy Secretary General
  - vi. Assistant Deputy Secretary General
  - vii. National Treasurer

- viii. Deputy National Treasurer
  - ix. Chief National Trustee
  - x. Deputy National Trustee
  - xi. Assistant National Trustee
  - xii. National Organizing /Recruitment Secretary
  - xiii. Deputy National Organizing /Recruitment Secretary
  - xiv. Two members elected at a general election
3. The National Executive Council shall meet at least once in every six months or when it is necessary at such time, place and date as shall be decided upon by the Secretary General who shall be the convener.
  4. All decisions of the National Executive Council shall be binding on the Union and on each of its officials and members, provided that if any such decision directly affects the rights or privileges of any member or group of members or officials such member or group of members or officials, may within thirty days of the date of the meeting of the National Executive Council, appeal to the National Governing Council against such decision.
  5. The quorum for the National Executive Council shall be three-quarters 2/3 of the members entitled to attend and vote thereat.
  6. The National Governing Council and National Executive Council shall interpret the constitution, when necessary and determine any point on which the constitution is silent.
  7. Any member of the National Executive Council may be removed from membership thereof by a two-third (2/3) majority of all the

members of the National Governing Council entitled to attend and vote thereat, or shall vacate his/her seat on the Council if he absents himself from three consecutive meetings of the Council without having first obtained the Chairperson's Permission for his/her absence or.

- a. Any full time branch officer or full-time National Officer may be interdicted or suspended from office by the National Executive Council for a good cause.
- b. Such decision of the National Executive Council shall be effective from the date in which it was taken and shall remain in force until changed or nullified by the National Governing Council Meeting unless the removal is occasioned by an officer having been convicted of a criminal offence, if the National Governing Council removes a member from the office the vacant so created shall be filled by a Bye-Election within a period of 60 days.

#### **CHAPTER VIII: APPOINTMENT OF SUB COMMITTEES:**

##### **1. The Finance Committee**

The committee shall look into the proper disposal of the funds of the Union. It shall prepare the annual budget and lay down the ' plans of the Union fund raising campaign for any kind of project. It shall be composed of the National Secretary General, National Chairperson, Deputy National Chairperson, Deputy National Treasurer, Deputy Secretary General, All Trustees, Two Members of National executive council, and The Chief Accountant,



who shall be the Secretary to the Committee, and shall attend all meetings and take part in the deliberations and shall not have the right to vote.

**2. Educational and Training Committee:**

The committee shall seek ways and means of educating members and training the officers of the Union through seminars and workers' education courses; it shall also carry out research. It shall be composed of the National Treasurer, Assistant Secretary General, Assistant Trustee, National Organizing and Recruitment Secretary and Two Members of the National Executive Council. The Director of Education, who shall be secretary to the committee and shall attend all meetings and take part in the deliberations and shall not have the right to vote.

**3. Operation/All Purpose Committee:**

The committee shall lay down the plans or develop programmes and policies to ensure a more effective and adequate effort in meeting challenge of organizing the workers. It may utilize the proposals from the committee's recommendations and ideas as through the director of operations or report such programmes and policies to the National Executive Council for its consideration. It shall be composed of the Secretary General, Deputy Secretary General, National Chairperson, National Treasurer, the National Organizing/ Recruitment Secretary. The Director of Operations shall be the secretary to the committee and shall attend all meetings and take part in the deliberations and shall not have the right to vote.

**4. Institutional Relations and Disputes Committee**

The committee shall look into ways and means of keeping good institutional relations. It shall deal with matters relating to negotiations on collective bargaining and deal with disputes. It may utilize the proposals and suggestions through the director of Institutional relations. It shall be composed of National Chairperson, Deputy Secretary General, Deputy National Chairperson, Deputy National Treasurer and Two Members of National executive council. The Director of Institutional Relations shall be secretary to the committee and shall attend all meetings and take part in the deliberations but shall not have the right to vote.

**5. Corporate Relations Committee**

The committee shall deal with matters relating to all systems of communication media including press media, electronic media and public relations in general. It shall be composed of Secretary General, Deputy Secretary General, Assistant Deputy Secretary General, and Two Members of the National Executive Council. The Director of Corporate relations shall be secretary to the committee and shall attend all meetings and take part in the deliberations but shall not have the right to vote. The National Executive Council shall appoint members to sit on the committee, from amongst its members.

## CHAPTER IX: DESIGNATIONS OF NATIONAL OFFICERS

### (1) National Chairperson

The national Chairperson shall preside over all Meetings and meetings, at which he is present, enforce observation of the constitution and custom pertaining to his/her office. In the case of an equality vote at any meeting he/she shall have, in addition to his/her normal vote a deciding vote.

### (2) Deputy/ Assistant National Chairperson:

They shall preside at all Meetings and meetings in the absence of the national Chairperson and whilst so performing such duties, shall have same privileges as the National chairperson. If for any reason the National Chairperson, the Deputy/Assistant National Chairperson are all absent, the officials attending such Meeting or meeting shall have the right to appoint a chairperson from the members present.

### (3) Secretary General:

The Secretary General shall issue notices of all Meetings and *elections*. He /she shall prepare the agenda of all Meetings, attend all annual Meetings, National Governing Council Meetings and meetings of the National Executive Council and record the minutes and shall perform such other duties as prescribed by the National Executive Council. He/ she shall be responsible for ensuring due compliance by the Union constitution with the provisions of the Constitution of the-Republic of Kenya, Statutory

enactment of the parliament and the senate of Kenya on labour and International Labour Conventions and treaties and all regulations made there under. He/she shall be the Chief Executive officer of the Union and he/she shall be consulting from time to time the National Executive/Governing Council on matters of the high policy of the union. He/she shall be the Spokesperson of the Union on all Matters and he shall appoint persons to represent the Union on National, Regional & international bodies and committees.

### 4. Deputy Secretary-General and Assistant Secretary General:

The deputy/Assistant Secretary General, shall deputize, act and assume the responsibility of the Secretary General in the latter's absence. He/she shall carry out any other duties as may be assigned to him/her from time to time by the National Executive Council or by the national Secretary General.

### 5. National Treasurer:

The national treasurer shall be responsible for Union funds and shall keep and maintain all necessary books of accounts. He shall ensure that no payment is made from Union funds under his/her control unless a payment has been prepared and authorized in accordance with provisions of the Trade Unions (accounts) regulations. He/she shall prepare and submit to the National Executive Council a statement of income and expenditure during the period of twelve months ending on the thirty-first day of June preceding the National Executive Council and a balance sheet as

at such thirty first day of June.

### **7. Deputy National Treasurer**

The deputy national treasurer shall assist and act in absence of the national treasurer.

### **8. National Organizing /Recruitment Secretary:**

He or she **shall** be within the headquarters of the union and available on a day to day basis. He / she shall work closely and take instructions from the Secretary General and National executive council. He/she shall be responsible for ensuring smooth organization of meeting, venues transportation; facilities press Meetings, general, activities of the union and shall be in-charge of recruitment of new members.

### **9.The Chief Trustee, Deputy Chief Trustee and Assistant Chief; Trustee:**

They shall be jointly vested all the property of the Union. The Trustees shall have the control of the funds of the Union, but may delegate their powers to any officers of the Union to act as signatories to operate a bank account. A trustee shall hold office until such time as he resigns by notice in writing to the National Executive Council or is removed by vote at a National Governing Council or National Governing Council Meeting. However, the Secretary General as the Chief Executive Officer of the Union shall have the powers to withdraw up to sum of KSHs, 100,000 per

month being for petty cash on day to day activities of the Union. Such amount shall be kept by the Chief Accountant who shall be the accounting officer.

### **10. National Organizing Secretary, Deputy National Organizing Secretary:**

The office of the national secretary shall work closely with the office of the Secretary General and the director of operations in organizing and planning for all Meetings and meetings, and all other activities of the union. They shall also attend all annual Meetings, National Governing Council Meetings and meetings of the National Executive Council and ensure that it's running successfully and shall perform such other duties as prescribed by the National executive council, hi general they will be responsible for coordinating all functions of the union between Institutional Committees, Branch Governing Councils and the National Executive Council of the union.

## **CHAPTER X: EMPLOYEES OF THE UNION**

### **1. Director of Education, Research and Training**

The National Executive Council shall appoint a full time director of education, research and training according to his/her qualifications and ability to deal with institution's education. He shall be person with ability to speak fluent both English and Kiswahili. He may be interdicted or suspended but can be dismissed at any time by majority vote of the National executive council, but shall be given



one month's notice in writing or be paid one month's salary in lieu of notice after the decision. He may resign by giving one month's notice in writing to the National Executive Council through the Secretary General or by paying one month's salary in lieu of notice.

## 2. **Administrative Officer and Two Administrative Assistants.**

The office administrators shall be appointed by the National Executive Council in accordance with their qualifications and experience. Preferences will be given to persons with good education, experience in office skill and management. They shall be persons with ability to speak fluent both English and Kiswahili and with basic or wide knowledge of Labor movement and be able to deal with the office correspondence and any other duties as they may be instructed by the Secretary General. Any officer may be interdicted, or suspended by the Secretary General or removed from office at any time by a majority vote of the National Executive Council but shall be given one month's notice in writing after the decision or one month's pay in lieu of notice. They may resign by giving a notice of one month in writing to the National Executive Council through the Secretary General or pay one month's wages in lieu of notice.

## 3. **Branch Education Officers**

- a) The National Executive Council shall appoint branch education officers according to their ability and experience in Labour movement.

- b) They shall be responsible for educating members and finding out the failure or success of all branches of the union within the counties which they shall have been 22 shall carry out their daily work under the instructions of the Secretary General who shall direct them according to the decisions of the National Executive Council,
- c) A branch education officer shall hold office until such time as he resigns by giving one month's notice in writing to the National Executive Council through the Secretary General or pay one month's wages in lieu of notice. They may be interdicted or suspended by the Secretary General or dismissed by a majority vote of the National Executive Council but 'will be given one month's notice in writing after the decision or be paid one month's wages in lieu of notice.
- d) The National Executive Council shall appoint an accounts officer and it may appoint professional officers e.g. an accountant, a legal officer, a librarian, a Photographer or any other qualified officers with technical know-how when need arises. It shall specify the duties and determine the wages and other terms and conditions of employment.

## 4. **Branch Organizing Secretaries**

The National Executive-Council may appoint full-time organizing secretaries and determine their salary and conditions of service, provided that the permission of the registrar of trade Unions is obtained in accordance with the provisions of trade unions Act,

before any such appointment is made. The Branch organizing secretaries shall be transferred and shall carry out duties as may be assigned to them by the National Executive Council or the Secretary General. Any such organizing secretary may be interdicted or suspended by the Branch Secretaries or dismissed from office at any time by a majority vote of the National executive council, but will be given one month's notice in writing after the decision. He may resign by a notice of one month in writing to the National Executive Council through the Secretary General. Either party may pay one, month's wages in lieu of notice. The Secretary General may interdict or suspend any appointed officer and shall report the matter to the National Executive Council which shall confirm or reject the suspension.

**5. Workers Engaged By the Secretary General**

The Secretary General on behalf of the National Executive Council may engage such workers as he/she may from time to time consider necessary and shall determine their remuneration and terms of service. The services of the workers so engaged shall be terminable by either party by-giving the other one month's written notice or by giving one month's wages in lieu of such notice.

**6. Dispute Officers and Inspectors/Collectors**

The dispute officers and inspectors shall be employees of the union who shall be assigned to perform such duties of institutional and individual disputes. The dispute officers shall be engaged

according to Chapter. XI (1). They shall be transferable and they shall carry out their daily work, under the instructions of the Secretary General through their Branch Secretaries. Shall have power to appoint one of its members to act in such post pending its decision whether or not such an officer should be removed altogether.

**7. Director of Operations**

The National Executive Council shall appoint a full time director of operations and determine his/her salary according to his/her qualifications, ability and his/her experience in labor movement. The director of operations shall carry out duties as may be assigned to him by the National Executive Council or by the Secretary General from time to time. He shall be responsible for finding out the failure or success of every branch or sub-branch of the Union all over the country. The director of operations may be interdicted, or suspended from office at any time by the Secretary General and can only be dismissed upon a majority vote of the National Executive Council but will be given one month's notice in writing after the decision or one month's wages in lieu of notice. He may resign by giving one month's notice in writing to the National Executive Council through the Secretary General or pay one month's wages in lieu of notice.

## 8. **Institutional Relations Officer**

The National Executive Council shall appoint a full time director of institutional relations, a senior institutional relations officer and the institutional relations officers and determine the salaries according to their qualifications, ability and their experience in labor movement. The director and the institutional relations officers may be interdicted, suspended or removed from office at any time by a majority vote of the National Executive Council but will be given one month's notice in writing after the decision or one month's notice in writing after the decision or one month's pay one month's wages in lieu of notice. They may resign by giving one month's notice in writing to the National Executive Council through the Secretary General or pay one month's wages in lieu of notice.

## 9. **Director of Corporate Relations**

The National Executive Council shall appoint a full time director of corporate relations and determine his/her salary according to his/her qualifications, ability, practical experience in public relations and a basic knowledge in journalism, but shall be a person with ability to speak fluent both English and Kiswahili and be able to deal with written work as he may be instructed to do by Secretary General. He may be interdicted or suspended from office at any time by the Secretary General and dismissed by majority vote of the National executive council, but shall be given one month's notice in writing or pay one month's wages in lieu of notice after the decision. He/she may resign by giving one month's notice in

writing to the National Executive Council through the Secretary General or by giving one month's wages in lieu of notice.

## **CHAPTER XI: FUNDS**

1. The national treasurer shall cause a bank account to be opened and maintained in the name of the Union and shall ensure that all money belonging to the Union received by him is paid into the said bank account immediately upon the receipt of such money provided that the national treasurer shall be permitted to retain in cash a sum not exceeding fifty thousand shillings to pay minor expenses. All cheques for withdrawals of money shall be signed by the national treasurer, Secretary General and national Chairperson In the event of them being sick or out of the country, their deputies shall sign all Union cheques.
2. The treasurer of every branch of the Union shall cause a bank account to be opened in the name of the branch of the Union and shall ensure that all money belonging to the Union received by him is paid into the said bank account immediately upon receipt of such monies, provided that branch treasurer shall be permitted to retain in cash a sum not exceeding twenty thousand shillings to pay minor expenses. All cheques for withdrawals of money from such branch one month's notice in writing or pay one month's wages in lieu of notice after the decision He/she may resign by giving one month's notice in writing to the National Executive Council through the Secretary General or by giving one month's wages

in lieu of notice.

## CHAPTER XI: FUNDS

- 1) The national treasurer shall cause a bank account to be opened and maintained in the name of the Union and shall ensure that all money belonging to the Union received by him is paid into the said bank account immediately upon the receipt of such money provided that the national treasurer shall be permitted to retain in cash a sum not exceeding fifty thousand shillings to pay minor expenses. All cheques for withdrawals of money shall be signed by the national treasurer, Secretary General and national Chairperson. In the event of them being sick or out of the country, their deputies shall sign all Union cheques.
- 2) The treasurer of every branch of the Union shall cause a bank account to be opened in the name of the branch of the Union and shall ensure that all money belonging to the Union received by him is paid into the said bank account immediately upon receipt of such monies, provided that branch treasurer shall be permitted to retain in cash a sum not exceeding twenty thousand shillings to pay minor expenses. All cheques for withdrawals of money from such branch bank account shall be signed by branch the branch secretary and any other two signatories, i.e branch treasurer, the branch Chairperson and or branch trustee . Provided that the branch shall account for such withdrawals to the national treasurer every month.
- 3) All money collected by branches shall be the property of the Union. Ordinary branch expenditure shall be paid from branch funds of any

money allocated to it. by the National executive council. All cheques of check-off system shall be crossed and shall be neither paid in cash nor be paid into All money collected by branches shall be the property of the Union. Ordinary branch expenditure shall be paid from branch funds of any money allocated to it by the National executive council. All cheques of check-off system shall be crossed and shall be neither paid in cash nor be paid into branch bank account but shall be sent to the national headquarters' bank account.

4. The funds of the Union may be Used only for the following objects:-
  - a) The payment of salaries for Executive and Employees of the Union in line with Trade Union/ Corporate practices in Kenya.
  - b) The payment of allowances and expenses of officers of the Union line with Trade Union/ Corporate practices in Kenya
  - c) The payment of expenses for administration of the Union including audit of accounts of the funds of the Union.
  - d) The prosecution or defense of any legal proceedings to which the union or any member thereof is a party , when such prosecution or defense is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising but of the relations of any member with his/her employer.
  - e) The conduct of Trade Disputes on behalf of the Union or any member thereof.
  - f) The compensation of members for loss arising out of Trade disputes.

- g) Such allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment as the National Executive Council may from time to time prescribe.
- h) The payment of any fine or penalty imposed upon the Union under the provisions of the Trade Union Act, provided that the funds of the Union shall not be applied either directly or indirectly in payment of the whole or any part of any fine or penalty imposed upon any member or other person by sentence or order of a court of justice.
- i) The payment of subscription and fees to any Federation of Trade Unions to which the Union may be affiliated.
- j) The financial year of the Union shall end on 31<sup>st</sup> June of every year. Copies of the Annual Statement of accounts shall be supplied to members by the Secretary General upon request.

#### **CHAPTER XD: INVESTMENT OF FUNDS**

The funds of the Union which are not required for recurrent expenses shall on the direction of the National Executive Council be invested in the name of the Union by National Trustees in such public stock, government securities or any other funds as the National Executive Council shall direct and think fit. Funds pending for investment shall be deposited at a bank by the national trustees in the name of the Union under the Trustee's savings account.

#### **CHAPTER XXI: ACCOUNTS**

1. The National Treasurer shall be responsible for such sums of money as may from time to time be handed over to him by the Secretary General or any other person on account of the Union.
2. He/she shall check the receipts and payments of the headquarters with the branch returns and voucher as he shall be directed by the National Executive Council or the Secretary General. He shall see that all balances are promptly and regularly paid into the bank and duly vouched.
3. The national treasurer shall keep cash accounts showing the state of the funds and submit them to the Secretary General for approval and presentation to each meeting of the National Executive Council and the other times as may be directed. He shall sign cheques for every payment along with such other persons authorized by the constitution.
5. Branches requiring the remittance *from* Headquarters must apply in writing to the Secretary General who will authorize me issue by the National Treasurer in respect of all claims.

#### **CHAPTER XIV: INSPECTION OF BOOKS OF ACCOUNTS:**

1. All accounts books and other official records of the union maintained at the Union's Registered Office shall be open for inspection at the Union Registered Office during hours of business by any member of the Union provided that any such member shall have given at least seventy two hours written notice to the



Secretary- General.

#### **CHAPTER XV: AUDITORS:**

1. The National Governing Council shall appoint a Qualified Accountants approved by the Register of Trade Union to audit the Accounts of the Union as soon as possible after the end of each financial year. Such auditor shall audit a general report on the financial position of the union.
3. A copy of the Auditor's report shall be conspicuously displayed at the Registered Office of the Union.

#### **XVI BRANCH ORGANIZATION:**

1. The National Executive Council shall decide the place where a Branch shall be established
2. Should the membership of any branch fall below 1000 members for a period of six months, such Branch may be disbanded and its members be transferred by the National Executive Council to another Branch.
3. The National Executive Council may suspend or disband any Branch which fails to comply with the Constitution of the Union or decision of the National Meeting, National Governing Council Meeting or National Executive Council and may transfer the members of Branch so suspended or disbanded to another Branch and an organizing Secretary may be appointed as per Chapter XXII (1).
4. No Branch shall be suspended or disbanded unless its Officer has been given an opportunity to state the case of their Branch

personally or in writing at a meeting of the National Executive Council of which they have received not less than thirty days' notice in writing. Such notice shall include details of the allegations with which the Branch is charged.

5. The Officers who have appeared before the National Executive Council in accordance with sub-section (2) (b) of this/her appeal shall, if they are dissatisfied with the decision of the National Executive Council have the right to appeal to the first National or Special National Governing Council Meeting when the matter shall be considered Notice of such an appeal shall be forwarded or handed to the National Secretary-General in writing within twenty one days of the date at which decision was communicated to them.
6. A Branch General Meeting of representative who shall have been elected as Shop stewards, Chairpersons and Secretaries of the Institutional Committees by the members from their respective working places in the Institutions as per Chapter. III (1) shall be held once every year. The Branch Secretary shall give notice in writing to all Institutions Representatives stating the date, time and place of the Branch National Meeting at least four weeks before the said meeting. Branch Officers, Committees Members and Officials to the next National Governing Council of the Union shall be elected at General Election provided that no member shall be eligible to vote or be elected to office or be elected as a delegate if he is more than six months in arrears- with his/her subscriptions.
7. When a Branch official is not attending the National Governing Council Meeting because of his/her being not a paid up member at

the time of the Meeting, illness or otherwise, he shall be deputized by a paid member of the Institutional committee appointed by Branch Governing council. The quorum for a branch General Meeting shall be one third of the legible members to attend such a meeting. Such a Branch Special General Meeting shall have all the powers of the Branch National General meeting and shall be governed by the same chapters as to composition, quorum and voting as a Branch National General Meeting. The Branch Secretary shall give notice to all Institutional Representatives through the Shop stewards of the date, time and place of the Special General meeting at least a week before the said meeting.

8. A Branch Special General Meeting may be called by a majority decision of the Branch Governing council or on the written request of not less than one tens of the full paid up members Representatives who are members of the Branch. Such a Branch Special General Meeting shall have all the powers of the Branch National General meeting and shall be governed by the same chapters as to composition, quorum and voting as a Branch General Meeting. The Branch Secretary shall give notice to all Institutional Representatives through the institutional secretaries of the date, time and place of the Special General meeting at least a week before the said meeting.

- g. The Branch Governing Council shall be responsible for the administration of each Branch subject to the control of the National Executive Council. Such Branch Governing Council shall be composed of Branch Chairperson, Branch

Secretary, Deputy Secretary, and Branch Treasurer, Branch deputy Treasurer, Branch Trustee and Branch Organizing / Recruitment Secretary, The Branch Secretary shall inform all members of the Branch Governing Council in writing at least seven days before such meeting. The quorum for the Branch Governing Council shall be five.

9. All Branch Officers shall be elected every five years by secret ballot at the General Election, and shall remain in the Office for one term, provided that any Branch Officer may be removed from office by a majority vote of Institutional Representatives voting by secret ballot at a Special General Meeting. The vacancy so created shall be filled by members from nominations received from the floor at such Special General Meeting, the voting hereon being carried out by secret ballot.
10. Any Branch Officer or Committee member may be removed from office by two-third (1 / 3 ) majority decision of all members entitled to attend and vote at the Branch Executive Committee. The Branch Executive Committee shall have the power to appoint one of its members to fill the vacancy so created.
11. Any Branch Officer or Committee member may be suspended by a two thirds (2/3) majority decision of all members of the Branch Governing Council. The Branch Governing council shall have power to appoint one of its members to act in such post pending decision of the Special General Meeting of Institutional Representatives whether or not such an Officer should be removed from office altogether.

12. No Branch Officer or Committee member shall be suspended or removed from office unless has been given an opportunity to state his/her case personally or in writing at a meeting of the Branch Governing council or Special General Meeting of which he has received not less than seven days notice in writing. Such notice shall include details of the allegations with which the Officer is charged
13. Provided that any Branch Officer or, committee member suspended or removed from office shall have the right to appeal against such suspension or removal to the Secretary General of the Union following such action by the Branch Governing Council or Special Meeting. Notice of an appeal shall be forwarded or handed to the Secretary General writing within twenty one days of the date on which the decision of the Branch Governing council or Special General Meeting was communicated to the Officer or member concerned
14. Organizing Secretaries, Chairpersons and Secretaries shall be elected by the paid up members at the union in a General Election by the members to be held at the place of work at the end of terra They shall be elected from amongst the members and the paid up members at the place of work. Where the Work's Committee or Area Committee acts contrary to the Constitution of the Union, the Secretary General as the Chief Executive Officer shall have the power to suspend or expel the whole committee and instruct the Branch Secretary to supervise the elections of a new Works Committee members. Provided that the Branch Secretaries may not

be an employee of any Institution.

15. Where there shall be no Institutional Shop Stewards, the members shall elect a representative who shall be eligible to attend and vote at the Branch General Meeting.

## **CHAPTER XVII: DESIGNATIONS OF BRANCH OFFICERS**

### **(1) Branch Chairperson:**

The Branch Chairperson shall preside at all general or special meetings of the Branch Governing Council at which he is present and enforce observation of the Constitution of the Union and perform such duties as by usage and custom pertaining to his/her office. In the case of an equality vote at any meeting, he shall have in addition to his/her normal vote a deciding vote.

### **(2) Branch Deputy-Chairperson**

- (a) The Branch Deputy Chairperson shall preside over meetings in the absence of the Branch Chairperson and whilst performing such duties he shall have the same privileges as the Chairperson.
- (b) If for any reason the Branch Chairperson or Branch Deputy Chairperson fails to preside over a properly convened and constituted branch meeting, the members attending such meeting shall have the right to elect an ad-hoc Chairperson.

### **(3) Branch Secretaries**

- (i) Branch Secretaries shall issue notices of all meetings and shall attend such meetings and record the minutes and



will be eligible to vote but failure to do so, the deputy Branch Secretary or the Secretary General shall do so. He shall ensure that a register of members is maintained with the names, addresses, occupations, dates of joining, dates of resignation, suspension or expulsion and particulars of all payments made by such members.

- (ii) He shall be responsible for ensuring the due compliance by the Branch with the provisions of the Trade Unions Act and the Regulations made there under and shall perform all such acts and duties as the Branch Governing council or Secretary General may from time to time direct. He/She is The Branch Chief Executive Officer, provided that a branch secretary may be a person not currently engaged in nursing employment.

#### **(4) Branch Deputy Secretary**

The Branch Deputy Secretary shall assist the Branch Secretary and act for him in his/her absence.

#### **(5) Branch Treasurer**

The Branch Treasurer shall be a person capable of maintaining clear records of all funds of the Branch. He shall be responsible for the funds of the Branch and shall maintain all necessary books of accounts and records. He shall ensure that no payments is made from Branch funds under his/her control unless a payment voucher has been prepared and authorized in accordance with the provisions of the Trade Union Accounts Regulations and shall ensure that funds are remitted to accounts and records. He shall ensure that no

payments is made from Branch funds under his/her control unless a payment voucher has been prepared and authorized in accordance, with the provisions of the Trade Union Accounts Regulations and shall ensure that funds are remitted to the Union's National Treasurer in accordance with the provisions of chapter. XIII (3) of this Constitution

#### **Branch Trustee:**

- i. Shall be elected at the general election provided that no member shall be eligible to be elected as a Branch Trustee if he is more than six months arrears in subscription
- ii. A Branch Trustee shall have control .of the funds of the Branch, but may delegate his/her Powers to any of the Branch Officers to act as signatories to operate a Bank account.
- iii. A Branch Trustee shall hold office until such time as he resigns by notice in writing to the Branch Executive Committee or is removed by vote at a Branch National General Meeting or a Branch Special General Meeting In the event of the resignation of a Branch Trustee, the Branch Executive Committee shall nominate one of its members to temporarily fill the office of the nominated trustee, between National or Special General Meetings, he may be suspended or expelled in accordance with chapters XVII (1)'(a) and (b) or Chapter XXIII.

## 7. Branch organizing Recruitment Secretary

Duties and functions of this officer shall be like those of the National Office same as they are performed at branch level.

## CHAPTER XVIII: ELECTION

1. Except or as otherwise herein expressly provided that all officials and representatives of the union shall be elected at the end of every one term of five years through a secret ballot in a general election, elections shall be done concurrently at all levels.
2. Only such members of the Union being enrolled or registered nurses shall be eligible to contest offices and shall be committed to good governance and show proof of commitment to fighting corruption. Notwithstanding the provision of this clause the General Secretary may be a person not being enrolled or as registered nurse provided that he / she meets the requirements of this constitution and all applicable laws in place for the time being.
3. Every national officer of the Union shall vacate his/her office after the expiry of five years, but shall be eligible for re-election. The Secretary General shall remain in office until such election is held and new officials take over.
4. Applications for nominations for the National Governing Council or National /Executive Council officials, Branch Officials and Institutional Representatives shall be submitted in writing to the National Election Board, pursuant to the election bye laws.
5. No individual, official or a committee member of any other Union, Professional Societies or Associations shall put himself forward as

a candidate for the nomination of the Union at the Institutional, Branch, or National unless he/she has resigned from that other position six months before the general election of the union

6. No individual, official or a committee member of any other Union/ professional societies / associations shall put himself forward as a candidate for the nomination of the Union at either the Institutional, Branch or National, if during his or her time as an official in those organizations failed to offer protection to members, He/she represented whether the member was a nurse or not, on prejudicial and all other forms of victimization. Such member shall be subjected to the provision of chapter XXI.
7. A notification shall show the name of prospective candidate, his/her age and his/her Trade Union Membership Card Number.
8. Such notification shall be sent to the Union Headquarters three months before the national election and shall be accompanied by a fee of KSHs 20,000 for Branch, 30,000 for National position and 50,000 for Secretary General Position which shall not be refundable even if his/her application shall not be considered for the candidature by the National Executive Council, Institutional Committees pay no fee.
9. The persons who wish to contest the position of the Secretary General must have demonstrated and involved in union leadership for a period of not less than 5 years and shall be conversant with Employment and Labour Laws.
10. At the same time as a prospective candidate sends his/her notification to Union National Headquarters, he shall send a signed

copy thereof to the Branch in which he/she wishes to be considered for the nomination

11. All members aspiring to contest for national offices shall show prove of having worked in main stream health care delivery system for a period of not less than five years.
12. All members intending to contest for a branch/ institutional offices shall show prone of having worked in main stream health care system for a period of not less than three years.
13. Members shall have the freedom to run for three consecutive positions at institutional level, branch level and national level (one position at every level). .
14. Once elected at the National Office the official shall relinquish one other positions elected at branch or institution and the run up shall automatically take over that position. There shall be no bye elections in such circumstances.
15. In die event of a national officer of the Union dying, or resigning, during five year term of office, the deputy shall take over until the end of the remaining term.

#### **CHAPTER XIX: VOTING:**

- (l) The taking of all decisions in respect of the national officers, the amendment of Chapters, strikes, dissolution and any other matters affecting members of the Union generally shall be by secret ballot.

- 2) No member of the Union shall be eligible to vote any matter if his/her monthly subscription is more than six months in arrears.
- (3) National, Branch and Institutional election shall be conducted directly by secret ballot.
- (4) The review of the Constitution shall be through a referendum, where all members shall directly vote and after proper member participation in the review process has been done.
- (5) The Founding Officials of the Union shall not be subjected to an inaugural election.

#### **CHAPTER XX: STRIKE ACTION**

The National Governing Council shall by resolution have the authority to call upon all members or any group of members to withdraw their Labour in case of a Trade Dispute arising, provided that such resolution is voted upon by secret ballot at a meeting of the National Governing Council called for that purpose, provided that such resolution has:

- (i). Received the support and approval of the members concerned,
- (ii).Put in place measures to ensure that nursing profession is protected.
- (iii).Ensure that no member participate in unprotected strike,
- (iv).Considered all medical/ legal ethical standards. v. Consider the International Council of Nurses Charter on industrial actions.

## CHAPTR XXI: DISCIPLINE

1. A member of the Council or an officer may be interdicted, suspended or expelled from the Union as may be determined by the National Executive/Governing Council if:-
  - a. She/he fails within fourteen days of demand in writing by the Secretary General to pay subscription which are more than six months in arrears or,he infringes any of the terms and conditions of this Constitution or acts in manner which is detrimental to the interests of the Union, provided that any member or officer interdicted, suspended or expelled shall have the right of appeal against such suspension or expulsion to the first National Governing Council following such action by the National Executive Council.
  - b. Notice of an appeal shall be forwarded or handed to the General Secretary, in writing within fourteen days of the date on which the decision of the National Executive Council was communicated to the member or officer concerned,
2. No member official of the union shall be suspended or expelled unless he has been given an opportunity to state his/her case personally and in writing at a meeting of the National Executive Council of which he has received not less than seven day's notice in writing. Such notice shall include details of the allegations with which the member, the member of the Council or an officer is

charged

3. A member of the Council or an official who has appeared before the National Executive Council in accordance with sub-section (1) (b) of this chapter shall, if he is dissatisfied with the decision of the National Executive Council, and has lodged an appeal in the manner provided have the right to re-state his/her case at the National Governing Council when the matter shall be considered.
4. A member or official attending a meeting of the National Executive Council or National Governing Council in terms of sub-section (I) (a) and (b) of this Constitution shall be entitled to call a witness(s) in support of his/her case.(Any decision taken by the National Executive Council shall be effective from the date in which it was taken and shall remain in force until changes or nullified by the National Meeting.
5. Upon expulsion of a member or an official, all monies due to the Union by such member or an official shall become payable. If payment is not made within fourteen days the National Executive Council may take such steps as it considers necessary to secure a settlement.
6. A member of the Council or an official shall cease to be entitled to any of the benefits of membership including the right to vote and to hold office if:-
  - (i). The subscriptions or other charges due by him to the Union are more than six months in arrears or during any period while he is

under s suspension in terms of this constitution.

- ii) Any official who under his/her watch fails to take appropriate measures to protect and defend any member from any form of victimization or act in a manner to suggest or within reasonable grounds to believe he/she has colluded with the employer shall be expelled from the Union leadership and shall be barred from contesting any other position at institutional, branch or national for 20 years
- iii) In-case where an employee sues the Union for complacency, ineptitude corruption, or failure to protect him/her and she /her wins the suit against the Union the entire National Executive Council shall automatically be dissolved and a Secretary of Nairobi Branch shall act as Secretary General for a period of 60 days within which a Special National Governing Meeting shall be called and the purpose of the National Governing Council shall be to ratify and set the date for the General Election involving National , Executive Offices only within 90 days and :-
  - a) The Secretary General, National chairperson, National chief trustee, National treasure, Legal secretary and National Organizing/ recruitment secretary, shall be barred from contesting any office of the Union at all levels for a period of 20 years.
  - b) All other National officials of the National Executive Council shall be barred from contesting for leadership of the Union for a period of 10 years.

## **CHAPTER XXII: AMENDMENT AND ALTERATION OF THE CONSTITUTION**

- (1) Alteration to these chapters shall only be made by resolution voted upon by secret ballot at a National Referendum and ratified at National Governing Council Meeting or Special Governing Council Meeting.
2. All proposals for amendments shall be submitted to the Secretary , General not later than eight weeks before the date of such : National Referendum.
3. No alteration of this constitution shall take effect until the date of registration thereof by the registrar of Trade Union, and thirty six months after the registration of the union,
4. No reproduction of this Constitution by anybody either electronically or photocopy or in any form without the authority of the National Executive Council and allowed in writing by the Secretary General. Copies of the Constitution shall be available to members upon a payment of a prescribed fee.

## **CHAPTER XXIII: DISSOLUTION OF THE UNION**

- (1) The Union shall be dissolved if a National Governing Council Meeting called for such purpose and two-thirds ( $\frac{2}{3}$ ) of the members are present vote by secret ballot to ratify the decision of the members in a referendum, that the Union be dissolved.
- (2) Upon dissolution of the Union and after all the debts and liabilities legally owing by the Union have been satisfied any surplus assets of the Union shall be divided equally amongst the

fully paid up members of the Union.

**Transitional scheduled**

- i. Notwithstanding the provisions of this Constitution, the founding General Secretary shall verify and approve all rebate demands met by founding officials of the union as cost incurred in establishment of the Union, ii. Such rebate demands shall be made within six month from the date of the registration of the union. However, such rebate shall be honoured subject to availability of funds.