

**CONSTITUTION  
OF  
THE BAHAMAS DOCTORS UNION  
AND THE  
HOSPITAL DOCTORS ASSOCIATION**

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Trade Union in pursuance of this Constitution.

**CONSTITUTION OF HOSPITAL DOCTORS  
ASSOCIATION/BAHAMAS DOCTORS UNION**

- (1) A constitution is the fundamental principles according to which a Country, State or Society is governed
- (2) A Junior Medical Doctor is any medical doctor other than a Consultant employed by the Ministry of Health of the Commonwealth of the Bahamas.
- (3) Hospital community is the staff and patients served by the hospital.

## **CONSTITUTION**

### **Rules and Regulations of HOSPITAL DOCTORS ASSOCIATION/BAHAMAS DOCTORS UNION**

#### **NAME AND OFFICE**

##### **Rule 1**

- (a) The name of the Doctors Organization shall be “The Hospital Doctors Association” (hereinafter referred to as the Association or The Bahamas Doctors Union).
- (b) The Registered Office of the Association will be situated at a Location chosen by the membership, it is presently Sears & Co., Chambers, in the City of Nassau in the island of New Providence, one of the Bahamas Islands.
- (c) The Hilltop Lounge or such other place as may be decided upon by the Council of the Association from time to time shall be the place of meeting for the transaction of the business of the Association.

#### **OBJECTS**

##### **Rule 2**

- (i) To promote the highest standard of medical practice throughout the Commonwealth of the Bahamas.
- (ii) To stimulate professional contact at all levels amongst medical staff of all departments within the Ministry of Health and the Public Hospital Authority with practitioners outside the Hospital service.
- (iii) To act as the representative Body of all Junior Medical Doctors who are employed by Ministry of Health and the Public Hospital Authority in the Bahamas in any negotiations or discussions with the Ministry of Health, the Public Hospital Authority or any other government or non-government personnel departments or establishments relating to conditions of service, recommendation and any other matters deemed relevant.
- (iv) To define and to maintain the authority of the profession in relation to the other employees of the Ministry of Health.
- (v) To promote a better understanding by the public of methods and the functions of the Hospital and community medical staff and of the methods and functions of medical practitioners in general.

- (vi) To encourage from the membership improved attitude and a dedication to improved standards and quality of health care delivered.
- (vii) To motivate the membership to assist and support the Medical Association of The Bahamas
- (viii) To devise and recommend educational programmes for continuing Medical Education credits.
- (ix) To help in formulating rules and regulations for the designation of duties discipline and communication of the Junior Doctor in conjunction with the Medical Advisory Committee.
- (x) To locate problem areas between the different segments of the medical community and the doctor and actively participate in their solution.
- (xi) To do all such other lawful things as may be incidental or conducive to the promotion or carrying out of the foregoing objects, or any of them.
- (xii) To exercise and perform functions which are lawful and proper functions of a registered employees organization as defined in the Industrial Relations Act, 1970 (herein referred to as "the Act") and any amendments which may subsequently be made the Act.

## **FUNDS**

### **Rule 3**

The income and property of the Association wheresoever derived, shall be applied towards the promotion of the objects of the Association as set forth in this Constitution, shall be disbursed in accordance with the wishes of the general membership.

Provided that nothing herein shall prevent the payment, in good faith, of reasonable and proper remuneration to any officer or servant of the Association or to any member of the Association in return for any services actually rendered to the Association nor prevent the payment of interest at a rate not exceeding the current bank rate on money lent or reasonable and proper rent for premises demised or let by any member of the Association. Executive members shall be entitled to reasonable remuneration as determined by the membership. This should be done in accordance with the general laws governing Unions within the Country.

## **MEMBERSHIP**

### **Rule 4**

- (a) Subject to the provision of the rule any Junior Medical Doctor employed by the Ministry of Health in The Bahamas shall be eligible to apply for membership.

- (b) There shall be two classes of membership – ordinary and honorary members.
- (c) Members shall pay an entry fee of \$ 5.00 and monthly subscription of \$ 30.00. Such fees and subscription are subject to change by the Executive Council and must be ratified at a general meeting.

### **ORDINARY MEMBERSHIP**

- (d) Members shall pay such dues and subscription as shall be prescribed by the Executive Council and ratified at the Annual General Meeting.
- (e) The privileges of an ordinary member shall not be transferable and shall cease on his death or on his completion of employment with the Ministry of Health or his resignation or on his expulsion or on his failure in any year to pay his subscription for two consecutive months.
- (f) Members excluded for non-payment of subscriptions may be reinstated by permission of the Council subject to payment of all subscription owing and any other conditions the Council may impose.
- (g) Every member shall be bound to further to the best of his ability the objects interest and influence of the Association.
- (h) Any member who shall fail in observance of any of the rules and regulations of the Association may be excluded from the Association by Resolution of a majority of at least two thirds of the members of the Council present. Such member shall have seven (7) clear days notice of the meeting sent to him by the Council, and he may attend the meeting but shall not be present at the voting or take part in the proceedings otherwise than as the Council allows. A member excluded from the Association by such meeting may, within seven (7) days next after notice of his exclusion, appeal from the decision of the Council to a special meeting of the Association which shall thereupon be convened by the Council/
- (i) A majority of not less than two thirds of the members present and entitled to vote at such last-mentioned special meeting shall have power to annul the exclusion, or to annul it subject to the performance of any conditions which the meeting may think fit to impose.
- (j) A member so excluded shall forfeit all claims to a return of the money paid by him to the Association on his admission as a member thereof, or by way of subscription, as the case may be, and shall cease to be a member of the Association. Any member so excluded may not re-apply for membership within a period of two (2) years.

- (k) Honourary membership may be conferred on any individual not normally eligible to be a member of the Association.

An honorary member is free to participate fully in the Association, except to hold office on the council or to vote. Honourary membership shall be conferred at the Annual General Meeting for a period of one (1) year and is renewable. All consultants shall be considered Ex Officio honorary members.

## **GENERAL MEETING**

### **Rule 5**

- (a) An Annual General Meeting shall be held within twelve (12) months after the last Annual General Meeting.
- (b) Two weeks notice at the least specifying the place, the day and the hour of the meeting, and in the case of special business the general nature of the business shall in manner hereinafter mentioned be given to all members of the Association, but with the consent of all members having the right to attend and vote thereat, a meeting may be convened by such notice as those members may think fit.
- (c) Fifteen ordinary members shall constitute a quorum at a General Meeting.
- (d) Regular meetings will normally be held at least quarterly or at the discretion of the President and Council. Not less than or one (1) week's notice shall be given to the members by the Secretary and a copy of the notice together with an agenda shall be circulated. No quorum shall be necessary at these meetings.
- (e) The President may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meetings) adjourn the meeting from time to time, and from place to place. Whenever any new business is to be discussed in an adjourned meeting notice must to given to that effect. Whenever a meeting is adjourned for thirty days or more notice of the adjourned meeting shall be given in the same manner as of an original meeting. Save as aforesaid, the members shall not be entitled to any notice of an adjournment, or of the business to be transacted at an adjourned meeting.

## **PROCEEDINGS AT GENERAL MEETING**

### **Rule 6**

- (a) All business shall be deemed special that is transacted at an Extraordinary General Meeting and all that is transacted at an Annual General Meeting shall be deemed special, with the exception of the consideration of the income and expenditure account and balance sheet and the report of the Council and the election by secret ballot of members of the Council.

- (b) No business shall be transacted at any General Meeting unless a quorum is present when the meeting proceeds to business. Save as herein otherwise provided is Ordinary Members personally present shall be a quorum.
- (c) If within an hour from the time appointed for the holding of a General Meeting a quorum is not present the meeting shall stand adjourned until such other time and place as deemed appropriate by the Council.
- (d) The President of the Association shall take the chair at every General Meeting. In his absence the Vice President shall take the chair, or if the Vice President is not present the members present shall choose some member of the Council, or no such member be present, or if all the members of the Council present decline to take the chair, they shall choose some member of the Association who shall be present to preside.
- (e) The President may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting from time and time, and from place to place. Whenever any new business is to be discussed in an adjourned meeting notice must be given to that effect. Whenever a meeting adjourned for thirty days or more notice of the adjourned meeting shall be given in the same manner as of an original meeting. Save as aforesaid, the members shall not be entitled to any notice of an adjournment, or of the business to be transacted at an adjourned meeting.
- (f) Save as herein otherwise provided, at any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is, before or upon the declaration of the result of the show of hands, demanded by the President or by at least three members present, and unless a poll be so demanded the declaration by the President of the meeting that a resolution has been carried, or not carried by a particular majority, and an entry to the effect in the minute book of the Association shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution. The demand for a poll may be withdrawn.
- (g) Subject to the provision of Rule 6 (i) if a poll be demanded in manner aforesaid, it shall be taken at such time and place in such manner as the Chairman of the meeting shall direct, and the result of the ballot shall be deemed to be the resolution of the meeting at which the ballot was taken.
- (h) Subject to the provision of Rule 6 (i) if a secret ballot be taken as aforesaid, it shall be taken at such time and place in such manner as the Chairman of the meeting shall direct, and the result of the ballot shall be deemed to be the resolution of the meeting at which the ballot was taken.
- (i) No poll shall be demanded or ballot taken on the election of a Chairman of

a meeting, or any question of adjournment.

- (j) In the case of an equality of votes, whether on a show of hand or on a poll or on the taking of a ballot the Chairman of the meeting shall be entitled to a second or casting vote.
- (k) The demand of a poll or the taking of a ballot shall not prevent the continuance of a meeting for the transaction of any business other than the question on which a poll has been demanded or a ballot taken.

## **VOTES OF MEMBERS**

### **Rule 7**

- (a) Subject as hereinafter provided, every member shall have one vote. No vote shall be given by proxy.
- (b) No member shall be entitled to vote on any question at any General Meeting whose subscription is more than two consecutive months in arrears and who has not signed a financial arrangement with the Association.
- (c) In case of an equality of votes the Chairman is to have a second or casting vote.

## **COUNCIL OF MANAGEMENT**

### **Rule 8**

- (a) The government of the Association in periods between Annual General Meetings and the conduct of its business shall be vested in the Council.
- (b) The Council shall be composed of a President, Vice-President, Secretary, Treasurer, Immediate Past President and Three Trustees, and shall be elected by the General Assembly of the Association at the Annual General Meeting.
- (c) The Council may from time to time and at any time appoint any member of the Association as a member of the Council, to fill a casual vacancy. Any member so appointed shall retain his office only until the next Annual General Meeting, but he shall then be eligible for re-election.
- (d) No person who is not a member of the Association in good standing shall in any circumstances be eligible to hold office as a member of the Council.

## **POWERS OF THE COUNCIL**

### **Rule 9**

- (a) The business of the Association shall be managed by the Council who may pay all such expenses of, and preliminary and incidental to the promotion, formation, establishment and regulation of the Association as they think fit, and may exercise all such powers of the Association, and do on behalf of the Association, all such acts as may be exercised and done by the Association and as are not by statute or by these presents required to be exercised or done by the Association in General Meeting, subject nevertheless to any rules and regulations of these presents to the provisions of the statute for the time being both inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Association in General Meeting, but no regulation made by the Association in the General Meeting shall invalidate any prior act of the Council which would have been valid if such regulations had not been made.
  
- (b) The members of the time being of the Council may not withstanding any vacancy in their body, provided always that in case the members of the Council shall at any time be reduced in number to less than the number prescribed by or in accordance with these presents; it shall be lawful for them to act as the Council for the purpose of admitting persons to membership of the Association, filling up vacancies in their Body, or of summoning a General Meeting, but not for any other purpose and every appointment or removal of any officer of the Association shall be notified in writing to the Registrar of Trade Unions within fourteen (14) days of the happening thereof.

## **OFFICER**

### **Rule 10**

- (a) The Officers of the Association shall be elected annually by secret ballot at the Annual General Meeting and shall consist of a President, Vice President, a Treasurer, three Trustees and the Immediate Past President, who shall not be officers of any other union and shall not be under the age of eighteen and shall not be a person convicted of a crime in accordance with the provision of Section 37 (1) of the Industrial Relations Act 1970, and who shall be Ordinary Members of the Association in good standing. They shall hold office until their successors are elected but any officers may be removed at any time by a majority vote by secret ballot at a General Meeting of members. If any office becomes vacant during the year the Council may fill the same for the unexpired term. A firm, association or corporation shall not be eligible for election to the Council.

- (b) The officers shall perform such duties as may be prescribed by the Council.
- (c) The Council may from time to time appoint an Assistant or Deputy Secretary and any person so appointed may act in place of the Secretary if there be no Secretary, or no Secretary capable or acting.
- (d) An officer may be elected or re-elected for any post according to the wishes of the membership.

**PRESIDENT**  
**Rule 11**

The President shall not be an officer of any other Union and shall be elected annually by a secret ballot vote at the Annual General Meeting, and shall serve for one year, and shall be eligible for re-election. He must have been employed by Ministry of Health for at least one year. He shall preside at all meetings of the Association and the Council and shall be responsible for the proper conduct of business at all such meetings. He shall sign the minutes of each meeting at the time they are approved. In conjunction with the Secretary and Treasurer, he shall superintend the General Administration of the observance of these Rules by all concerned.

**VICE PRESIDENT**  
**Rule 12**

The Vice President must have been employed by Ministry of Health for at least one year and shall be elected annually by secret ballot vote at the Annual General Meeting, and shall assist the President in the performance of his duties and in the absence of the President shall perform the duties of that office. In the absence of the President and Vice-President a Chairman shall be elected by the members present to preside.

**TREASURER**  
**Rule 13**

The Treasurer shall be elected annually by secret ballot vote at the Annual General Meeting. He shall be eligible for re-election, and have voting rights. He shall prepare or cause to be prepared a Yearly Statement and such yearly statement of account shall be submitted at each Annual General Meeting in accordance with "THE INDUSTRIAL RELATIONS ACT (&)" and shall transmit same to the Registrar of Trade Unions. The Treasurer shall keep the accounts of the Association, shall make such payments as the

Council may order and shall lodge all monies received into a Bank to be named by the Association. He shall produce such books, vouchers, and documents as may be required by the Council. He shall prepare and present to the Secretary for admission to the Council at their monthly meetings and at the end of each financial year, proper accounts of the income and expenditure of the Association during the period of review, and shall give such assistance to the auditors of the Association as they shall require. He shall make proper disbursements of benefits and shall be legally responsible to the Association for all monies passing through hands. The Treasurer shall enter into bond with the Association in a sum to be determined by the Council.

### **SECRETARY**

#### **Rule 14**

The Secretary shall be elected by secret ballot vote each year at the Annual General Meeting, and shall be subject to suspension or dismissal at a Special or Annual General Meeting. He shall be eligible for re-election. He shall conduct the business of the Association in accordance with the Rules and shall carry out the instructions of the Annual General Meeting, and of the Council. He shall attend all meetings of the Council and shall record the Minutes and shall have the right to speak and to vote. He shall keep a Membership Roll. He shall send to the Registrar of Trade Unions a copy of the alternations of rules or new rules and changes of officers during the year and a copy of the rules as they exist at the date and list of members in good standing at the date in accordance with the provisions of "THE INDUSTRIAL RELATIONS ACT 1970". He shall assist in the collection of all monies owed to the Association, and hand over same to the Treasurer and obtain a receipt for all such monies.

### **TRUSTEES**

#### **Rule 15**

The Trustees shall be financial ordinary members of the Association who have been employed by the Ministry of Health as a Junior Doctor for at least four years and shall be elected by secret ballot vote. They shall have vested in them all the real and personal estate whatever belongs to the Association, and they shall deal with it in such way as the Council may direct. They may be removed from office by the Council on grounds that they (or any one of them) are unable or unsuitable to perform their office. They shall have voting rights. In the event of the death, resignation or removal of a Trustee the office shall be filled temporarily by the Council.

### **CHAIRMAN**

#### **Rule 16**

The Chairman shall be President of the Association or the Council may appoint, subject to confirmation by the members of the Association, a full time officer who may be designated Chairman and may be paid such remuneration out of the funds of the Association as such Committee may determine. He shall conduct the day to day affairs of the Association and shall assist the Secretary in preparing reports and the membership roll. He shall attend all meetings of the Council and shall have the right to speak but not to vote. He shall send a list of the names and addresses and occupations of all the Association's officers and a statement showing the number of members who are fully paid up. He shall certify the annual return.

### **GENERAL Rule 17**

Any officer whose duties call for full-time services on behalf of the Association shall be paid a salary, such salary to be determined by the Council. Any officer whose duties involve financial responsibility shall be bonded in sufficient security determined by the Council.

### **DISQUALIFICATION OF MEMBERS OF THE COUNCIL Rule 18**

The office of a member of the Council shall be vacated:-

- (1) If a receiving order is made.
- (2) If he become a mental patient.
- (3) If he cease to be an ordinary member of the Association.
- (4) If by notice in writing to the Association he resigns his office.
- (5) If he is requested to do so by a majority vote by secret ballot at a General Meeting of members.

### **PROCEEDINGS OF THE COUNCIL Rule 19**

- (a) The Council may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Unless otherwise determined four (4) members shall be a quorum. Questions arising at any meeting shall be decided by a majority of votes. In case of an even number of votes the President shall have a second or casting vote.
- (b) A member of the Council may and on the request of a member of the Council the Secretary shall at any time summons a meeting of the Council by notice served upon the several members of the Council. A member of the Council who is

- absent from the Island of New Providence shall not be entitled to a notice of a meeting.
- (c) A meeting of the Council at which a quorum is present shall be competent to exercise all the authorities, powers and discretion by or under the regulations of the Association for the time being vested in the Council generally.
  - (d) The Council may delegate any of their powers to committees consisting of such members or members of the council as they think fit, and any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations imposed on it by the Council. The meetings and proceedings of any such committees shall be governed by the provisions of these presents for regulating the meetings and proceedings of the Council so far as applicable and so far as the same shall not be superseded by any regulations made by the Council. The President may appoint ordinary members in good standing to serve on committees with members of Council.
  - (e) All acts of bona fide by any meeting of the Council or any committee of the Council, or by any person acting as a member of the Council, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment or continuance in office of any such member or person acting as aforesaid or that they or any of them were disqualified, be as valid as if every such person had been duly appointed or had duly continued in office and was qualified to be a member of the Council.
  - (f) The Council shall cause proper minutes to be made of proceeding of all meetings of the Association and of the Council and of Committees of the Council, and all business transacted at such meeting, and any such meetings, and any such minutes of any meeting, if purporting to be signed by the Chairman of such meeting, or by the Chairman of the next succeeding meeting, shall be sufficient evidence without any further proof of the fact therein.
  - (g) A resolution in writing signed by all the members for time being of the Council or of any committee of the Council who are entitles to receive notice of a meeting of the Council or such committee shall be as valid and effectual as if it had been passed at a meeting of the Council or such committee duly convened and constituted.

#### **AUDIT Rule 20**

The accounts of the Association shall be audited quarterly by auditors to be appointed annually by the Council with the approval of the Registrar of Trade Unions. The annual statement of accounts shall be sent to the Registrar of Trade Unions before the first day in Hune in every year and this statement shall be certified by the Chairman, Treasurer and

Secretary and by each of the Trustees of the Association in accordance with the provisions of the “THE INDUSTRIAL RELATIONS ACT 1970”, or any ACT amending the same.

**STRIKES**  
**Rule 21**

A secret ballot shall be taken on any strike or lock-out action by a majority vote of not less than three quarters of the numbers present and entitled to vote and also subject to sections 21, 67, 68, 70 and 71 of the Act.

**ROLLE**  
**Rule 22**

A nominal roll of all members shall be kept.

**INSPECTION OF BOOKS**  
**Rule 23**

Every person having an interest in the funds of the Association may inspect the books and names of the members of the Association.

**AMENDMENT AND ALTERATION OF RULES**  
**Rule 24**

These Rules may only be altered added to or rescinded by a two thirds majority vote by secret ballot at a General Meeting of members in accordance with Section 18 of the Act.

**CHAGE OF NAME**  
**Rule 25**

The name is the Association shall only be changes by a majority vote by secret ballot at a General Meeting of members in accordance with Section 18 of the Act.

**NOTICE**  
**Rule 26**

- (a) A notice may be served by the Association upon any member, either personally or by sending through the Post in a prepaid letter, addressed to such member at his registered address as appearing in the register of members.

- (b) Any notice if served by post, shall be deemed to have been served three days following that on which the letter containing the same is put in the post, and in proving such service it shall be sufficient to prove that the letter containing notice was properly addressed and put in the post office as a prepaid letter.

## **PUBLIC STATEMENT**

### **Rule 27**

No public statements shall be made purporting to represent the views or opinions of the Association except by the Council or its nominated representative.

## **APPOINTMENT OF OFFICERS**

### **Rule 28**

The President after consultation with the Executive body, shall make any such appointments as deemed necessary. These appointments shall become void at the end of the term for which the president was elected.

### **Rule 29**

- (a) The Association may be dissolved whenever the Association has passed a resolution in favour of dissolution by a majority of not less than three quarters of the numbers present and entitled to vote at a General Meeting. Upon dissolution by a majority of not less than three quarters of the numbers present and entitled to a vote at a General Meeting. Upon dissolution of the Association, the property of the Association not consisting of money, shall be sold and the proceeds, together with so much thereof as shall consist of money be applied in satisfaction of the debts and liabilities of the Association and subject thereto, shall be distributed amongst the members existing at the date of the passing of the resolution for dissolution according to the amount of subscription respectively paid by such Members to the Association during the whole period of Membership.
- (b) If the funds of the Association on dissolution shall prove insufficient to meet its liabilities, including the expenses of winding-up, the deficiency shall be contributed by all the Members of the Association at the date of the resolution passed in favour of dissolution rateably according to the Scale of their last Subscriptions.