KENYA MEDICAL PRACTITIONERS’, PHARMACISTS’ AND DENTISTS’ TRADE UNION

CONSTITUTION

Rules and Regulations
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KMPDU CONSTITUTION

PREAMBLE

We, the Doctors of Kenya {a doctor hereafter shall refer to any person who holds a bachelor’s degree in either Medicine (MBChB), Pharmacy (BPharm) or Dentistry (BDS) or their equivalents or higher, from a recognized university}, by this Constitution, establish the KENYA MEDICAL PRACTIONERS’, PHARMACISTS’ AND DENTISTS’ TRADE UNION (KMPDU) as the Trade Union that shall champion the aspirations of Doctors, guided by the functions of the Union as provided herein, and the motto: quality health care for all.

We, the members of the Union, shall endeavour to support the growth and development of the KMPDU, and to abide by such rules and regulations as will be agreed on at the Annual Delegates Conference, from time to time, for the welfare of Doctors and 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 Medical Doctors’ trade unions in the world.

Mission
To unite Doctors of all cadres for quality service, socio economic improvement and professional advancement and strengthen their collective bargaining power, and promote quality health care.
ARTICLE I – NAME AND REGISTERED OFFICE

1. The Trade Union constituted by these Rules shall be known as the “KENYA MEDICAL PRACTITIONERS’, PHARMACISTS’ AND DENTISTS TRADE UNION” herein-after referred to as the Union.

2. The Registered Office of the Union shall be based at Kenyatta Hospital, Nairobi which shall be the place of meeting for conducting the business of the union. The website shall be www.kmpdu.org.
ARTICLE II – FUNCTIONS OF THE UNION

The Functions of the Union shall be:-

1. To bring together and to unite Doctors of all cadres and qualifications in Kenya.

2. To provide means for co-operation among the Doctors and the expression of their collective opinions, views and decisions upon matters affecting the interest of health care Provision in Kenya.

3. To actively engage all stakeholders on any policy issues touching on the delivery of healthcare services and to promote the principles of equity, professionalism and meritocracies.

4. To secure effective representation of the doctors on the Government, public and private bodies or organizations, where such representation may be required.

5. To place at the disposal of the Kenya Government, the Ministries of medical services, public health, and any Council, board, organization, public, private or parastatal, who are concerned with or have relation to health care affairs, the advice, experience, and general co-operation of the union.

6. To co-operate with other societies, bodies, associations, unions or organizations within or outside Kenya having Objectives together or in part similar to the objectives or some of the objectives of the Union.

7. To raise and maintain the standard and status of the stated Profession and to endeavour to make available to members of the Union higher posts in the Health Care system of the Country.

8. To watch the administration and the working of the various Health Care provision codes, ordinances, regulations, minutes, and circulars and to procure the amendments of their terms and their removal where desirable.

9. To offer advice and general assistance to individual members in Health Care and Professional matters, and in legal cases in which a member may be involved.
10. To secure and maintain unified and better terms and conditions of employment and service for all Doctors.

11. To settle disputes between members of the Union or between its members and their employers and to regulate their relations between them by collective and constitutional means.

12. To participate with other organizations, in conferences, local or international.

13. To encourage and assist members to form Credit Unions, Consumer Cooperatives, Education funds, Burial and Benevolent Funds/Schemes and any other socio-economic ventures and supervise their operations.

14. To acquire either by purchase, lease, or otherwise, any movable or immovable property or other assets, and sell, let, mortgage or charge or otherwise deal with or dispose of movable or immovable property belonging to the Union.

15. To establish and maintain funds by means of entrance fees, voluntary contributions, subscriptions, levels, and by borrowing on such security and such terms as may from time to time be arranged by the National Executive Council.

16. To seek and obtain legal advice and any other assistance on any matters affecting the Union or for protecting the rights of a member or members on matters arising out of the relations with their employers. Provided that the National Executive Council shall have the sole right to decide whether or not such legal advice or assistance is in the best interests of the Union or members concerned.
ARTICLE III – MEMBERSHIP

1. Any person who holds a bachelor’s degree in either Medicine (MBChB), Pharmacy (BPharm) or Dentistry (BDS) or their equivalents, or higher, from a recognized University and against whose professional conduct no charge can be sustained at an ADC shall have the right of admission to the Union through any of the Branches of the Union upon payment of the Entrance Fees as provided in the Rules of the Union together with other levies that may be stipulated by the particular Branch which the Doctor desires to join.

2. If, in the opinion of any Branch, the applicant’s professional conduct makes it desirable that his/her name should not be on the Roll of members, the matter shall be referred to the National Executive Council (by the Branch Secretary of the particular branch) for inquiry by the Professional Standards Council of the Union. Any decisions made by NEC on the basis of such an inquiry can be appealed against at an ADC.

3. Any Doctor having been declared by the National Executive Council to be ineligible shall remain ineligible until such time as the National Executive Council may decide to admit his/her membership. Any doctor having been declared ineligible in this manner shall have the right of appeal to the ADC through any branch of the Union.

4. Upon admission, (by the National Executive Council) the Doctor’s full name shall be written (entered) in the Union’s Nominal Roll and when possible the name or management of health institution to which the member is assigned. The member shall be provided with a Membership Card bearing his/her name in full, address and such further particulars that may be necessary to afford easy identification of the member.

5. Every application for Membership (to the branch secretary of the local branch) shall be accompanied by a Remittance of Kenya Shillings one thousand (Kshs. 1000/=) as registration fee and payable to the Treasurer. No person shall be admitted to the Union or any of its branches, unless he/she has previously agreed to abide by the Rules of the Union. In addition to Registration Fee, every member shall pay the monthly Subscription (as determined by the NEC and ratified by the ADC) and any other levies that may be decided upon by the National Executive Council and ratified by the Annual Delegates Conference.
6. (a) The Union Subscription Fee shall be collected from every member of the union at a fixed rate of three hundred and fifty shillings per month.

(b) The Subscription Fee shall, in as far as possible, be collected through the Check-Off-System OR as the NEC shall stipulate from time to time.

(c) The National Treasurer shall pay to the Branch Treasurer a percentum to be decided upon by the National Executive Council (NEC) of the union the total monthly subscriptions collected from the branch.

(d) If at any time the National Executive Council is of the opinion that the allocation of the subscriptions should be revised, they have the power to make the necessary revision.

(e) The KMPDU shall operate on a closed shop system.

7. Any member of a Branch of the Union who is transferred from one County 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.

8. Every member shall be at liberty to withdraw his/her membership from the union by clearly stating his/her reasons for resignation to the NEC through the BEC in which case the party withdrawing will cease to be entitled to enjoy any benefits or privilege from the union.

9. It shall be lawful for the National Executive Council 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.

10. Any member dissatisfied with the decision of his/her Branch can appeal to the National Executive Council 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 Council meeting. The National Executive Council
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.

11. (a) Any Union member who, in the opinion of the National Executive Council, 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 off 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 Council rendering his/her conduct inconsistent with the duties of a member of the Union, may be expelled by the National Executive Council 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.

13. Any member of this Union who resigns under “Section 8” of this Article may be readmitted on application to the National Executive Council.

14. Any student, on being accepted for entrance to a Health Care Training Institution, shall be eligible for membership of the local Branch of the Union in the Area of the authority under which she/he is a Doctor or a student, as an ASSOCIATE MEMBER.

15. Associate members may be obliged to pay a nominal registration fee as determined by the NEC but shall have no voting rights.

16. Members of this Union shall be at liberty to join other trade unions, so long as the rules and regulations of such other organizations are not contrary to the Rules and Regulations of the Union.
ARTICLE IV – NATIONAL OFFICERS OF THE UNION

1. Except as otherwise herein expressly provided, all National Officers shall be elected every five years by secret ballot at the Annual Delegates’ Conference.

2. Only such members of the Union not in arrears with their subscriptions shall be eligible for elections as National 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 Doctors to be able adequately to perform the duties of such office, shall be eligible for elections as national officers of the union.

4. Every National Officer of the Union shall vacate office on the expiry of five years, but shall be eligible for re-election. Every national officer shall not serve for more than two consecutive terms.

5. Any National Officer of the Union may be suspended from office by a two-thirds majority decision of all members entitled to attend and vote at the NEC. In the event of such suspension, the NEC shall have power to appoint one of its members to act in such post pending the decision of the annual Delegates Conference whether or not such an officer should be re-instate or dismissed.

The suspended officer shall be allowed to defend himself against the suspension at the Annual Delegates Conference which shall make the final decision.

6. In the event of more than three National Officers of the Union dying, resigning, being dismissed, or otherwise ceasing to be National Officers during their three years term of office, a special conference shall be convened to elect officers to fill the vacancies.
ARTICLE V – DESIGNATIONS AND DUTIES OF NATIONAL OFFICERS

1. **National** Chairman: The National Chairman shall preside at all conferences, Advisory Councils, National Executive Council and may preside over any other meetings, except those of Trustees, at which the chairman will be present, enforce observation of the Constitution and rules of the Union and perform such duties as by usage and custom pertain to his office. In the case of an equality of votes at any meeting except of Trustees, the Chairman shall have, in addition to his/her normal vote, a “Casting Vote”.

2. **1st Vice National** Chairman: The 1st Vice National Chairman shall preside over conferences and meetings in the absence of the National Chairman, and whilst so performing such duties, he/she shall have the same privileges as the National Chairman.

3. **2nd Vice National** Chairman: The 2nd Vice National Chairman shall preside over conferences and meetings in the absence of both the National Chairman and the 1st Vice National Chairman, and whilst so performing such duties, he/she shall have the privileges as the National Chairman.

4. If for any reason the National Chairman fails or the two Vice National Chairmen 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 Chairman.

5. **Secretary General:** The Secretary General shall issue notices of all conferences and meetings and prepare the agenda of all meetings, attend all Annual Delegates Conferences, Special Conferences and all meetings of the National Executive Council and other Executive Committee and record the Minutes and shall perform such other duties as prescribed by the National Executive Council or Delegates’ Conferences. He shall be responsible for ensuring due compliance by the Union with the provisions of the Trade Unions Act and all Regulations made there under. He shall function as the Chief Executive Officer of the Union, by being the Chief Spokesman of the Union.

6. **Deputy Secretary General:** The Deputy Secretary General shall assist the Secretary General and act for him in his absence and while doing so, he/she shall enjoy the privileges of the Secretary General.
7. **National Treasurer**: The National Treasurer shall be responsible for Union funds and shall keep and maintain all necessary books of account. He shall ensure that no payments is made from Union funds under his control unless a payment voucher has been prepared and authorized in accordance with the provision of the Trade Unions (Accounts) Regulations. He shall prepare and submit to the Annual Delegates’ Conference a report on the financial position of the Union, together with a statement of income and expenditure during the period of twelve months ending on the Thirty-first day of December preceding the Annual Delegates’ Conference and a balance sheet as at such Thirty-first day of December.

8. **Assistant National Treasurer**: The Assistant National Treasurer shall assist the National Treasurer and act in his absence and while doing so, he shall enjoy the privileges of the National Treasurer.

9. **National gender affairs secretary**: shall represent the union in forums that that focus on gender matters, and handle issues that touch on gender at the work-place paying special attention to issues of gender balance.

10. **Seven (7) council members**: Each of these members shall represent various interest groups from with the membership. At least two of these council members must be a pharmacist and a dentist respectively.

11. **Executive Officers**: The National Executive Council may appoint a full-time Executive Officer and determine his salary and conditions of service, provided that the permission of the Registrar of Trade Unions is obtained in accordance with the provisions of the Trade Union Act, before any such appointment is made. The Executive Officer shall carry out such duties as may be assigned to him by the National Executive Council or Secretary General. He may attend Annual Delegates Conferences, Special Conferences and meetings of the National Executive Council and Executive Councils, and shall not be eligible to vote at such conferences, or meetings. The Executive Officers may be removed from office at any time by a majority vote of the National Executive Council.
ARTICLE VI – ANNUAL DELEGATES CONFERENCE

(A) The Conference

1. There shall be convened annually in the month of June, at such date and place as may be fixed by the National Executive Council, and ANNUAL DELEGATES’ CONFERENCE of the Union.

2. The Annual Delegates’ Conference shall be the supreme authority of the Union and its decisions shall be final and binding on all members.

3. Notice regarding the Annual Delegates’ Conference must go out at least two months before the Conference.

4. The National Executive Council may convene a Special Delegates’ Conference whenever necessary, provided that not less than two weeks’ notice is given.

(B) Delegates

1. The nomination of the delegates to the Annual Delegates Conference shall be carried out by the Branch Executive Council. Top Officers of the branches shall automatically be delegates depending on the number of delegates allocated to each branch.

2. 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.

3. Only members who have paid their dues to date to their branches shall act as delegates.

(C) Composition

1. Ex-Officio members of the conference shall be the following:
   (a) All National Officers of the Union.
   (b) All members of the National Executive Council.
2. Delegates duly nominated and mandated by each Branch Executive Committee, one delegate for every **twenty** members eligible to vote.

3. Union members who represent the union on National Statutory Boards, Councils and Councils of Kenya which deal with Health Care matters.

4. Persons of recognized bodies invited by the National Executive Council. These shall have no right to vote.

(D) **Functions**

1. 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.

2. To delegate powers to the National Executive Council 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.

3. To consider reports and audited accounts presented by the officers of the Union on behalf of the National Executive Council.

4. To deal with Health Care matters affecting the Union and the Republic of Kenya.
ARTICLE VII - ADVISORY COUNCIL

1. The Advisory Council of the Union shall consist of the members of the NEC and the Chairman, Branch secretary and the Treasurer from each of the branches of the union.

2. The Advisory Council shall advise the National Executive Council on important issues in the absence of the Annual Delegates’ Conference.

3. The Advisory Council shall meet once every two years or as often as the NEC may consider necessary.

4. The travel and subsistence costs incurred by the members of the Advisory Council (other than members of the National Executive Council) shall be paid to the Councillors by their respective Branch Treasurers.
ARTICLE VIII - NATIONAL EXECUTIVE COUNCIL

(A) The National Executive Council shall consist of:-

1. National Chairman
2. The 1st Vice National Chairman
3. The 2nd Vice National Chairman
4. The Secretary General
5. The Deputy Secretary General
6. The National Treasurer
7. The Assistant National Treasurer
8. The National gender affairs secretary,
9. Seven (7) Council members elected by the Annual Delegates Conference.

(B) The National Executive Council shall meet:-

1. The NEC shall meet at least once in every four months (three times every year).

2. At such time as The Chairman and the Secretary General may deem fit.

3. When a requisition signed by not less than FOUR National Executive Council members, stating the reasons for a meeting in writing, has been received by the Secretary General at least one week in advance.

4. Any member of a council, Committee or sub-Committee of the Union shall fail to attend three consecutive meetings of the Council, Committee or sub-Committee without satisfactory reasons shall cease to be a member of the council, Committee or sub-Committee.

(C) Functions of the National Executive Council shall be:

1. To act as the supreme authority and to transact the business of the Union between the Annual Delegates’ Conference.

2. To see that the decisions and policies of the Annual Delegates’ Conference are fully executed.
3. To 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.

4. To 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 Council 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.

5. 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.

6. To publish the Union’s Organ, the name which shall be “THE KENYAN DOCTOR” at least once per year.

7. The National Executive Council may suspend or dismiss or replace any officers 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.

8. To establish and maintain the Union’s projects at Branch and National levels.

9. To have the power to employ Executive Officers, Executive Assistants and any other employees it deems necessary. To have the powers to designate any elected officer on full time basis and shall determine terms and conditions of service for officers holding them.

10. To form Councils of the Union and specify their functions.

(D) NEC Decision making

1. The NEC 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. NEC decisions so arrived at will be binding to all members of the NEC and shall be entered in the minutes as the NEC decision on the matter in question.
ARTICLE IX - BRANCHES OF THE UNION

(A) Branches:-

1. The Union shall consist of Branches organized, as far as possible, on County basis, whose membership shall be approved by the National Executive Council on application. Each Branch shall have at least TWENTY members.

2. Every Branch of the Union duly formed shall report the same to the Secretary General who will, upon approval by the National Executive Council, apply to the Registrar of Trade Unions for the Branch Registration Certificate.

3. Each Branch shall elect its own officers:
   Chairman, Vice Chairman, Branch secretary, Assistant Branch secretary, Treasurer, Assistant Treasurer and Women Representative. The Branch Executive Council shall appoint a Branch Auditor and any other officers that may be deemed necessary. 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 years. The outgoing officers shall be eligible for re-election.

4. Any Branch shall have power to employ a Branch secretary on a full time basis and any other employees they may deem necessary.

5. 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 Council 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 Council of the Union.

6. The National Executive Council 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.

7. No Branch shall take action on any subject which commits the Union as a whole, without the sanction of the National Executive Council and no Branch
shall publish views, or deal with any matter in a way that is detrimental to the Union as a whole.

8. 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 Council.

9. 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.

10. 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.

(B) **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 Committee

3. The duties of the Branch General Meeting shall be:-

   (a) To determine branch policy and programmes for the ensuing term or year in conformity with the KMPDU 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.

(C) **The Branch Executive Committee:**
1. The Branch Executive Committee shall consist of the Chairman, the Vice Chairman, the Branch secretary, the Assistant Branch secretary, the Treasurer, the Assistant Treasurer, the Woman Representative and ANY other members not exceeding FIVE elected by the Branch General Meeting.

2. The Branch Executive Committee shall meet once every four months and if emergency arises as frequently as it may desire.

3. The duties of the Branch Executive Committee shall be:-

(a) To carry on vigorous agenda and organizational work among the Doctors 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 Health Care 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 Doctors 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 Council.

(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 policy and programme of the Union and carry out instructions received from the Head Office.

(i) To make recommendations to the National Executive Council 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 Doctors on behalf of the National Executive Council.

(k) To solicit funds through loans, advances, overdrafts and mortgage Union Branch property with the consent of the National Executive Council.

(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 Council of the Union for consideration. The same appeal may be made to the National Executive Council 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 Council 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.

(D) **Branch Officers of the Union:-**

1. Except as otherwise herein expressly provided, all officers 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 Trade Unions 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 Doctors to be able adequately to perform the duties of such office shall be eligible for elections as officers of the branches.

4. Every branch officer 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 officer 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 Committee.

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 three years term of office, a general meeting of the branch shall be convened to elect officers to fill the vacancies.

(E) Designations and Duties of Branch Officers:-

1. **Branch Chairman:** The Branch Chairman shall preside at all Annual General Meetings and meetings of the Branch Council at which he/she is present and enforce observation of the Constitution and Rules of the Union and perform such other duties as by usage and custom pertain to his/her office. In the case of an equality of vote at any meeting, he/she shall have in addition to his/her normal vote, a casting vote.

2. **Branch Vice Chairman:** The Branch Vice Chairman shall preside over meetings in absence of the Branch Chairman and whilst performing such duties he/she shall have the same privileges as the Chairman.

3. If for any reason both the Branch Chairman and Branch Vice Chairman fail to preside over a properly convened and constituted branch meeting the members attending such a meeting shall have the rights to elect an ad hoc Chairman.

4. **Branch secretary:** The Branch secretary shall be the official spokesman of the branch. He shall issue notices of all meetings and shall attend such meetings and record the minutes and shall be eligible to vote. He/She shall ensure that a register of members is maintained with the names, and addresses, occupations, dates of joining, dates of registration, suspension or expulsion and particulars of all payments made by such members. He shall be
responsible for ensuring due compliance by the Branch with the provision of the Trade Unions Act and the regulations made thereunder and shall perform all such acts and duties as the BEC may from time to time direct.

5. **Branch Assistant Secretary:** The Branch Assistant Secretary shall assist the Branch Secretary and act for him/her in his/her absence and while doing so, he/she shall enjoy the privileges of the Branch Secretary.

6. **Branch Treasurer:** The Branch Treasurer shall be a person capable of maintaining clear records of all the funds of the Branch. He/She shall be responsible for the funds of the Branch and shall maintain all necessary books of accounts and records. He/She shall ensure that no payment is made from Branch Funds under his control unless a payment voucher has been prepared and authorized in accordance with the provisions of Trade Union’s (Accounts) Regulations.

7. **Branch Assistant Treasurer:** The Branch Assistant Treasurer shall assist the Branch Treasurer and act for him in his absence and while doing so, he/she shall enjoy the privileges of the Branch Treasurer.

8. **Branch Woman Representative:** shall represent the branch in forums that articulate the rights of women, and handle issues that touch on the position of women at the workplace. She will perform such duties as will be assigned to her by the Branch Executive Committee.

(F) **KMPDU School Representative:** Every university offering a degree in medicine, pharmacy or dentistry will have a KMPDU grassroots leader to be known as “SCHOOL REPRESENTATIVE” who will be elected by the students in the above named courses at their respective universities. Elections for School Representatives will be conducted and supervised by the BEC every five years, and whenever necessary.

(G) **Branch Funds:-**

*FINANCES OF THE BRANCH*

The Branch funds shall be properly kept as determined by the National Executive Council of the Union.
ARTICLE X – QUORUM

1. The QUORUM for the Annual Delegates’ Conference and for all Councils and Council of the Union shall be one-third of their members.

2. Notwithstanding the absence of a QUORUM a properly convened meeting of the Union or Branch of the Union, shall be authorized to conduct the following business:-

(a) To consider past resolutions.

(b) The passing of accounts for payment

(c) Any other business which, in the opinion of the presiding officer of the meeting is of such importance and urgency as to require immediate consideration.

3. The quorum for a Branch General Meeting shall be one-sixth of all the members in the Branch.
ARTICLE XI - FINANCE

1. The National Treasurer shall cause a bank account to be opened and maintained in the name of the Union and shall ensure that all the money belonging to the Union received by him is deposited into the said bank account within seven days of receipt of such moneys, provided that the National Treasurer shall be permitted to retain in cash a sum not exceeding thirty thousand shillings, or such amount of money as shall be determined by the NEC from time to time, to pay minor expenses. All cheques for withdrawal of money shall be signed by the National Treasurer and two other signatories, the National Chairman and Secretary General. In the event of the National Treasurer being sick or out of the Country the Assistant National Treasurer shall sign all Union cheques.

2. There shall be a Reserve Fund Account for the purpose determined by the NEC.

3. The Treasurer of every Branch of the Union shall cause a bank account to be opened in the name of the Branch of the Union and shall ensure that all money belonging to the Union received by him is paid into the said bank account within seven days of receipt of such moneys, provided that a Branch Treasurer shall be permitted to retain in cash a sum not exceeding ten thousand shillings, or such an amount of money as shall be determined by the Branch Executive Council from time to time, to pay minor expenses. All cheques for the withdrawal of money from such Branch Bank account shall be signed by Branch Treasurer and two other signatories to be drawn from among the Branch Chairman and Branch Secretary. All money collected by branches shall be the property of the Union. Ordinary branch expenditure shall be paid from branch funds.

4. There shall be a Reserve Fund Account for the purpose determined by the BEC.

5. The funds of the Union may be expended only for the following objectives:-

(a) The payment of salaries, allowances, and expenses of officers of the Union.

(b) The payment of expenses for the administration of the Union, including audit of the accounts of the funds of the Union.
(c) The prosecution or defense of any legal proceedings to which the Union or any member thereof is a party, when such prosecution or defense is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any right arising out of the relations of any member with his employer.

(d) The conduct of Trade Disputes on behalf of the Union or any member thereof.

(e) The compensation for loss arising out of trade disputes.

(f) Such allowances to members or their dependents on account of death, old age sickness, accidents or unemployment as the National Executive Council may from time to time prescribe.

(g) The payment of any fine or penalty imposed upon the Union under the provisions of the Trade Unions 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 the other persons by sentence or order of a court of justice.

(h) The payment of subscription and fees to any federation of trade unions to which the trade union may be affiliated.

(i) Any other crucial expense that the NEC may deem necessary.

6. The Financial Year of the Union shall end on the 31st day of June of every year. Copies of the Annual Statement of Accounts shall be supplied to members by the Secretary General upon request.
ARTICLE XII – TRUSTEES

1. The Annual Delegate’s Conference shall elect three Trustees, after every three years; in whom shall be vested all the property of the Union, 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. A meeting of Trustees shall be chaired by one of them. The National Chairman, Secretary General, National Treasurer and Executive officer may attend the meeting as ex-officio Members.

5. The Trustees shall have the control of the funds of the Union but may delegate their powers to any officers of the Union to act as signatories to operate a bank account.

6. The general powers of KMPDU Trustees shall be in accordance with the laws of Kenya.

7. A Trustee shall hold office until such time as he resigns by notice in writing to the National Executive Council or is removed by vote at an Annual Delegate’s Conference or Special Conference. In the event of death or the resignation of a Trustee, the National Executive Council 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.
ARTICLE XIII – AUDITORS

1. The National Executive Council/Branch Executive Committee shall appoint a qualified Accountant, or some fit and proper person approved by the Registrar of Trade Unions to audit the accounts of the Union as soon as possible after the end of each Financial Year. Such auditor shall submit a general report of the financial position of the Union.

2. A copy of the Auditor’s report shall be conspicuously displayed at the registered office of the Union.
ARTICLE XIV – PROFESSIONAL DISPUTES

1. Disputes resolution shall be in accordance to the labour Relations Act.
ARTICLE XV – AMENDMENTS AND ALTERATIONS OF ARTICLES

1. Alteration to these Rules shall only be made by resolution voted upon by secret ballot and passed at an Annual Delegation Conference or a Special Delegates Conference. All proposals for amendments shall be submitted to the Secretary General not later than thirty days before the date of such Annual Delegates Conference or Special Conference.

2. Any alteration to these Rules so made shall take effect fourteen days after or upon registration with the Registrar of the Trade Unions, whichever is earlier.

3. A copy of the Constitution and Rules of the Union shall be available on the Union website KMPDU.org.
ARTICLE XVI – GENERAL RULES

(A) Interpretation of Rules

In the event of any questions arising as to the interpretation of any of these Rules, the questions shall be referred to the National Executive Council of the Union for decision and in case of dissatisfaction either party can appeal to the Annual Delegates’ Conference whose decision shall be final and binding on all members.

(B) Standing Orders

The National Executive Council shall compile the standing orders which shall be ratified by the Annual Delegates Conference.

(C) Resolutions

1. Every resolution shall be moved and seconded before being put to the meeting. The preceding Rules shall apply to an amendment to a resolution as if were a resolution.

2. A resolution shall be deemed as having been carried if passed by a simple majority of the voting members and shall be declared as such by the National Chairman. The number of votes cast for or against a resolution will be entered in the minutes as proof of its outcome.

3. Only Organizations of the KMPDU, Branches or any other bodies of the Union and not individual members shall send resolutions for determination at the Annual Delegates’ Conference.

4. Only Organizations of the KMPDU, Branches or any other bodies of the Union and not individual members shall send resolutions for determination at the Annual Delegates’ Conference.

(D) Voting

1. The taking of all decisions in respect to the election of the Officers, amending of Rules, strikes, lock-outs, dissolution and any other matter affecting members of the Union generally shall be by secret ballot.
2. The system of voting shall be one paid–up member one vote.

3. In the case of an equality of votes, the National Chairman shall have the power to decide the question by a casting vote.

4. In the event that the validity of any vote is under contest, the advisory council shall be charged with the responsibility of ascertaining its validity failure of which the ADC with the exception of the votes in question shall decide by way of a vote the validity of any such votes.

5. In the event that the validity of any delegate is under contest, the advisory council shall be charged with the responsibility of ascertaining his/her validity failure of which the ADC with the exception of the delegates in question shall decide by way of a vote the validity of any such delegates.

(E) Minutes

The Secretary General shall cause minutes to be made of all business transacted at meetings of the Union. Minutes which have been confirmed and signed by the Chairman of the meeting in which they were confirmed, shall be conclusive evidence of the business transacted at the meeting to which they relate.

(F) Loyalty

1. Every member shall faithfully and fully abide by every decision made by the Union or by its Officers acting under proper authority until such time as the decision is amended, reversed, or revoked by a resolution in accordance with these Rules.

2. No member shall disclose, or attempt to disclose, or permit to be disclosed on any person who is not a member, any matter or things considered or in any way dealt with by the Union, without proper authority.
ARTICLE XVII – SPECIAL CONFERENCE

1. A Special Conference shall be convened by the Secretary General on the directives of the National Executive Council of the Union.

2. Notice regarding a Special Conference shall go out to Branches at least two weeks before the Conference.

3. A Special Conference shall have all the powers of Annual Delegates’ Conference and it shall be governed by the same rules as to composition of the Annual Delegates’ Conference.

4. The quorum for the Special Conference shall be one third of the members entitled to attend and vote thereat.
ARTICLE XVIII: ELECTION OF OFFICERS

(A) BRANCH ELECTIONS

1. The Branch Chairman, the Vice Chairman, the Branch secretary, the Assistant Branch secretary, the Treasurer, the Assistant Treasurer and the Gender Secretary shall be elected by all bonafide paid up members of the Union in the branch after the quorum shall have been formed in accordance with Article XI, Section (3) of the KMPDU Constitution.

2. The Branch Executive Council shall divide the branch into electoral areas. The ordinary Branch Executive Council members shall be elected by KMPDU members from their electoral areas and their elections shall be supervised by either Officers appointed by the Officers of the Ministry of Labour or the NEC members present at the branch elections.

3. Election of the Branch Chairman, the Vice Chairman, the Branch secretary, the Assistant Branch secretary, the Treasurer, the Assistant Treasurer, the gender Secretary and Branch Executive Council members shall be carried out by a secret ballot.

(B) NATIONAL ELECTIONS

1. Elections of the National executive committee shall be carried out by secret ballot by all delegates accredited to participate at either the Annual Delegates Conference or a Special Delegates Conference.

2. To maintain Professional equity (of the represented professions: Medical practitioners, Pharmacists and Dentists), the posts of Chairman, 1st Vice chairman and 2nd Vice Chairman will be occupied by the three different professions at any one time.

3. The Chairmanship shall rotate among all the professions at least once every two terms. This rotation may however be forfeited in one of the following ways:
   a) The delegates of the profession whose turn it is to occupy the Chairmanship present at the annual or special delegates conference decide by a simple majority and in the greater interest of the Union agree to forfeit this rotation or
   b) Two thirds majorities of the delegates of EACH of the other two professions present at the ADC or SDC, in the greater interest of the Union, decide to forfeit this rotation.
c) Any forfeiture so arrived at shall remain in force for a period of one term.

ARTICLE XIX – DISSOLUTION OF THE UNION

1. The Union may be dissolved, at an Annual Delegates Conference called for such purpose, two-thirds of the members present and voting by secret ballot, resolve that the Union be dissolved.

2. Upon dissolution of the Union and after all the debts and liabilities legally owing by the Union have been satisfied, any surplus assets of the Union shall be divided amongst the members by pro rata to the amounts paid by members by way of subscriptions.
ARTICLE XX – INTERIM OFFICIALS

1. Names of Interim officials of the Union shall be forwarded to the National Labour Board together with the application for the registration of the Union.

2. The officials shall constitute the interim National Executive Council and their role shall be as stipulated under Article IX.

3. The interim officials shall serve in an acting capacity for a period of three months commencing from the official date that the union is registered by the Registrar of Trade Unions.

4. Upon the expiry of their term, the interim NEC stands dissolved and elections should be held as stipulated under Article XX.

5. Outgoing interim officials may seek for re-election if they so desire.

6. The major role of the interim NEC will, however, in addition to the role under article IX, be to conduct a vigorous nationwide recruitment of members into the Union.

7. The appointed interim officials automatically become registered members of the union to be formed.