



# **UNION OF VETERINARY PRACTITIONERS, KENYA (UVPK)**

## **CONSTITUTION**

**Rules and Regulations**



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## **ARTICLE 1A: PREAMBLE**

We, the Veterinary Practitioners of Kenya {a Practitioner hereafter shall refer to any **veterinary doctor/surgeon** and **veterinary para-professional**} registered by the Kenya Veterinary Board to practice veterinary medicine, by this Constitution, establish the **UNION OF VETERINARY PRACTITIONERS, KENYA (UVPK)** as the Trade Union that shall champion the aspirations of Veterinarians, guided by the functions of the Union as provided herein, and the motto: *quality animal health care for quality human health*.

We, the members of the Union of Veterinary Practitioners, Kenya (UVPK), shall endeavour to support the growth and development of the UVPK, and to abide by such rules and regulations as will be agreed on at the Annual Delegates Conference, from time to time, for the industrial welfare of Veterinary Practitioners and animal health care development in the country as a whole, in the interests of nation building and international cooperation.

### **Our Vision:**

To become one of the most effective and self-reliant Veterinary Practitioners' trade union in the world.

### **Our Mission:**

To unite Veterinary Practitioners of all cadres for quality service, socio economic improvement and professional advancement and strengthen their collective bargaining power; and promote quality animal health care.

## **ARTICLE 1B: SUPREMACY**

- (i) This Constitution, and as it may from time to time be amended, is Supreme and its Provision shall have binding effect on all Members, Union Officials, Union Organs and Structures, and Employees of the Union.
- (ii) The Provisions of this Constitution shall take precedence over and above any other rule(s) and/or regulation(s) of the Union or its Organs, where such rules(s), regulation(s) and/or Organs are inconsistent with the Provisions of this Constitution.

## ARTICLE 1C: INTERPRETATION

In this Constitution, unless the context otherwise requires-

“**member**” means a member of the Union entered on the roll of members;

“**Branch**” means a branch of the Union established by Article 18;

“**National Delegates Conference**” means an Annual Delegates Conference or a Special National Delegates Conference;

“**national organs**” means the National Quinquennial Delegates Conference, Annual Delegates Conference, Special National Delegates Conference, Advisory Council and the National Executive Board;

“**organs of the union**” means an organ of the Union listed in Article 14 of this Constitution;

“**registered office**” means the office of the Union referred to in Article (2);

“**secretariat**” means the national secretariat of the Union established in accordance with Article 17;

“**Union means**” the Union of Veterinary Practitioners, Kenya established by Article 2 of this Constitution;

**Union official**” means any officials holding an office in any organs of the Union;

## ARTICLE 2: ESTABLISHMENT AND NAME OF THE UNION

- 1) The name of the trade union hereby established shall be the **UNION OF VETERINARY PRACTITIONERS KENYA (U.V.P.K)** herein-after referred to as the Union.
- 2) The current location of the registered office of the Union is at Central Veterinary Laboratories Kabete Nairobi.
- 3) The registered offices of the Union shall be situated at such a place as shall be determined by the Advisory Council.
- 4) The postal address of the Union is P.O Box 0725765295-00100 (M-POST), Nairobi Kenya and its Telephone No. is 0725765295.

### **ARTICLE 3: OBJECTIVES OF THE UNION**

The objectives and functions of the Union shall be to-

- 1) To improve the relationship between Veterinary Practitioners (employees) and their employers as specified in Article 4 of this Constitution;
- 2) To negotiate for better terms and conditions of employment for all Union members.
- 3) To effectively represent the members of the Union in all labour grievances and disputes, and promote efficient settlement of disputes and grievances arising between members and their employers through conciliation, arbitration or otherwise and generally to safeguard the labour interests of the members.
- 4) To establish and maintain funds by means of membership subscriptions, contributions, levies and by borrowing on such security and on such terms as may from time to time be authorised or approved by the National Executive Board.
- 5) To seek and obtain legal, other professional and other consultancy services in the delivery of quality representation by the Union and /or in the defence of the rights of a member on matters arising out of the relationship with their employer, subject to the approval of the National Executive Board.
- 6) To collect and disseminate among members of the Union such statistical information concerning all matters affecting the Union or to print, publish and issue such papers, periodicals, books, circulars and other literature as may be seen conducive in the furtherance of the objectives of the Union.
- 7) Strive and work towards ensuring guaranteed job security and shall endeavour to seek facilities for its members and full time employees of the Union, to obtain education and training and also to improve the general welfare of the members and the Union's full time employees.
- 8) The Union shall save at least 10% of its total revenue per month and create a reserve account, separate from the other Union Account(s), and utilize the monies to respond to any emergency that directly benefits Union members and/or acquire either by purchase, lease or otherwise any movable or immovable property or other asset, and sell, let, mortgage or charge or otherwise deal with or dispose of movable or immovable property belonging to the Union. The review of the contribution towards

the reserve account shall only be made with the Authority of the National Executive Board.

- 9) To cooperate with other worker organizations on common issues and in solidarity for joint actions to promote and safeguard the interests of members and workers.
- 10) To affiliate with national federations and international confederations in the consolidation of workers solidarity.
- 11) To actively engage all stakeholders on any policy issues touching on the delivery of animal health services and to promote the principles of equity, professionalism and meritocracies.
- 12) In pursuance of these objectives, the Union shall do, or cause to be done such acts and things, as it considers necessary for the furtherance of these objectives and generally to do everything to promote the interest of all or any of its members or anything beneficial to the interests of the individual members of the Union.
- 13) To pursue other objects which a trade union may legally perform in the broader interests of its members and in the furtherance of the trade union movement.
- 14) Members of the Union shall cooperate with, and faithfully serve, the Government of the day by effectively implementing its policies and programs.
- 15) The Union shall maintain its traditional independence and neutrality in politics and shall not be aligned or show support or opposition to any political party or political personality.
- 16) The Union shall work with other Kenyans of goodwill in the fight against negative ethnicity, corruption, nepotism, impunity, ignorance and poverty among others.
- 17) The Union shall strive to promote and integrate gender and youth issues in collective bargaining agreements and generally in the pursuit of its objectives.

#### **ARTICLE 4: ELIGIBILITY FOR MEMBERSHIP**

- I. Membership shall be open to any person who is qualified and registered as a veterinary surgeon (holds a bachelor's degree in Veterinary Medicine and Surgery (BVM), or their equivalents, or higher, from a recognized University, or qualified and registered as a Veterinary Para-professional by the Kenya Veterinary Board to practise Veterinary Medicine as described in the Veterinary Surgeons and Veterinary Para-professionals Act 2011 Laws of Kenya, and against whose professional conduct no charge can be sustained at a National Delegates' Conference, shall have the right of admission to the Union through any of the Branches of the Union upon payment of non-refundable entrance/registration fees of Ksh. 1000.

- II. Every member shall pay such amounts of prescribed monthly subscriptions together with other levies that may be stipulated by the Trade Union as may from time to time be determined by the National Delegates Conference or Special Delegates Conference.
  - a. Through check-off system; or
  - b. By cash in advance annually through official Union account
  - c. Or Mobile money transfer or as the National Executive Board shall stipulate from time to time at a rate to be determined by a National Delegates Conference.
- III. Upon admission to membership of the Union, a member shall be bound by this constitution, the Rules of the Union, the General Standing Orders and resolutions and decisions of the organs of the Union.
- IV. Any subscription or other donations paid to the Union shall not be refundable except where such subscription or donation was made in error and final decision to that effect shall be made by the National Executive Board.
- V. Every member shall be at liberty to withdraw his/her membership from the Union by giving a written notice of resignation to the employer in which case the party withdrawing will cease to be entitled to enjoy any benefits or privilege from the Union.
- VI. Any member of this Union who resigns under “v” of this Article may be readmitted on application to the National Executive Board.
- VII. The trade Union shall be at liberty to join a federation of trade unions, so long as the rules and regulations of such other organizations are not contrary to the Rules and Regulations of this Union.

## **ARTICLE 5: OBLIGATION AND DISCIPLINE OF MEMBERS**

Every member of the Union has an obligation to –

- a) Propagate the aims and objectives of the Union;
- b) Participate in the recruitment of more members to the Union;
- c) Attend personally, and to promote the attendance of other members at all meetings, demonstrations and processions organized by the Union;
- d) Comply with, respect and implement, in full, all lawful decisions and resolutions made by any organ of the Union.
- e) Any member of a Branch of the Union who is transferred from one County/region to another, shall on payment of all dues, be entitled to a “Deem it” which shall make him/her eligible for enrolment in the Branch of his/her new area without the necessity of paying the registration fee or the annual subscription again.

### **Discipline-**



- a) It shall be lawful for the National Executive Board to discipline any member of the Union in any way it may deem necessary either by censure, fine, suspension, expulsion; and any member expelled forfeits all rights. However, any member so disciplined shall have right of appeal to the ADC whose decision on the matter will be final.
  - b) Any member dissatisfied with the decision of his/her Branch can appeal to the National Executive Board within two months. Any member desirous of appealing shall give notice thereof to the Branch concerned before forwarding the appeal to the Secretary General, who shall place the appeal on the agenda for the National Executive Board meeting. The National Executive Board may suspend the operation of any decision of a Branch pending the hearing of such an appeal, should application be made to them for that purpose.
  - c) Any Union member who, in the opinion of the National Executive Board, shall have injured or attempted to injure the Union or to work contrary to the interests of the Union or its members, or attempted to break of or dissolve the Union other than as allowed by these Rules, or otherwise brought the Union to discredit, or refused to comply with the order or decision of any Committee having jurisdiction over the said member under these Rules, or requested or taken work from the employers at any place where a professional dispute exists between such employers and the Union or any Branch of the Union, or obtained or attempted to obtain any of the benefits of the Union by means of misrepresentation, or knowingly participated in or been party to any fraud perpetrated on the Union such as misappropriation of its funds or the funds of any Branch thereof, or acted contrary to any orders or the directives of the National Executive Board rendering his/her conduct inconsistent with the duties of a member of the Union, may be expelled by the National Executive Board of the Union and he/she shall thereupon cease to be a member, but can appeal to the Annual Delegates Conference.
- (b) Any member of the Union who has been convicted of any crime involving fraud or dishonesty shall not be an officer of the Union at both National and Branch levels.

## **ARTICLE 6: HONORARY MEMBERSHIP**

- 1) Honorary membership may be conferred on any person who, in the opinion of the National Executive Board in consultation with the Advisory Council, being otherwise not eligible for ordinary membership of the Union, has rendered outstanding service to the cause of the Union.
- 2) Honorary member shall not have the right to vote on any matter, nor be eligible to hold any office, in the Union.

- 3) Any member may propose, in writing, to the National Executive Board the name of not more than one person at a time for consideration by the National Executive Board for honorary membership of the Union.
- 4) The National Executive Board shall deliberate on such application for Honorary Membership and take such decision, as it shall deem appropriate in consultation with the Advisory Council.
- 5) Honorary member shall not be eligible to propose a name for consideration for honorary membership.
- 6) Where the National Executive Board confers honorary membership on any person, it shall communicate that decision to the National Delegates Conference for its information.

## **ARTICLE 7: ESTABLISHMENT OF OFFICES AND ELECTION OF NATIONAL OFFICIALS**

- 1) There shall be the following offices of the Union at the National level, whose holders shall be known as the National Officials-
  - a) the National Chairperson
  - b) the Deputy National Chairperson
  - c) the Secretary General
  - d) the Deputy Secretary General
  - e) the National Treasurer
  - f) the Deputy National Treasurer
  - g) the National gender and youth affairs secretary
  - h) the Trustees
- 2) Except as otherwise expressly provided, in this Constitution, all National Officials shall be elected every five years by means of secret ballot by the Quinquennial National Delegates Conference.
- 3) The National Officials shall be elected at the Quinquennial National Delegates Conference or the Special National Delegates Conference at which the delegates shall form an electoral college for that purpose.
- 4) A person shall not be eligible for election as a National Official if that person-
  - a) Is not a registered Veterinary Practitioner by the Kenya Veterinary Board
  - b) Is not a member of the Union;
  - c) Owes the Union any amounts being arrears of unpaid subscriptions or owes the Union any other amount which is due to the Union and remains unpaid;
  - d) Has not been a member of the Union for at least the last two years immediately preceding the date of the election despite having been a registered Veterinary Practitioner for two or more years, and was otherwise eligible for membership during that time;
- 5) A person who intends to vie for a National office shall give notice in writing of such intention to the Secretary General at least four (4) weeks prior to the National

Delegates Conference at which the election is to take place and the National Executive Board shall acknowledge receipt of such notices.

- 6) Any vacancy arising in a National office before the next Delegates Conference shall be filled by the National Executive Board which shall appoint a person from amongst its' members to fill the vacancy with advice from the Advisory Council.
- 7) Any person so appointed to an office under sub-article (6) of this Article shall only hold office for the remainder of the term during which his/her predecessor would have held such office had she not ceased to be an office bearer and the term of every official shall expire on the next Quinquennial National Delegates Conference following the appointment.
- 8) National Executive Board may appoint any qualified person thereof as a full time member of the Secretariat.
- 9) Executive Officers: The National Executive Board may appoint a full-time Executive Officer who will assume roles of head of secretariat and determine his/her salary and conditions of service, provided that the permission of the Registrar of Trade Unions is obtained in accordance with the provisions of the Labour Relations Act, before any such appointment is made. The Executive Officer shall carry out such duties as may be assigned to him/her by the National Executive Board or Secretary General. He may attend Annual Delegates Conferences, Special Conferences and meetings of the National Executive Board, and shall not be eligible to vote at such conferences, or meetings. The Executive Officers and other members of the secretariat may be removed from office at any time by a majority vote of the National Executive Board.
- 10) Where a person is appointed a full-time member of the Secretariat, such a person shall be paid such remuneration as the National Executive Board may approve and shall be subject to the terms and conditions of service applicable commensurate with the duties and responsibilities of that office at the Secretariat.
- 11)
  - a) No person may at any one time hold more than one elective position in the Union office whether such position is at the National, County or Branch level unless through nomination to fill a vacant position before Special or National Delegates Conference is held..
  - b) The elective Union Offices shall be:
    - i. National Office
    - ii. Branch office
  - c) The Union National Officials shall be deemed to be in the National Executive Board by virtue of their election into the National Office and the duties therein

## **ARTICLE 8: DUTIES AND RESPONSIBILITIES OF THE NATIONAL OFFICIALS**

### **The National Chairperson:**

- 1 The National Chairperson of the Union shall be the symbol of Unity in the Union and shall be impartial in handling Union affairs. He/she shall-
  - a) Preside over all meetings of all organs of the Union at which he/she is present except meetings of sub-committee of an organ of the Union.
  - b) Ensure full compliance with the provisions of this Constitution, the Rules, the General Standing Orders and the Financial Manual of the Union.
  - c) Be a member of the main team of negotiators handling grievances and Collective Bargaining negotiations on behalf of the Union with the employer(s) at all levels.
  - d) Ensure timely convening of the meetings of the major National organs of the Union.
  - e) Perform such duties as by usage, tradition, custom in the labour movement pertains to that office, and
  - f) In case of a tie in a vote at any meeting, in addition to his/her vote, have casting or deciding vote.

### **The Deputy National Chairperson**

- a) The Deputy National Chairperson shall preside over conferences and meetings in the absence of the National Chairperson, and whilst so performing such duties, he/she shall have the privileges as the National Chairperson.
- b) If for any reason the National Chairperson fails or the Deputy National Chairperson fail to preside over properly convened and constituted conferences and meetings of the Union, the delegates attending such conferences and meetings shall have the right to appoint an ad hoc Chairperson among themselves to preside over the meeting.

### **The Secretary General**

The administrative authority of the Union is vested in the Office of the Secretary General. In this capacity, the Secretary General shall-

- a) Be the Chief Executive Officer of the Union (unless stated otherwise in this constitution) and the spokesperson of the Union;
- b) Be the head of the Secretariat (unless stated otherwise in this constitution).
- c) Be the authorized representative of the Union, mandated and authorized to sign Collective agreements on behalf of the Union;
- d) Be a member of the team of negotiators handling grievances and Collective Bargaining negotiations on behalf of the Union with the employer(s) at all levels;
- e) Be the official recognized and authorized by law, and by this Constitution, to sign statutory annual returns and to sign contracts or agreements binding the Union;
- f) Issue notices of meetings of all National organs of the Union and ensure proper documentation of minutes of all such minutes and the safe custody of the minutes and other record of the Union;
- g) Prepare and submit statutory annual reports on the progress and operations of the Union to the National organs of the Union;

- h) Oversee all Union operations and ensure effective functioning of the Union through the maintenance of high standards of discipline and compliance by the Union of the provisions of the Labour Relations Act, No.14 of 2007, Laws of Kenya;
- i) Generally, exercise overall administrative powers over the Union employees;
- j) Together with the National Treasurer, be responsible for the lawful and prudent and safe use of the funds of the Union;
- k) Be responsible for the policy implementation and for office operations generally, and as shall from time to time be directed by the National Executive Board.

### **The Deputy Secretary General**

The Deputy Secretary General shall-

- a) Be the principal assistant to the Secretary-General
- b) Assist and deputize the Secretary-General in the day to day administrative functions of the Union;
- c) Be a member of the main team of negotiators handling grievances and Collective Bargaining negotiations on behalf of the Union with the employer(s) at all levels;
- d) Act as, and discharge the functions of, the Secretary-General in the absence of the Secretary-General
- e) Initiate and co-ordinate recruitment of members;
- f) In collaboration with Branch officials, initiate and co-ordinate the execution of activities and programs in the Union;
- g) Be the lead official in the organization and execution of demonstrations and strike action after a decision to take any of these actions shall have been sanctioned by the relevant 3 of the Union;
- h) Co-ordinate Branch elections and in the organization of the National Delegates Conferences;
- i) Perform organizational duties as per the activities functions of the Union at the national level;
- j) Compile reports pertaining to activities of the Union in consultation with the Secretary-General.

### **The National Treasurer**

- 1) The National Treasurer shall-
  - (i) Be the chief custodian of the Funds of the Union;
  - (ii) Be responsible and accountable to the members for the safety of the Funds of Union as stipulated in section 42 of the Labour Relations Act, No. 14 of 2007, Laws of Kenya.
- 2) It shall be the responsibility of the National Treasurer together with the Secretary-General to ensure that funds are not expended on any activity not provided for in Article on Finances of the Union.

- 3) The National Treasurer shall prepare and submit to the National and Special Delegates Conferences, annual reports on the financial position of the Union together with a statement of income and expenditure.
- 4) The Treasurer shall keep and maintain books of accounts of the Union and shall report to the Secretary-General and the National Executive Board on the state and safe use of Union Funds and any loss or misuse of Union funds by any Union official, member or employee for their attention and necessary action.
- 5) The National Treasurer shall be a member of the main team of negotiators handling grievances and Collective Bargaining negotiations on behalf of the Union with the employer(s) at all levels.

### **The Deputy National Treasurer**

The Deputy National Treasurer shall be an alternate to the National Treasurer and shall act in the position of the National Treasurer during the absence of the National Treasurer.

### **The National gender and youth affairs secretary**

The National gender and youth affairs secretary shall be responsible for-

- a) The co-ordination of activities of the Union specifically targeting women and youth Veterinary Practitioners;
- b) Articulating the needs and aspirations of women and youth Veterinary Practitioners and advising on the integration of such needs and aspirations in the Union's programs and activities
- c) Representing the Union in fora that focus on gender matters, and handle issues that touch on gender at the work-place paying special attention to issues of gender balance.
- d) No person shall be eligible for election as the National gender and youth affairs secretary if that person is above the age of thirty years as at the date of election or is not a woman/female.

## **ARTICLE 9: TRUSTEES OF THE UNION**

- 1) The Quinquennial Delegates Conference shall elect three Trustees to serve for a term of five years but shall be eligible for re-election and of whom, at least one shall be a woman.
- 2) Trustees shall meet at least once every five months.
- 3) The quorum for a meeting of Trustees shall be two-thirds of its membership.
- 4) The National Chairman, Secretary General, National Treasurer and or Executive officer may attend the meeting as ex-officio Members.

- 5) The general powers of UVPK Trustees shall be in accordance with the laws of Kenya.
- 6) A Trustee shall hold office until such time as he resigns by notice in writing to the National Executive Board or is removed by vote at an Annual Delegate's Conference or Special Conference. In the event of death or the resignation of a Trustee, the National Executive Board shall nominate one of its members to temporarily fill the vacancy until such time as the Annual Delegate's Conference elects a Trustee to fill the Office of the nominated trustee. The office of a Trustee shall also be declared vacant when he/she is declared bankrupt or him/her becoming of unsound mind or being sentenced to prison for a term of more than six months or involved in any behaviour considered injurious to the Union by Delegates Conference.
- 7) The Trustees may attend meetings of the National Executive Board, the Advisory Council, National, Special and Quinquennial Delegates Conferences as National Officials and shall have the right to vote at all such meetings.
- 8) The Trustees shall during the time of election, be ranked First, Second and Third Trustee in the order of votes garnered by each one of them at the Conference.

#### **ARTICLE 10: DUTIES AND RESPONSIBILITIES OF THE TRUSTEES**

- 1) The Trustees shall ensure all property of the Union, including buildings, other movable and immovable property, funds, accounts, investments and securities acquired by the Union, shall be vested in the names of the Union.
- 2) A Trustee shall perform his/her duties in accordance with the Trustee Act, Cap. 167 of the Laws of Kenya and the provisions of sections 36-38 of the Labour Relations Act, No. 14 of 2007, of the Laws of Kenya.
- 3) The Trustees shall prepare and maintain inventory of all the property of the Union, and ensure that such inventory is up to date at any given time.
- 4) The 1<sup>st</sup> Trustee shall be the team leader of the Trustees and shall preside as the chair at the meetings of the Trustees.
- 5) The Trustees shall preside over at the taking and handing over of the custody of the funds of the Union, any time there is change in the holder of the office of National Treasurer or any other office responsible for any funds of the Union.
- 6) The Trustees shall be consulted when Union purchases or disposes property or enters into leases with respect to any property of the Union on such terms as regards rent and other conditions as it shall be deemed profitable to the Union.
- 7) The Trustees shall promptly ensure payment of all income from property of the Union is made to the National Treasurer.



## **ARTICLE 11: TENURE AND VACATION OF OFFICE**

- 1) Every elected Official of the Union shall hold office for a term of five (5) years, but shall be eligible for re-election.
- 2) The term of office of all elected National Officials of the Union shall expire at the next National Quinquennial Delegates Conference following the assumption of office by that official.
- 3) If more than three positions in the National Office fall vacant at least twelve months before the next National Quinquennial Delegates Conference, the next National Annual Delegates Conference shall fill the vacancies.

## **ARTICLE 12: DISCIPLINE OF NATIONAL OFFICIALS**

- 1) A National Official may be suspended from office as may be determined by a Dispute Resolution Committee appointed by the National Executive Board-
  - (i) When he/she fails within thirty days of demand in writing by the Secretary-General to pay Union subscriptions, which are, more than thirteen weeks in arrears;
  - (ii) When he/she is guilty of gross contravention of any of the provisions of this Constitution and the Rules and the General Standing Orders of the Union;
  - (iii) Has contravened the provisions of the Financial Manual of the Union thereby occasioning loss to the Union;
  - (iv) Persistently acts in a manner generally detrimental to the interests of the Union.
- 2) The National Executive Board shall deliberate on the matter and decide whether to uphold the suspension, remove the official from office or rescind the decision of the Dispute Resolution Committee of suspending the official.
- 3) No official shall be suspended or expelled unless he/she has been given an opportunity to state his/her case personally or in writing at a meeting of the Dispute Resolution Committee, about which he/she has received notice of not less than fourteen days in writing. Such notice shall include details of the allegations with which the member is being charged.
- 4) An officer appearing before the National Executive Board in terms of this Article shall be entitled to call witnesses in support of his/her case.



- 5) Any decision taken by the National Executive Board to uphold suspension or expulsion of a member or official shall remain effective until reversed by next National Delegates Conference.

### **ARTICLE 13: THE UNION'S GENDER POLICY**

- 1) The Union recognizes that, gender integration and the achievement of gender sensitivity and or equity are matters of human rights and conditions for social justice. The Union also recognizes the relevance and the importance of the role of women's participation in the activities of the Union and shall endeavour to secure their proportionate representation of women within the Union structures.
- 2) The Union recognises that increased participation of women in trade union activities will go a long way in strengthening the trade union movement in Kenya and globally.

### **ARTICLE 14: THE UNION ORGANS**

The organs of the Union established by this Constitution are as follows-

- (i) The National Quinquennial Delegates Conference;
- (ii) The National Annual Delegates Conference;
- (iii) The Special National Delegates Conference;
- (iv) The Advisory Council;
- (v) The National Executive Board
- (vi) The Branch General Meeting
- (vii) The Branch Executive Council

### **ARTICLE 15: COMPOSITION AND FUNCTIONS OF THE NATIONAL ORGANS OF THE UNION**

#### **1 National Delegates' Conference**

There shall be three types of National Delegates' Conferences, namely-

- (i) The National Quinquennial Delegates' Conference;
- (ii) The National Annual Delegates' Conference;
- (iii) The Special National Delegates' Conference;

#### **1.1 The National Quinquennial Delegates' Conference**

- 1)
  - a) The National Quinquennial Delegates Conference shall be the supreme organ of the Union and shall determine any issue brought before it and its decision on any question concerning the Union shall be final.

- b) The elections of the Union's National officials shall be held at the National Quinquennial Delegates' Conference.
- c) The National Quinquennial Delegates' Conference shall be held at a time being not later than five years since the previous National Quinquennial Delegates' at a place recommended by the National Executive Board.
- d) Written notices convening the National Annual Delegates' Conference shall be sent out by the Secretary-General to all Branches of the Union, at least six weeks before the date of that Conference.
- e) The National, Special Delegates' Conference or the National Quinquennial Delegates' Conference shall consist of-
  - (i) National Executive Board,
  - (ii) Trustees of the Union
  - (iii) Delegates from Branches
- 2) The agenda of the National Quinquennial Delegates' Conference shall be-
  - a) Holding elections of the National Executive Board;
  - b) Receiving and considering any reports including the financial reports, budget estimates and auditor's reports;
  - c) Discussing and adopting or otherwise dealing with the Union policy outlining the direction of the Union programs and activities;
  - d) Discussing and giving of directions on any matter referred to it by the National Executive Board;
  - e) Considering and dealing with reports of the National Officials namely: the National Chairperson, the Secretary-General, and the National Treasurer.
  - f) Conducting any other business.
- 3) The National Executive Board shall prepare the agenda for the Delegates' Conference and the same shall be sent to the delegates by the Secretary-General not later than three weeks before the Delegates' Conference.
- 4) The Quorum for National, Quinquennial and Special Delegates' Conference shall be **two thirds (2/3)** of the members expected and entitled to attend and vote thereat.

## 1.2 The National Annual Delegates' Conference

1.

- a) There shall be convened annually in the month of June for not less than two (2) days, at such date and place as may be fixed by the National Executive Board.
- b) The Annual Delegates' Conference shall be the supreme authority of the Union and its decisions shall be final and binding on all members.
- c) Notice regarding the Annual Delegates' Conference must go out at least two months before the Conference.
- d) The National Executive Board may convene a Special Delegates' Conference whenever necessary, provided that not less than two weeks' notice is given.

2.
  - a) The nomination of the delegates to the Annual Delegates Conference shall be carried out by the Branch General Meeting. Top Officials of the branches shall automatically be delegates depending on the number of delegates allocated to each branch.
  - b) Every delegate must be a bona fide member of the union, and must, as an individual accept and conform to the constitution, programme, principles and policies of the union
  - c) Only members who have paid their dues to date to the Union shall act as delegates.
3. Members of the conference shall be the following:
  - a) All members of the National Executive Board
  - b) Delegates duly nominated and mandated by each Branch General Meeting, one delegate for every twenty members (or as may be determined by NEB) eligible to vote.
  - c) Union members who represent the union on National Statutory Boards, Councils and Councils of Kenya which deal with Animal Health Care matters.
  - d) Ex-officio members shall be persons of recognized bodies invited by the National Executive Board. These shall have no right to vote.

#### **Roles of National Delegates' Conference.**

4.
  - a) To determine the broad basic policy programme for future activities of the Union. The decisions of the Annual Delegates' Conference shall be binding on all members of the Union.
  - b) To delegate powers to the National Executive Board for the purpose of setting up specialized departments and other advisory bodies at the Secretariat to carry out the aims and objectives of the Union.
  - c) To consider and approve proposals, reports and audited accounts presented by the officials of the Union, and Trustees on behalf of the National Executive Board.
  - d) To deal with Animal Health Care matters affecting the Union and the Republic of Kenya.

### **1.3 THE SPECIAL NATIONAL DELEGATE'S CONFERENCE**

- a) A special National Delegates' Conference may be convened by the National Executive Board if need arises or at the written request of not less than twenty-five percent (25%) of the duly paid up members.
- b) Each of the members requisitioning the Special Delegates' Conference shall be required to sign the requisition provided that the National Executive Board shall not be required to act on requisition of members unless and until a sum of Ksh. 300,000 (Three Hundred Thousand shillings) shall have been paid to

the National Treasurer of the Union for the purpose of defraying part of the cost of convening the Conference.

- c) The sum amount paid under sub-article (2) shall not, under any circumstance be refunded even if the requisitioned Special Delegate's Conference does not take place.
- d) A Special National Delegate's Conference shall be called by the Secretary General, as convened by the National Executive Board, and by giving a three week notice in writing to each Branch of the Union.
- e) A Special National Delegate's Conference shall deal with specific matters for which it was convened.
- f) If for any reason, the National Executive Board upon a requisition from the members fails to convene the Special National Delegate's Conference after a period of four (4) weeks upon requisition, then the members requisitioning such conference shall have the right to nominate any member among them to convene the Conference.
- g) If within four hours from the time appointed for the Special National Delegate's Conference, and no quorum is achieved, the Conference convened upon a requisition of members shall be dissolved, in any other case, it shall stand adjourned for two weeks and be held at the same day of the week and at the same place and if at an adjourned conference a quorum be not present within two (2) hours, from the time appointed for the conference, the members present shall form a quorum.

## **2 The Advisory Council**

- a) The Advisory Council of the Union shall consist of the Chairperson, Secretary and the Treasurer from each of the branches of the union and any other member as may be determined by National Executive Board.
- b) The Advisory Council shall advise the National Executive Board on important issues to be presented for ratification in the ensuing National Annual Delegates' Conference.
- c) The Advisory Council shall meet once every year or as often as the NEB may consider necessary.
- d) The travel and subsistence costs incurred by the members of the Advisory Council shall be paid to the Councillors by their respective Branch Treasurers.
- e) Where this Constitution provides for the exercise of a function in the Advisory Council by another person in the absence of the substantive holder of the office, the Advisory Council may determine what circumstances may be deemed to constitute that absence and the extent of the powers to be exercised, or the duties to be performed by the person acting who must be a Branch official.

## **3. The National Executive Board**

- a) The National Executive Board shall be responsible for the day to day running of the affairs of the Union;

- b) It shall exercise control and supervision over the individual Union's National officials (National and Branch, and employees of the Union).
- c) The National Executive Board shall consist of the National Officials.
- d) The NEB shall meet at least once in every four months (three times every year) or At such time as The Chairman and the Secretary General may deem fit or When a requisition signed by not less than FOUR National Executive Board members, stating the reasons for a meeting in writing, has been received by the Secretary General at least one week in advance.
- e) Any member of a Board, Committee or sub- Committee of the Union who shall fail to attend three consecutive meetings of the Board, Council, Committee or sub- Committee without satisfactory reasons shall cease to be a member of the Board, council, Committee or sub- Committee.
- f) National Executive Board shall act as the supreme authority and to transact the business of the Union in the Annual Delegates' Conference. It shall see that the decisions and policies of the Annual Delegates' Conference are fully executed.
- g) National Executive Board shall help organize and supervise the administrative machinery of the Union at all levels, National or Branch, and to enforce decisions and the programme of the Union as determined by the Annual Delegates' Conference.
- h) National Executive Board shall enforce the Constitution, Rules, and Regulations, Standing Orders, By-Laws, of the Union and to take such steps as may be deemed necessary for such purposes, whether by way of dissolution or suspension of a Branch, suspension or expulsion of a member or members of the Union. Any such steps taken by the National Executive Board must be duly reported to the Annual Delegates' Conference of the union for ratification, to which Conference appeals shall lie from the Branch or from the member or members concerned.
- i) National Executive Board shall take appropriate disciplinary action against any member or official of the Union on issues relating to Constitutional breach and/or indiscipline. Such disciplinary action shall apply sanctions involving suspensions for a period not exceeding three (3) months in the first instance and not more than six months in the aggregate. A member or Union official on whom a disciplinary action has been taken shall have recourse for appeal at the National Executive Board.
- j) National Executive Board has power to solicit funds through loans, advances, overdrafts and mortgage Union property, maintain the Union's finances and submit a report and a statement of accounts to the Annual Delegates' Conference of the Union.
- k) National Executive Board may publish the Union's magazine at least once per year.

- l) The National Executive Board may suspend or dismiss or replace any officials of the Union for negligence of duty, dishonesty, incompetency, or for failure to obey its decisions or for other reasons it may deem fit and important in the interest of the Union subject to the approval of the Annual Delegates' Conference.
- m) National Executive Board shall establish and maintain the Union's projects at Branch and National levels.
- n) National Executive Board has the power to employ or dismiss Executive Officers, Executive Assistants and any other employees as it deems necessary and communicate the same to the next ADC. National Executive Board shall have the powers to designate any elected officer on full time basis and shall determine terms and conditions of service for officers holding them.
- o) National Executive Board shall have the power to appoint/form such committees/Councils of the Union and specify their functions as it may deem prudent for the effective and efficient discharge of its functions.

### **NEB Decision making**

1. The NEB shall make decisions through a vote in which a simple majority will be sufficient to decide upon any matter.
2. Each member of the NEC shall have one (1) vote (one man one vote policy).
3. In the event of a tie, the Chairman shall have the right to cast a second vote to break the tie.
4. NEB decisions so arrived at shall be binding to all members of the NEB, Union officials and members, provided that if any such decisions directly affects the rights or privileges of any member or group of members, and shall be entered in the minutes as the NEB decision on the matter in question. Such members shall may within thirty (30) days of the date of the meeting of the National Executive Board, appeal to the NEB to call for an SDC to review the decision.

### **ARTICLE 16: SUB-COMMITTEES OF THE ADVISORY COUNCIL AND OF THE NATIONAL EXECUTIVE BOARD**

1. The advisory Council shall establish such sub-committees comprising of members and to assign such sub-committees to such functions as it shall deem fit.
2. The National Executive Board shall establish such sub-committees comprising of members and to assign such sub-committees such functions as it shall deem fit.
3. Notwithstanding the provisions in Article 16 (1) and (2), there shall be Dispute Resolutions Committee at both the National and Branch levels
4. The Dispute Resolutions Committee at the National level shall be appointed by the National Executive Board while the Dispute Resolutions Committee at the Branch level shall be appointed by the Branch Executive Council.

5. Union official(s), member(s) or group of members shall not refer any dispute(s) to a Court of Law before exhausting all the arbitration machinery and avenues as provided for in this Constitution.
6. Any dispute concerning the interpretation or application of this Constitution shall be settled through negotiation and conciliation.
7. If no amicable solution is reached, any aggrieved party shall refer the matter to a tribunal of arbitrators that shall be constituted and operate as provided for by the Arbitration laws of Kenya.

## **ARTICLE 17: THE SECRETARIAT AND EMPLOYEES OF THE UNION**

1. The Secretariat of the Union shall consist of the Secretary General and other members of staff of the Union.
2. The Secretary General or CEO shall be the head of the Secretariat and shall be responsible to the other organs for the proper functioning of the Secretariat.
3. The Secretariat shall be responsible for the planning, coordinating and executing the activities of the Union and for implementing the decisions of the National Executive Board, the Advisory Council and the National Delegate's Conference.
4. Where an official is called upon to become a full-time member of the Secretariat-
  - a. The Secretary-General shall accord that official such secretarial and other facilities as may be necessary to enable him/her to perform his/her duties.
  - b. He/she shall be governed by such terms and conditions of service as shall be determined by the National Executive Board.
5. The Union through the National Executive Board shall employ such staff as it may from time to time consider necessary for the efficient discharge of its functions and shall determine their remunerations and other terms of conditions of services.
6. Employees of the Union may be removed from the service of the Union or otherwise disciplined in accordance with their terms and conditions of service contained in the Union's Human Resources Manual approved by the National Executive Board.

## **ARTICLE 18: BRANCHES OF THE UNION**

1. There shall be a Branch Union Office whose highest decision making organ shall be the Branch Annual General Meeting. The Union shall consist of Branches organized, as far as possible, on regional basis, whose membership shall be approved by the National Executive Board on application. Each Branch shall have at least TWENTY members.
2. The Union Branches shall hold an Annual General Meeting, which shall among other agenda, appoint a Branch Steering Committee.



3. Every Branch of the Union duly formed shall report the same to the Secretary-General who will, upon approval by the National Executive Board, apply to the Registrar of Trade Unions for the Branch Registration Certificate.
4. The branches shall be answerable to the National Executive Board.
5. Each Branch shall be governed by the Branch Executive Council
6. The Branch officials and committee members shall be elected directly by members in the respective Branches for a five year term and shall be eligible for re-election.
7. No one shall hold office in any Branch who has not paid all the annual subscription (dues) for the preceding year and any other levies in full, and who does not show sufficient interest in the Union. The Branch officials shall be elected every five (5) years. The outgoing officers shall be eligible for re-election.
8. Every Branch shall forward to the Secretary General a copy of their bylaws, but those bylaws shall not be operative until they are sanctioned by the National Executive Board of the Union. Once the bylaws of a Branch are approved, no alteration of, or addition to the approved by-laws may be made without the prior sanction of the National Executive Board of the Union.
9. The National Executive Board may exclude from the Union any Branch which, in their opinion, has declined to comply with the Rules of the Union. An appeal against any such decision may however be made to the ADC by the branch secretary on behalf of the branch.
10. The Advisory Council shall, in the event of dissolution of a Branch, transfer members of the Branch to another contiguous Branch.
11. The National Office of the Union shall allocate funds to the Branch an amount which shall be determined in accordance with the numerical strength of membership in that Branch.
12. No Branch shall take action on any subject which commits the Union as a whole, without the sanction of the National Executive Board and no Branch shall publish views, or deal with any matter in a way that is detrimental to the Union as a whole.
13. Any Branch which shall fail to send to the Head Office the Balance Sheets or other returns within the stipulated time limit, shall be dealt with by the National Executive Board. The National Executive Council may exclude from the Union any Branch whose membership dues, levy or other dues, remain unpaid after the date of which they are due, provided that a full and clear notice and opportunity of exculpation shall have been given to the Branch concerned.
14. The funds of every Branch shall be the common property of the Union. Any such property held by any Union Branch which shall secede or be dissolved shall be sent at once to the Head Office by the Officers of the Branch seceding, together with a detailed statement of receipts and expenditure. Should any member of such a Branch wish to remain in the Union, he shall be the custodian of the Union in the same Branch.



### **Branch General Meeting:-**

1. A general meeting of each branch shall be held at least ONCE every year, or as frequently as may be desired by the Branch Executive Committee.
2. A general meeting of Branch may be called on the instructions of the Secretary General on behalf of the National Executive Board.
3. The duties of the Branch General Meeting shall be:-
  - a) To determine branch UVPK policy and programmes for the ensuing term or year in conformity with the Strategic plan as determined by the Annual Delegates' Conference.
  - b) To consider reports and statements of accounts made to the Branch General Meeting by the Branch Treasurer.
  - c) To discuss other matters and reports calculated to promote the interest of the Union in the area wherein the branch operates.
  - d) Nomination of delegates to attend ADC. Delegates nominated should represent 50% each wing i.e. veterinary doctors and veterinary paraprofessionals, the number of which shall be determined by the NEB.

### **The Branch Executive Council:-**

1. The Branch Executive Council shall consist of the Branch Chairperson, the Branch Secretary, the Branch Treasurer and their deputies, the Woman (Affirmative) Representative and ANY other members not exceeding FIVE elected by the Branch General Meeting.
2. The Branch Executive Council shall meet once every four months and if emergency arises as frequently as it may desire.
3. Each Branch shall have a Branch Steering Committee appointed from amongst the members of the Branch Executive Council and Committee members.
4. The Branch Steering Committee shall serve for a period of five (5) years in line with Article 11 of this Constitution on Tenure of Office.
5. A Branch Executive Council shall have power to appoint and constitute Committees and Sub-Committees to deal with such specific tasks or assignments as it may deem fit for the effective and efficient discharge of Union activities in the Branch.

### **The duties of the Branch Executive Council shall be:-**

- a) To carry on vigorous agenda and organizational work among the Veterinary Practitioners in order to help realize the aims and objectives of the Union.
- b) To pay relentless attention to the sentiments and remarks of the members of the Veterinary Profession in Kenya and to report same to the Office of the Secretary General.
- c) To recruit new members and to supervise the collection of all Union fees.
- d) To keep Union records for membership up-to-date and to report any irregularities to the Secretary General.

- e) To help organize the Veterinary Practitioners within the area where the Branch operates and to do everything possible to co-ordinate their efforts, activities and work.
- f) To submit reports and statements of accounts to the Branch General Meeting as well as to the Secretary General for transmission to the National Executive Board.
- g) To undertake all such activities that may further the aims and objectives of the Union and to undertake any such actions against indiscipline and other offences as may bring the Union into dishonour and disrepute.
- h) To help execute the aims/objectives, policy and programme of the Union, coordination of the Union's activities and carry out instructions received from the Head Office at the Branch level.
- i) To make recommendations to the National Executive Board on the matters of dissolutions, or expulsions of Branches and of the Union within or adjacent to the county.
- j) To plan and maintain Union projects in the Branch for the Veterinary Practitioners on behalf of the National Executive Board.
- k) To solicit funds through loans, advances, overdrafts and mortgage Union Branch property with the consent of the National Executive Board.
- l) The Branch Executive Council may suspend any of its officers for negligence of duty, dishonesty, incompetency or failure to obey its decision, or for other reasons it may deem fit and important in the interest of the branch and recommend such suspension to the branch general meeting for a decision to either re-instate or dismiss. However, any officers of the union dismissed by the branch general meeting who is dissatisfied with the decision of his/her dismissal can appeal to the National Executive Board of the Union for consideration. The same appeal may be made to the National Executive Board for consideration by the Branch Executive Council if it (Branch Executive Council) is dissatisfied with the re-instatement. In either case, the decision of the National Executive Board shall be final either to uphold or rescind the decision of the Branch General Meeting. A dismissal once enforced shall be valid for five years only.

#### **Branch Officials of the Union:-**

1. Except as otherwise herein expressly provided, all officials of branches shall be elected after five years by secret ballot at a branch general meeting.
2. Only such members of the Union not in arrears with subscriptions as provided for in the Labour Relations Act shall be eligible for elections as branch officers of the Union.
3. Only such members of the union sufficiently literate in the English OR Kiswahili language and who are professionally trained and qualified Veterinary Practitioners to be able adequately to perform the duties of such office shall be eligible for elections as officers of the branches.
4. Every branch official of the Union shall vacate his/her office on the expiry of the five year term, but shall be eligible for re-election.
5. Any branch official of the union may be suspended from his/her office by a two thirds majority decision of all members entitled to attend and vote at the Branch Executive

Council. In the event of such suspension, the Branch Executive Council shall have power to appoint one of its members to act in such post pending the decision of the Branch General Meeting whether or not such an officer should be re-instated or dismissed. The suspended officer shall be allowed to defend himself/herself against the suspension at the branch general meeting before the final decision is made.

6. In the event of more than five top officers of the branch dying, resigning, being dismissed or otherwise ceasing to be branch officers during their five years term of office, a general meeting of the branch shall be convened to elect officers to fill the vacancies.
7. The duties of branch officials are proximate to the duties of the corresponding national officials.
8. The National Executive Board with the ratification of the National Delegates' Conference may assign such functions to the Branch officials as may be deemed expedient for the efficient running of the Branches.

#### **ARTICLE 19: METHOD OF VOTING**

1. All matters pertaining to routine administrative issues shall be decided by at least half of the members present and entitled to vote.
2. The taking of decisions in respect of the following shall be decided by secret ballot-
  - a. Election of Union officials at all levels including the national Trustees.
  - b. Amendments of this Constitution and any rules of the Union.
  - c. Strike action.
  - d. Dissolution of the Union.
  - e. Any sensitive matter affecting members of the Union generally shall be determined by the forum at which the matter has risen.
3. Votes shall be counted by the Secretariat and the results announced by the Chairperson of the meeting provided that the Union may decide to engage assistance from Ministry of Labour or Independent Electoral Commission in that regards.
4. No member of the Union shall be eligible to vote on any matters if his/her monthly subscriptions are in arrears or is a subject of ongoing disciplinary action at the national or branch.

#### **ARTICLE 20: QUORUMS, GENERAL STANDING ORDERS AND THE FINANCIAL MANUAL**

1. At all meetings of all organs of the Union, the quorum shall be a third of the members expected to attend and entitled to vote except in a Delegates' Conference where quorum shall be two thirds (2/3) of the members entitled to attend and vote or otherwise determined by this constitution.

2. All proceedings of meetings of all fora of the Union shall be governed by general standing orders established by the organs and approved by the National Delegates' Conference.
3. All financial transactions of the Union shall be carried out in accordance with the procedures laid in in Article 21 (on finances) of this Constitution and Financial Manual.

#### **ARTICLE 21: FINANCES OF THE UNION**

1. The National Treasurer shall cause a bank account to be opened and be maintained in the name of the Union and shall ensure that all money belonging to the union received by him/her is paid into the said bank account immediately such moneys are received, provided that the National Treasurer may be permitted to retain in cash such sums of money as may from time to time be approved by the National Executive Board to defray minor expenses.
2. All money collected by branches shall be forwarded to the Union Head Office immediately after collection by the Branch.
3. The treasurer of every branch of the Union shall cause a bank account to be opened in the name of the branch or chapter of the Union and ensure that all money received by him/her from the National Office is paid into the said bank account immediately such moneys are received, provided that a branch treasurer shall be permitted by the branch committee to retain in cash such sum of money from time to time be approved by the branch Committee to pay minor expenses.
4. The signatories to the branch account shall be determined by the branch Committee in accordance with such policy guidelines as may be issued by the National Executive Board.
5. Branches shall submit financial reports to the Secretariat financial reports once every month.
6. The Funds of the Union shall be expended only for the following purposes
  - a. Payment of salaries, allowances and expenses to officials and employees of the Union.
  - b. Prosecution or defence of legal proceedings to which the Union or member is a party, or defence, undertaken for the purpose of securing or protecting the rights of the Union or its member(s) or arising out of the relationship of any member with his/her employer.
  - c. Payment of expenses for the administration of the Union.
  - d. Conduct of trade disputes resolution on behalf of the Union or any member thereof.
  - e. Payment of legal, professional or consultancy fees for specialized services to the Union.
  - f. Payment of such allowances to Union officials on account of death or any other cause as the National Executive Board may from time to time prescribe, the payment of any fine or penalty imposed upon under the provisions of the Labour Relations 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 by sentence or order of court of law.

- g. Payment of subscriptions and fees to any Confederation of trade unions to which the Union may be affiliated.
- 7. The financial year of the Union shall end on 31<sup>st</sup> Day of December of every year.
- 8. Copies of the annual statements of accounts of the Union shall be made available to the delegates attending national or Quinquennial Delegates' Conferences.

## **ARTICLE 22: BANK SIGNATORIES**

- 1. All cheques for withdrawal of money shall be signed by the National Treasurer and his/her signature shall be compulsory on any cheque and any of the National Chairperson or Secretary-General.
- 2. The National Executive Board, may in addition to the signatories in sub-article 1, (appoint such other signatories as it may deem fit.

## **ARTICLE 23: THE BUDGET OF THE UNION**

- 1. The secretariat shall prepare its annual budgetary projections for NDC.
- 2. The National Executive Board shall, in consultation with the Advisory Council, in each financial year, prepare programme and budget proposals containing estimates of the income and expenditure.
- 3. The National Treasurer shall present the budget estimates to the National Executive Board and Advisory Council.
- 4. The Advisory Council shall examine the Budget estimates and give its proposal.
- 5. The estimates and the report of the implementation thereof shall be presented by the National Treasurer, in consultation with the Secretary-General to the Next National Delegate's Conference.
- 6. The adoption of the budget estimates by the National Executive Board constitute an authorization to the Union to incur expenditure, during the financial period to which the budget relates, provided that such expenditure shall be reported to the National Delegate's Conference for its note and other directions as it may deem fit.

## **ARTICLE 24: FINANCIAL RESPONSIBILITY OF THE SECRETARY GENERAL**

- 1. The Secretary General of Union shall not allow any money to be expended for any other purpose other than for which the budget has been approved.

2. The Secretary General shall cause all payment as made to be appropriate to the proper item of the budget, and shall keep a record of such appropriations and of liabilities incurred, showing at all time the amount available under each item.
3. Transfer from one item to another in the same part of the expenditure budget may only be affected by special resolution of the National Executive Board. Such resolutions and/or the approval of the National Executive Board shall be reported at the National delegates' Conference.
4. All funds of the Union shall be expended strictly in accordance with its financial manual.

## **ARTICLE 25: INSPECTION OF BOOKS OF ACCOUNTS AND LIST OF MEMBERS**

1. The books of accounts, list of members and official documents of the Union maintained at the Union's registered offices shall be open for inspection at the Union office during working hours by any member of the Union, provided any such member shall have given at least one week's notice to the Secretary General.
2. All books of accounts and other official record of the Union maintained by Branch of the Union shall be open for inspection at the place of business of such branch provided such member shall have given one week's notice to branch secretary.
3. A copy of the Union Constitution and rules and a list of Union members shall be supplied to any member on application to the Secretary General and on payment of such sum as shall be determined from time to time by the National Executive Board.

## **ARTICLE 26: RETENTION OR DISPOSAL OF UNION'S ASSETS AND LIABILITIES**

1. No official or member of the Union shall retain for personal use or dispose of, in any way, other than in accordance with the provisions of the Labour Relations Act and this Constitution, any money or property intended for the Union.
2. Any officer or member of the Union who fails to comply with this article shall be suspended forthwith, pending investigations and subsequent action as shall be determined by the National Executive Board, provided however, that the person so suspended shall be given every opportunity to defend himself/herself at all levels.
3. If, after the investigations a person suspended under the provisions of this article is cleared of the charges, he/she shall be entitled to resume his duties and shall suffer no loss of salary or any other benefits attached to his/her post including the right to promotion.

## **Article 27: STRIKE ACTION**

1. The National Executive Board and Advisory Council shall by resolution have the authority to call upon all members or any group of members to withdrawal their labour in case of trade dispute arising, provided that such resolution is voted upon by secret ballot at a meeting of the Advisory Council called for that purpose and provided further that such resolution has received the support and approval of two thirds of the members entitled to attend and vote thereat.

## **ARTICLE 28: APPOINTMENT OF AUDITORS**

- 1) The National Delegates' Conference shall on the recommendations of the National Executive Board appoint a qualified accountant or a firm of accounting professionals, who shall not be official or member of the Union, approved by Registrar of Trade Unions and shall be appointed as auditors of the Union.
- 2) He/she shall ensure that all books of accounts maintained by the Union Headquarters, Branches and are properly maintained and shall check financial transactions of headquarters and branches regularly and submit reports to the National Delegates' Conference through National Executive Board
- 3) He/she shall audit all accounts of the Union immediately after the closure of each financial year, and shall certify as to the correctness or otherwise and submit reports to the Union.

## **ARTICLE 29: INTERPRETATION OF THE CONSTITUTION, RULES, GENERAL STANDING ORDERS AND THE FINANCIAL MANUAL**

- 1) The National Executive Board and Advisory Council shall have the power to interpret the Union Constitution, Rules, General Standing Orders and Financial Manual of the Union when necessary and determine any point on which the Constitution, Rules, the General Standing Orders and Financial Manual of the Union as the case may be silent subject to confirmation by the National Delegates' Conference.
- 2) In the event of any questions arising as to the interpretation of any of the provisions of this Constitution, the questions shall be referred to the National Delegates' Conference whose decision shall be final and binding on all members.

## **ARTICLE 30: AMENDMENTS TO THE CONSTITUTION RULES, GENERAL STANDING ORDERS AND THE FINANCIAL MANUAL**

- 1) Alterations to the Union Constitution, Rules, General Standing Orders and Financial Manual of the Union shall only be made by a resolution passed at a Delegates'



Conference or Special National Conference through Secret ballot and having two thirds majority vote of those present and entitled to vote.

- 2) Proposals for amendment to the Constitution and Rules shall be submitted to the Secretary General not less than three weeks before the dates of the National Delegates' Conference.
- 3) No alteration to the Constitution and Rules shall take effect until the date of registration by the Registrar of the Trade Unions, obtained upon application to him/her made in writing and signed by three national officials of the Union namely; National Chairperson, the Secretary General and the National Treasurer.

### **ARTICLE 31: DISSOLUTION OF THE UNION**

- 1) The Union shall not be dissolved, except by a resolution passed at a Special National Conference or National Delegates Conference specifically convened for that purpose by a vote of two thirds of the members present and entitled to vote in accordance with this Constitution. If no quorum is obtained, the proposal to dissolve the Union shall be submitted to a further Special National Conference which shall be held one month later.
- 2) Notice of this subsequent Delegates' Conference shall be given to the members of the Union at the least fourteen days to the dates of such Delegates' Conference.
- 3) The quorum for this second meeting shall be the number of members present provided however that no dissolution shall be effected without prior permission in writing of the Registrar of Trade Unions, obtained upon application to him/her made in writing and signed by three national officials namely the National Chairperson, the Secretary General and the National Treasurer.
- 4) When the Registrar of Trade Unions has approved the dissolution of a Union no further action shall be taken by the Union or its office bearers in connection with aims and objectives other than to get in and liquidate for cash all the assets of the Union.
- 5) Subject to the payments of all debts legally owed by the Union, the balance thereof shall be distributed to the members in such other manner as may be resolved by the Delegates' Conference at which the resolution for dissolution of the Union is passed.

### **ARTICLE 32: COMING INTO FORCE OF THE CONSTITUTION**

- 1) This Constitution shall come into force on the day and date it receives the approval of the Registrar of Trade Unions.
- 2) The first elections for National Officials, Branch Officials and Committees of various organs of the Union under this Constitution shall be held at the end of the five year tenure of the current office.



- 3) The limitations on the tenure of office as provided for in Article 11 shall take effect from the first elections held under the new Constitution of the Union upon its registration by the Registrar of Trade Unions.
- 4) The formation of the Branch Executive Councils, shall be constituted immediately after the Union's elections at the next Quinquennial Delegates' Conference.

## **APPENDIX “A”**

### **GENERAL STANDING ORDERS OF THE UNION OF VETERINARY PRACTITIONERS, KENYA**

#### **1 PROCEDURE AT MEETINGS**

- a) at all conferences and meetings of the Union, the National Chairperson or in his absence the Deputy Chairperson and /or in the absence of both or in a matter of conflict of interest, a member selected by other members present at the meeting, shall take the chair;
- b) the chairperson shall at his discretion limit, the number of persons permitted to speak in favour of and against any motion and;
- c) resolutions shall be decided in accordance with the “Method of Voting” detailed in No.5 of this General Standing Orders, and Article 18 on Method of Voting of the Constitution.
- d) In the case of equality of votes, the Chairperson shall have second and/or casting vote.

#### **3 RIGHT TO ADDRESS A MEETING**

- a) No one shall be entitled to address a meeting unless he is a fully paid up member of the Union, and has asked and obtained permission of the chairperson, who shall call upon speakers in order in which they have signified their desire to speak, except in the case of a point of Order or Information, which shall be granted forthwith by the chairperson.
- b) The Chairperson shall withdraw the right to speak from any speaker whose contributions are not relevant or, who attempts to divert the meeting from the subject being discussed at the meeting.
- c) Disobedience to the Chairperson’s ruling or any disorderly behaviour by a member may result in his/her being ordered out of the meeting.
- d) A delegate or a member so excluded may later resume his/her seat in the meeting if he/she withdraws the objectionable remarks that led to his/her suspension and apologizes to the Chairman.

#### **4 AGENDA**

- (i) The Agenda for all meetings, except in the case of an emergency meeting, shall be transmitted to the members in accordance with the provisions of the Constitution for each Organ.
- (ii) Unless it is the first meeting after elections, the Agenda for all Organs of the Union shall be as follows.
  - a) Call to order;
  - b) Opening prayers and/or singing Trade Unions songs;
  - c) Roll call of officers, Specialists/Experts and members invited to attend a particular meeting of the Union;
  - d) Reading Minutes of the previous meetings;

- e) Matters arising there from;
- f) Reports;
- g) New issues/business;
- h) Any other business and;
- i) Adjournment.

#### **4 POINTS OF ORDER AND INFORMATION**

##### **a) POINTS OF ORDER**

A point of order is an act by any participant in the conference or meeting, who contravenes the provisions of: the Union Constitution, Rules and Union Regulations and: General Standing Orders, past practice and/or any other kind of established procedures for a particular meeting.

Any member has a right to interrupt any speaker on the floor to draw the attention of the chair about any contravention of any of the above. There shall be NO continuation of any debate until after this point of order has been cleared out by a formal ruling by the chair.

##### **b) POINTS OF INFORMATION**

A point of information is an act by any participant in a meeting drawing the attention of the chairperson to the effect that the speaker on the floor is contravening or misleading the conference or raising an issue where a decision on such matter may have already been taken in previous meetings and/or any contravention of the Union Constitution, Rules, Union Regulations and: General Standing Orders, Past practices and/or any other kind of established procedures for a particular meeting.

#### **5 METHOD OF VOTING**

1. All matters pertaining to routine administrative issues shall be decided by at least half of the members present (50%) and entitled to vote, half from each wing- veterinary doctors' wing and veterinary para-professional wing- and entitled to vote.
2. The taking of decisions in respect of the following shall be decided by secret ballot-
  - a. Election of Union officials at all levels including the national Trustees.
  - b. Amendments of this Constitution and any rules of the Union.
  - c. Strike action.
  - d. Dissolution of the Union.
  - e. Any sensitive matter affecting members of the Union generally shall be determined by the forum at which the matter has risen.

3. Votes shall be counted by the Secretariat and the results announced by the Chairperson of the meeting provided that the Union may decide to engage assistance from Ministry of Labour or Independent Electoral Commission in that regards.
4. No member of the Union shall be eligible to vote on any matters if his/her monthly subscriptions are in arrears or is a subject of ongoing disciplinary action at the national or branch.

## **6 QUORUM**

- a) At all meetings of the: Secretariat, National Executive Board, Advisory Council, Branches and functional Sub-Committees and/or ad hoc Committees of the UVPK, the Quorum shall be a third (1/3) of the members present and entitled to vote at these fora;
- b) At the National Quinquennial and Special Delegates' Conferences the Quorum shall be two thirds (2/3) of the members of Delegates required to attend and vote at such conferences.

## **7 MOTIONS, RESOLUTIONS AND AMENDMENTS**

- a) No motion, resolution or amendment shall be discussed unless it has been proposed and seconded.
- b) Only one subject should come before the meeting at a time.
- c) Motions as to procedure may be moved verbally and without previous notice.
- d) They may be moved at any time except after the chairperson has called upon speaker and after the speaker has terminated his/her speech.
- e) Motions as to procedure include the following:
  - (i) A motion to refer the matter back.
  - (ii) A motion to postpone consideration of the question.
  - (iii) A motion to adjourn the sitting
  - (iv) A motion to adjourn a debate of a particular question
  - (v) A motion for closure of discussion

## **8 OFFICIAL CORRESPONDENCE**

All official correspondence to the Union shall be addressed to "The Secretary General of the Union".

## **9 CONTRACTUAL COMMITMENTS**

The Union of Veterinary Practitioners, Kenya; shall maintain a seal that will authenticate any valid contract between third parties and the Union. Legally, any contract committing the Union shall be in writing and shall also bear the seal in the name of the Union signed by the substantive Secretary General of the Union and where possible depending on the magnitude of the contract shall be witnessed by either the National Chairperson and/or the National Treasurer or both.

**10 DECLARATION OF CONFLICT OF INTEREST**

- a) If a member is directly or indirectly interested in any contract or proposed contract or other matter that is a subject of discussion at a meeting of any Organ of the Union and is present at that meeting at which the contract or matter is being discussed between the Union and third party, that member shall as soon as practicable disclose the fact and be excluded from taking part in the meeting at which the contract or matter is being discussed.
- b) A disclosure for interest made by any member under this clause shall be recorded in the minutes of that meeting.