

KENYA MEDICAL
PRACTITIONERS, PHARMACISTS
AND DENTISTS' UNION

CONSTITUTION

RULES AND REGULATIONS



REGISTERED
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KMPDU CONSTITUTION

PREAMBLE

We, the Doctors of Kenya (a doctor herein-after shall be referred to as any person that holds a bachelor's degree in either Medicine and Surgery, Pharmacy or Dentistry from a recognized university), by this Constitution, establish the KENYA MEDICAL PRACTITIONERS', 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: **Championing Doctors' Rights.***

We, the members of the Union, shall endeavor to support the growth and development of 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 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' UNION" h e r e i n - a f t e r referred to as "The Union".
2. The Registered Office of the Union shall be based at The Fifth Avenue Office Suites, Ngong' Road, Suite 7-14 (or such other place as shall be approved by the National Executive Council) 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 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 stake holders 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 sectors or organizations, where such representation may be required.
5. To place at the disposal of the Kenya Government, the Ministry for health, and any Council, board, organization, public, private or Parastatal, concerned with or have relation to health care matters, 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 of the Union.
7. To raise and maintain the standard and status of the stated Profession and to endeavor 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 and organize professional conferences, medical and non-medical, local or international that contribute positively to the membership.
13. To encourage and assist members to form Credit Unions, Consumer Co-operatives, Education funds, Burial and Benevolent Funds/Schemes and any other socio-economic ventures.
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, and by borrowing on such security and such terms as may from time to time be arranged by the Trustees.
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.



ARTICLE III - MEMBERSHIP

1. Any person who holds a Bachelor's degree in Medicine and Surgery (MBChB), Pharmacy (BPharm) or Dentistry (BDS) or their equivalents, from a recognized university, against whose professional conduct no charge can be sustained in an ADC shall have the right of admission to the Union through any of the Branches of the Union upon executing an application form and 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 Disciplinary and Disputes Resolution Committee, by the Branch Secretary of the particular branch, for inquiry. Any decisions made by the Disciplinary and Disputes Resolutions Committee on the basis of such an inquiry can be appealed against at an ADC
3. Any Doctor having been declared by the Disciplinary and Disputes Resolutions Committee to be ineligible shall remain ineligible until such time as the ADC shall reverse the decision. Any doctor having been declared ineligible in this manner shall have the right of appeal to the ADC through the National Executive Council.
4. Upon admission to the union, the Doctor's full name shall be entered in the Union's Nominal Roll. 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 shall be accompanied by a Remittance of Kenya Shillings one thousand (Kshs.1000/=) as registration fee, 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 must pay the Monthly Subscription (as determined by the Finance and Audit Committee and ratified by the Annual Delegates Conference for the year and any other levies that may be decided upon by the National Executive Council or the Annual Delegates Conference, provided the monthly membership and agency fee for each member shall be a minimum of shillings three thousands (Kshs. 3000)

6.(a) The Subscription Fee shall, in as far as possible, be collected through the Check-Off-System OR as recommended by the Finance and Audit Committee and paid through the national Treasurer. The Committee shall recommend the appropriate fees to the ADC for ratification.

(b) The National Treasurer shall pay to the Branch Treasurer a percentum to be decided upon by the Finance and Audit Committee of the union the total monthly subscriptions collected from the Members.

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

7. Any member of a Branch of the Union who is transferred from one branch 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 again.
8. Every member shall be at liberty to withdraw his/her membership from the union by giving a seven day written notice, 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, but such member shall revert to paying agency fee to the union.

9. It shall be lawful for 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. NEC shall refer cases to the Disciplinary committee then take the disciplinary measures after the committee's report.
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 General Secretary, 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, through the advice of an appointed committee, 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.

12. Any member of this Union who resigns under Section (8) of this Article may be readmitted on application to the National Executive Council.
13. Any student training in a course leading to a degree in Section (1) of this Article shall be eligible for membership of the local Branch of the Union in the Area of the authority under which she/he is a student, as an ASSOCIATE MEMBER.
14. Associate members will be obligated to pay a nominal fee as recommended by the Finance and Audit Committee, to the National Executive Council, but shall have no voting rights.



ARTICLE IV - NATIONAL OFFICERS OF THE UNION

A. NATIONAL OFFICERS OF THE UNION

1. The National Officers of the Union shall be;
 - a) The National Chairperson
 - b) The Deputy Chairperson
 - c) The National Secretary General
 - d) The Deputy Secretary General
 - e) The National Treasurer.
 - f) The Deputy Treasurer
2. All National Officers shall be elected every five (5) years and the elections shall be supervised by officers from the Ministry of East African Community, Labor and Social Protection in accordance with the circular from the Registrar of Trade Unions.
3. The mode of election shall be as stipulated by the Electoral Committee of the union and Article XIV.(The Electoral Committee guided by the Labour Laws shall decide on the mode of elections).
4. Only such members of the Union not in arrears with their subscriptions shall be eligible for elections as National Officers of the Union.
5. 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.



6. 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 terms.
7. An officer shall be deemed to have served a full term if he/she serves at least two and a half years of term in office.
8. In the event that an office of a National Officer of the Union falls vacant due to death, resignation, dismissal, or otherwise ceasing to be National Officer during their five years term of office;
 - a) NEC shall declare the seat vacant and appoint a member of NEC in acting capacity,
 - b) If the term served is less than two and a half years, elections shall be held as per Article XV within SIXTY days of the seat being declared vacant,
 - c) If the remaining period is less than two and a half years, then the acting member shall be subjected to the next scheduled ADC for confirmation,
 - d) If the acting member is not confirmed at an ADC, then the same ADC shall appoint another sitting NEC member to serve for the remaining period of time.



B. DESIGNATIONS AND DUTIES OF NATIONAL OFFICERS

1. The National Chairperson

- i. Shall be a member of NEC,
- ii. Shall preside over all meetings, i.e. NEC, NAC, ADC, SDC and all other meetings of the Union,
- iii. Shall be a signatory to all union accounts, including the trustee account,
- iv. Shall enforce observation of the rules set out in this constitution,
- v. Shall attend all meetings of trustees,
- vi. Shall have, in addition to his/her normal vote, the "Casting Vote",
- vii. Shall carry out any other responsibility as may be assigned by NEC.

2. The Deputy National Chairperson

- i. Shall be a member of NEC,
- ii. Shall attend all meetings,
- iii. Shall deputise the Chairperson in all roles as assigned to the Chairperson
- iv. Shall act on behalf of the Chairperson in the event that the chairperson is unavailable
- v. Shall carry out any other responsibility as may be assigned by NEC

3. The National Secretary General

- i. Shall be a member of NEC,
- ii. Shall be the Chief Executive Officer of the Union



- iii. Shall be the official spokesperson of the union,
- iv. Shall issue notices of all meetings and conferences,
- v. Shall attend all meetings, including trustees meetings, and record all minutes of the proceedings,
- vi. Shall receive and compile agenda for all meetings and circulate it to all relevant members for the meeting,
- vii. Shall be a signatory to all union accounts, including the trustees account,
- viii. Shall ensure a valid regularly updated register of members is maintained,
- ix. Shall carry out any other responsibility as may be assigned by NEC.

4. The Deputy Secretary General

- i. Shall be a member of NEC,
- ii. Shall attend all meetings,
- iii. Shall deputize the Secretary General in all roles as assigned to the SG
- iv. Shall act on behalf of the Secretary General in the event that the SG is unavailable
- v. Shall carry out any other responsibility as may be assigned by NEC

5. The National Treasurer

- i. Shall be a member of NEC and the Finance and Audit Committee,
- ii. Shall attend all meetings, including trustees meetings,
- iii. Shall be a signatory to all union accounts, including the trustees account,



- iv. Shall be the Secretary to the Finance and Audit Committee,
- v. Shall be responsible for Union funds and shall keep and maintain all necessary books of account,
- vi. 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 Labor Relations (Accounts) Regulations,
- vii. 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 (31st) day of December preceding the Annual Delegates' Conference and a balance sheet as at such Thirty-first (31st) day of December,
- viii. Shall carry out any other responsibility as may be assigned by NEC.

6. The Deputy National Treasurer

- i. Shall be a member of NEC,
- ii. Shall attend all meetings,
- iii. Shall deputize the National Treasurer in all roles as assigned to the National Treasurer
- iv. Shall act on behalf of the National Treasurer in the event that the National Treasurer is unavailable
- v. Shall carry out any other responsibility as may be assigned by NEC



C. THE NATIONAL EXECUTIVE COMMITTEE

1. This is the national governing organ of the union,
2. It shall be composed of 16 members. These are:
 1. The six National Officers of the Union.
 2. All 10 branch chairpersons of the Union.
3. Deputies shall perform functions of the national officers of the union that they deputize, in their absence and while doing so, shall enjoy privileges of the office. These roles shall be performed while the National Office holder is still validly in office,
4. Shall meet every three months or as frequently necessitated.

D. ROLES OF THE NATIONAL EXECUTIVE COUNCIL

1. Shall appoint member to various standing committees, and oversee functioning of these committees,
2. Shall nominate NEC members to the various standing committees, except the national Treasurer who is an automatic member of the Finance and Audit Committee,
3. Shall formulate the an Annual Strategic plan of the union and present it in an ADC,
4. Shall facilitate, support, coordinate and supervise the operations of the standing committees and the branches,
5. Shall nominate members to various stakeholder meetings and interactions,
6. Shall deliberate on various recommendations from standing committees and take necessary action,



7. Shall oversee follow up and implementation of all agreements between the union and various parties,
8. Shall endeavor to pursue the overall objectives of the union for the best interests of its members,
9. To see that the decisions and policies of the ADC are fully executed,
10. 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.
11. Shall mobilize funds through; Charity, Grants, 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.
12. Shall, in conjunction with the relevant committees consider appeals from affected branches/members and take the necessary action,
13. Shall establish and maintain the union's projects at branch and national levels,
14. Shall employ Executive officers, Executive assistants and any other employees it deems necessary,
15. Shall cater for the welfare of the union members.



a. NEC DECISION MAKING

1. In between the ADC, the NEC shall make decisions through a vote in which a simple majority will be sufficient to decide upon a matter.
2. Each member of NEC shall have one (1) vote. (One man one vote policy).
3. In the event of a tie, the Chairman shall have a 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.

b. NEC MEETINGS

1. NEC shall meet once in every Three (3) months, or when necessary, if;
 - a. The Secretary General and the Chairman deem fit,
 - b. A member of NEC petitions the National Secretary in writing and with a requisition approved by two thirds of valid NEC members at the time, at least one week in advance.
2. If any member of NEC fails to attend three (3) consecutive meetings of NEC without satisfactory reasons, he/she shall cease to be a member of NEC and/or BEC if that member is a branch Chairperson.
3. National officials in offence of article (2) above shall be subject to Article IV A (7).
4. The Branch, in which a chairperson is in offence of section (2) above, shall nominate an acting chairperson and follow the rules as stipulated in Article VII C (3)



ARTICLE V - ANNUAL DELEGATES CONFERENCE

A) The Conference

1. There shall be convened annually in the month of May, at such date and place as may be fixed by the National Executive Council, an 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 agenda and the audited union financial accounts of the preceding financial year must be circulated one month prior to the conference, to all delegates. The agenda items of the ADC is generated by the members through their branches and forwarded by the Branch Secretary to the National Advisory Council for inclusion in the agenda by the National Secretary General.
5. The National Executive Council may convene a Special Delegates' Conference (SDC) whenever necessary, provided that not less than two weeks' notice is given. The agenda should also be circulated at least two weeks prior to the SDC.
6. The Special Delegates' Conference shall be constituted and conducted in a manner similar to the annual delegates' conference.
7. Both the annual delegates' conference and the special delegates' conferences shall abide by the rules of quorum as stipulated in article X of this constitution.



B) Delegates

1. The nomination of the delegates to the Annual Delegates Conference shall be carried out by the Branch Executive Council.
2. Every delegate must be a bona fide member of the union, and must, as an individual accept and conform to the constitution, program, principles and policies of the union
3. Only members who have paid their dues to the union to date be deemed eligible as delegates.

C) Composition

1. All members of the National Executive Council.
2. The Branch Executive Council members.
3. Delegates duly nominated and mandated by each Branch Executive Committee, one delegate for every *twenty* members eligible to vote.
4. Union members who represent the union on National Statutory Boards, Councils and Councils of Kenya which deal with Health Care matters.
5. Persons of recognized bodies invited by the National Executive Council as need be. These persons shall have no right to vote.

D) Functions

1. To determine the broad basic policy program 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 audited financial accounts presented by the National Treasurer and the Finance and Audit Committee.
4. To hear appeals forwarded by affected members and deliver a final verdict.
5. To evaluate annual reports given by various committees and give direction for activities of the next year.
6. To approve members appointed by the National Executive Council to the various standing committees.
7. To deal with Health Care matters affecting the Union and the Republic of Kenya.



ARTICLE VI - THE NATIONAL ADVISORY COUNCIL

1. The Advisory Council of the Union shall consist of the ALL National Officials of the union and the Chairmen, Branch Secretary and the Treasurer from each of the branches of the union.
2. The National Advisory Council shall meet twice a year but may otherwise convene an urgent meeting as deemed necessary by the National Executive Council.
3. The Finance and Audit Committee will plan and advise on the financing of the NAC meetings.
4. Functions of the National Advisory Council:
 - a. Evaluate the union's strategic plan and advise on its implementation
 - b. Monitor progress of the above
 - c. Address important issues in absence of ADC
 - d. Is responsible for sanctioning of an industrial action
5. The NAC meetings shall be convened by the union Secretary General. The notice shall be issued, not more than two weeks from the day of the meeting, and shall be accompanied by the agenda.
6. Each branch shall be represented by at least two officials who are automatic members of the NAC
7. In the event that the automatic branch officials to the NAC are not able to attend the meeting, the chairman of the branch shall, in writing, inform the Secretary General and appoint other Branch Executive Committee members to represent the branch.



ARTICLE VII - 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. Branches shall include:
 - a. Nairobi: comprising Nairobi County,
 - b. Central: comprising Nyeri, Nyandarua, Kirinyaga, Murang'a and Kiambu counties,
 - c. Lower Eastern: comprising Machakos, Makueni and Kitui counties,
 - d. Upper Eastern: comprising Embu, Meru, Tharaka-Nithi, Isiolo and Marsabit counties,
 - e. Coast: comprising Mombasa, Kwale, Kilifi, Lamu, Tana River and Taita-Taveta counties,
 - f. North Eastern: comprising Garissa, Wajir and Mandera counties,
 - g. South Rift: comprising Laikipia, Nakuru, Narok, Kajiado, Kericho and Bomet counties,
 - h. North Rift: comprising UasinGishu, ElgeyoMarakwet, Trans Nzioa, West Pokot, Turkana, Samburu, Baringo and Nandi counties,
 - i. Nyanza: comprising Siaya, Kisumu, Homa Bay, Migori, Kisii and Nyamira counties,
 - j. Western: comprising Kakamega, Vihiga, Bungoma and Busia counties.



3. 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.
4. Each Branch shall elect its own officers:
 - i. Branch Chairperson,
 - ii. Assistant Branch Chairperson,
 - iii. Branch Secretary,
 - iv. Assistant Branch Secretary,
 - v. Branch Treasurer,
 - vi. Assistant Branch Treasurer
 - vii. Organizing Secretary
 - viii. County Liaison officers.
5. 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.
6. The Branch officials shall be elected concurrently with the National Officials. Each official is only eligible to serve two terms as a branch official irrespective of the branch. This is effective from the time this constitution takes effect.
7. Any Branch shall have power to employ office secretary and any other employees they deem necessary.
8. No Branch shall take action on any subject who 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.



9. Any Branch which shall fail to send to the Head Office the Balance Sheets or other returns within the time limit set shall be dealt with by the National Executive Council in conjunction with the Finance and Audit Committee.
10. The funds or any such property held by any Branch shall be the common property of the Union.

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 Council.
3. The duties of the Branch General Meeting shall be:-
 - (a) To determine branch policy and programs 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.
4. All branch members are eligible to attend the Branch general meeting.
5. The Branch General Meeting shall be financed by the Branch through the Branch Treasurer.



C) The Branch Executive Committee:-

1. The Branch Executive Committee shall meet at least once every two months.
2. The duties of the Branch Executive Committee shall be:-
 - i. To carry out vigorous agenda and organizational work among the Doctors in their respective branches, in order to help realize the aims and objectives of the Union.
 - ii. To recruit new members into the union, in conjunction with the national executive council.
 - iii. To keep Branch Union records on membership up-to-date and to report any irregularities to the Secretary General.
 - iv. To help organize and coordinate the union activities of the Doctors within the Branch jurisdiction.
 - v. To submit reports and statements of accounts to the Branch General Meeting as well as to the Secretary General for transmission to the Finance and Audit Committee.
 - vi. To undertake all such activities as 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 dishonor and disrepute.
 - vii. To help execute the policy and program of the Union and carry out instructions received from the Head Office.
 - viii. To plan and maintain Union projects in the Branch for the Doctors on behalf of the National Executive Council or the Trustees.
 - ix. To mobilize resources through loans, advances, overdrafts and mortgage of Union Branch property with the consent of the National Executive Council.



3. 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 Annual or Special Delegates Conference for consideration. The decision of the Annual or Special delegates function shall be final.
4. The Branch Executive Committee shall ensure branch representation at every National Advisory Council and National Executive Council as provided for by the constitution. If a National Executive Council member misses two meetings without satisfactory reason in writing, he shall be considered to have abdicated duty and shall be liable for dismissal from the committee in accordance to Article VII C (3) above. If a branch chair is dismissed from NEC, he automatically ceases to be a Branch chair.
5. The Branch Executive Committee shall cater for the welfare of union members

D) Designations and Duties of Branch Officers:-

1. Branch Chairperson:

- i. Is an automatic member of the National Executive Council and the National Advisory Council
- ii. Shall preside at all Annual General Meetings and meetings of the Branch Council at which he/she is present.
- iii. Shall enforce observation of the Constitution and Rules of the Union at branch level.



- iv. Shall perform such other duties as by usage and custom pertain to his/her office.
- v. 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
- vi. Shall represent the National Executive Council at Branch level on all matters.

2. Assistant Branch Chairperson

- i) Assist the branch chairperson
- ii) Perform functions of the branch chairperson in his absence

3. Branch Secretary:

- i. The Branch Secretary shall be the official spokesperson of the branch.
- ii. He/she shall issue notices of all meetings and branch communication.
- iii. Shall attend all branch meetings and record the minutes and shall be eligible to vote.
- iv. 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.
- v. He shall be responsible for ensuring due compliance by the Branch with the provision of the Trade Unions Act and the regulations made hereunder and shall perform all such acts and duties as the B.E.C. may from time to time direct.
- vi. Is an automatic member of the National Advisory Council

4. Assistant Branch Secretary

- i) Assist the branch Secretary
- ii) Perform functions of the branch Secretary in his absence



5. Branch Treasurer:

- i. Shall be responsible for opening the Union Branch accounts (as per Article XI)
- ii. Shall receive Union Branch funds and ensure they have been deposited in the account within seven days
- iii. Shall maintain clear records of all the funds of the Branch.
- iv. He/she shall be responsible for the funds of the Branch and shall maintain all necessary books of accounts and records.
- v. 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 Labor Relations (Accounts) Regulations.

6. Assistant Branch Treasurer

- i) Assist the branch Treasurer
- ii) Perform functions of the branch Treasurer in his absence

7. Branch County Liaison:

- i. Is the link between the branch and the county Labour office
- ii. Is the link between the branch and the county government
- iii. Is responsible for setting up a system of institution representation in the branch
- iv. Shall carry out any other responsibilities as may be assigned by the BEC



8. Branch Organising secretary:

- i. Is responsible for mobilization of members for various activities
- ii. Shall assist the Branch secretary in organizing branch union meetings
- iii. Shall be responsible for recruiting new members to the union at the branch level
- iv. Shall carry out any other functions as assigned by the BEC



ARTICLE VIII THE UNION STANDING COMMITTEES

1. There shall be FOUR standing committees of the union:
 - a. Legal Affairs Committee
 - b. Disciplinary and Disputes Resolution Committee
 - c. Finance and Audit Committee
 - d. Communications and Public Relations Committee
2. The committee members shall be appointed by the National Executive Council, subject to approval by the Annual Delegates Conference
3. The committees shall be directly answerable to the National Executive Council
4. The committees shall serve five-year renewable terms
5. In the event of a vacancy in a committee by resignation, dismissal or death, the National Executive Council shall appoint a new member to fill the gap
6. The committees shall table quarterly and annual reports to the National Executive Council for presentation to the annual delegates conference
7. The committees shall appoint, each its own chair and secretary
8. The committees may co-opt any person(s) deemed fit to aid in execution of their mandate, with approval from the National Executive Council.
9. Except for where provided herein, Standing Committees appointments shall be drawn from bonafide union members not holding National Advisory Council offices.



A. LEGAL AFFAIRS COMMITTEE

Shall be composed of:

1. ONE NEC member
2. FOUR bona fide union members
3. ONE ex-officio member who is the union lawyer, who is not eligible to vote

The functions of the committee shall include, but not limited to:

1. To review all legal matters concerning the union,
2. To evaluate, discuss and follow up on the execution of all agreements between the union and other parties,
3. To receive, evaluate and give recommendations towards any policy documents involving healthcare, whose participation, the union is required of,
4. To address legal issues involving members, partners, employers, healthcare regulatory bodies and any other stakeholders in health,
5. To provide legal and policy sensitization to members,
6. To interpret the union constitution to membership and other stakeholders,
7. To advise the National Executive Council on emerging legal issues, both within and without the union,
8. To ensure union compliance with the union constitution in keeping with the labour laws and the constitution of Kenya,
9. To carry out any other duties as may be assigned by the National Executive Council.



B. DISCIPLINARY AND DISPUTES RESOLUTION COMMITTEE

Shall be composed of:

1. ONE NEC member
2. Three bona fide union members

The functions of the committee shall include but not limited to:

1. To arbitrate in disputes involving members and officials of the union according to rules set out in this constitution and the Labour relations act,
2. To undertake structured disciplinary processes as stipulated in this constitution,
3. To give recommendations on dispute resolutions of cases presented to them by the National Executive Council,
4. In cases where no resolution is reached within the union, the committee may recommend referral of the matter to a registered external arbitrator or to a court of law,
5. To caution and recommend disciplinary measures to be taken by the National Executive Council against errant members,
6. The committee has the authority to summon any member, through the National Executive Council, as they may deem fit, for the execution of their mandate,
7. To carry out any other responsibilities as may be assigned by the National Executive Council.



C. FINANCE AND AUDIT COMMITTEE

Shall be composed of:

1. The National Treasurer as the automatic NEC member
2. FOUR bona fide union members

The functions of the committee shall include but not limited to:

1. To prepare an annual budget for the union
2. To mobilize funds for the annual budget for the union
3. To create budget votes for union activities
4. To receive and approve annual branch budgets
5. To formulate the union financial policy
6. Shall competitively source for a qualified union auditor and propose to NEC which shall thereafter present the list of auditors to the ADC for appointment,
7. To determine the allowances for union officials: national and branch officials, and committee members; and review them from time to time, with approval from the ADC,
8. To determine the salaries of national and branch level officials,
9. To receive, audit and compile annual financial reports from the branch and national offices,
10. To set up a benevolent fund for the union and guidelines for its usage,
11. To carry out any other responsibilities as may be assigned by the National Executive Council.



D. COMMUNICATIONS AND PUBLIC RELATIONS COMMITTEE

Shall be composed of:

1. The National Secretary General
2. Two bona fide union members

Their functions shall include but not be limited to:

1. To maintain a union communications database,
2. To produce regular union publications or as necessary, in line with the union objectives,
3. To publicize the union through any available media,
4. Establishing and overseeing official union communications systems/channels,
5. Shall developed communication guidelines(within and without) to be disseminated to branches, state union position on policy matters and generate press statements,
6. To assist in dissemination of information from the National Executive Coupcil or other union organ to union members and the public,
7. To drive the advocacy agenda in line with the broad objective of the union,
8. Shall be responsible for communication disseminated to the public by the union,
9. Shall work with other corporate and stakeholders in advancing the union agenda,
10. Shall organize regular social functions that foster membership interactions and information dissemination in line with the union objectives,
11. Shall organize for continuous medical education meetings, conferences, workshops, retreats etc for the benefit of membership in line with the union objectives,
12. Shall have the power to hire and outsource Public Relations staff,
13. To carry out any other responsibilities as may be assigned by the National Executive Council.



ARTICLE IX - INDEPENDENT ELECTORAL COMMITTEE

Shall be composed of:

1. Five bona fide union members who will not be eligible to run for an elected office and cannot co-opt.

Criteria for appointment

- i. Member of the Union sufficiently literate in Kiswahili and English or either
- ii. Registered member of the Union and Medical board
- iii. Two (2) years post internship
- iv. No record of criminal conviction
- v. Shall have paid dues for at least 12 months

Their functions shall include but not be limited to:

1. To declare vacant positions and invite applications,
2. To receive applications from members interested in running for office; and vetting them to ensure compliance with the constitution,
3. To issue clearance certificates to qualified candidates,
4. To organize and preside over free and fair elections and referenda and to declare the election results,
5. To declare the mode of elections,
6. To publish the register of bona fide members of the union eligible to vote at least one month before elections,
7. To settle electoral disputes,
8. To conduct voter education in liaison with communications and public relations committee,



9. To conduct monitoring and evaluation of elections,
10. To facilitate observation of elections,
11. To develop a code of conduct for candidates contesting elections,
12. To perform its functions and exercise its powers in accordance with the rules in this constitution,
13. To ensure all elections are run in accordance with labour laws,
14. To ensure timely registration of elected officials at the Ministry of Labour,
15. To carry out any other functions as assigned to them by the National Executive Council.



ARTICLE X - QUORUM

1. The National Executive Council meetings: Should be at least two thirds of all NEC members, with at least two thirds of the national officials present.
2. The National Advisory Council meetings: All national officials and at least two thirds of other NAC members.
3. The Annual Delegates' Conference and the Special Delegates' Conference: fifty percent plus one of all eligible delegates as per Article V (B) and (C).
4. The Branch Executive Committee meeting: at least two thirds of all branch committee members.
5. Branch general meetings: at least a sixth of all branch members



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 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 Finance and Audit Committee 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 or for any other reasons the Assistant National Treasurer shall sign all Union cheques.

2. There shall be a National Reserve Fund Account for the purpose of contingency expenses determined by the Finance and Audit Committee.

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/her is paid into the national union bank account within seven days of receipts 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 Finance and Audit Committee 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 received by the national treasurer and shall be



deposited in the national union account. The money so collected shall be the property of the Union. Ordinary branch expenditure shall be paid from branch funds.

4. 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. To acquire property for the Union.
 - d. The prosecution or defense of any legal proceedings to which the Union or any member thereof is a party, when such prosecution or defense is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any right arising out of the relations of any member with his employer.
 - e. The conduct of Trade Disputes on behalf of the Union or any member thereof.
 - f. The compensation for loss arising from union activities.
 - g. Such allowances to members or their dependents on account of death, old age sickness, accidents or unemployment as the Finance and Audit Committee may from time to time prescribe.
 - 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 Finance and Audit Committee may deem necessary.



5. All National and Branch Officials of the union will have their salaries paid from the National Office, or as shall be determined by Finance and Audit Committee from time to time.
6. All Standing Committee members will, have their allowances paid from the National Office, or as shall be determined by Finance and Audit Committee from time to time.
8. The Financial Year of the Union shall end on the 31st day of December of every year.
9. The union accounts shall be audited by the end January of the following financial year and circulated two (2) months prior to the Annual Delegates' Conference in May.
10. The Registrar of trade unions may inspect both branch and National accounts of the union after giving a specified notice of not less than seven (7) days in writing.



ARTICLE XII - TRUSTEES

1. The Annual Delegate's Conference shall elect three Trustees, after every Five 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 six months.
3. A meeting of Trustees shall be chaired by one of them. The National Chairman and Executive officer shall attend the meeting as ex-officio Members without voting rights.
4. Property of the Union shall not be disposed off without the consent of the trustees.
5. The general powers of KMPDU 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 Council or is removed by a simple majority vote at an Annual Delegate's Conference or Special Delegates 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 Finance and Audit Committee shall competitively source for a qualified accountant to audit the union accounts and propose to NEC which shall thereafter present the list of auditors to the ADC for appointment.
2. The auditor shall submit a general report of the financial position of the union, both at the branch and national level.
3. The auditor shall be present at the Annual Delegates Conference during presentation of the treasurer's report.
4. A copy of the Auditor's report shall be conspicuously displayed at the registered office of the Union and on the union website.



ARTICLE XIV - ELECTION OF OFFICERS

1. Branch and National elections shall be held every five (5) years and shall be supervised by officers from the Ministry of East African Community, Labor and Social Protection in accordance with the circular from the Registrar of Trade Unions.
2. Shall be conducted by secret ballot.
3. All bona fide members of the union as published by Independent Electoral Committee shall be eligible to cast their vote.
4. Shall be held in the month of April of every election year; within thirty days of declaring the offices vacant. Except the first election after registration of this constitution.
5. Newly elected officials shall be officially inaugurated at the May Annual Delegates Conference of the same year and thereafter, assume office.
6. Qualifications required of an office aspirant:
 1. Shall be a bona fide member of the union,
 2. Shall be sufficiently literate in English and Kiswahili,
 3. Shall have no prior conviction in a court of law for a criminal offense,
 4. Aspirants for the National Office shall have at least two years of experience, post-internship, and shall have been an active bona fide member of the union for at least one year,



ARTICLE XV - INDUSTRIAL ACTION

1. Industrial action shall comprise but not be limited to strikes, go-slows, sit-ins and picketing.
2. Calling for an industrial action:
 - a. The NEC can propose industrial action which shall be sanctioned by the National Advisory Council by way of a vote. At least seventy five percent of all NAC members shall vote for the industrial action.
 - b. The NAC shall prepare the industrial action demands and the bare minimum requirements for withdrawal of the industrial action following the sanction.
 - c. The Union National Secretary General shall issue a written industrial action notice to all relevant parties within seventy two hours of the National Advisory Council meeting.
3. Industrial Action Negotiations
 - a. The entire National Advisory Council shall constitute the negotiating team
 - b. During negotiations, the lead negotiating team must be physically available at every negotiation
 - c. The union shall only participate in a properly constituted negotiation by all parties concerned.
 - d. All negotiations May take place between 8.00am and 5.00pm
 - e. The National Advisory Council shall select the lead negotiators.
 - f. Any agreements reached by the concerned parties must be ratified by the National Advisory Council in a physical meeting prior to signing of the agreements.
4. Calling off of an industrial action



- a. The industrial action shall be called off upon ratification by the National Advisory Council; where seventy five percent of all NAC members shall vote to call it off,
- b. Upon ratification, the Secretary General shall call off the industrial action immediately.
- c. All union members shall be bound by the decision made by the National Advisory Council concerning the industrial action.



ARTICLE XVI - AMENDMENTS AND ALTERATIONS OF THIS CONSTITUTION

1. All proposals for amendments shall be submitted to the Secretary General in writing no later than two months preceding an Annual Delegates Conference or Special Delegates Conference.
2. A decision to alter this constitution or any part thereof shall be made at a properly constituted Annual Delegates Conference or at a Special Delegates Conference, through a method agreed upon by the delegates. A two thirds majority vote will be required to pass the decision.
3. The delegates shall appoint a committee responsible for the amendments once the decision for amendments has been made which shall submit the proposed amendments to the Secretary General for presentation at the ADC.
4. The amended constitution shall be passed by two thirds majority of delegates at a properly constituted Annual Delegates Conference or Special Delegates' Conference.
5. Any alteration to the constitution so made shall take effect with immediate effect upon registration with the registrar of trade unions.
6. A copy of the constitution and rules of the union shall be available on the union website.



ARTICLE XVII - TRANSITION

A. UNION OFFICIALS

1. Upon ratification and adoption of a new constitution by an ADC or SDC, all offices elected under old constitution, both NEC and BEC shall remain in office until the next election under this constitution, in keeping with Labor Relations Act, and all rules and regulations governing Kenyan Trade Union elections as per the Ministry of Labor guidelines.

2. The first election under this constitution shall be held upon expiry of the term of office of union officials elected in the old constitution at the last ADC, in keeping with Labor Relations Act, and all rules and regulations governing Kenyan Union elections as per the Ministry of Labor guidelines.

3. The various provisions in this constitution shall be progressively realized.

B. INTERIM OFFICIALS.

The ADC may appoint interim officials if there is no election under the old constitution.

1. The Interim Officials to be appointed shall be:
 - a. The Interim National Chairperson
 - b. The Interim Deputy National Chairperson



- c. The Interim National Secretary General
 - d. The Interim Deputy Secretary General
 - e. The Interim National Treasurer
 - f. The Interim Deputy National Treasurer
 - g. Each Branch Interim Chairperson,
Secretary General and Treasurer
2. The Interim NEC shall be composed of the six Interim National Officials and ALL the Branch Chairmen.
 3. The Interim BEC shall be composed of all the three Interim Branch Officials.
 4. These appointed officials shall form the Interim National Advisory Council (NAC), for the duration of time as mandated in the SDC appointing them to office.
 5. The SDC shall then outline the Terms of Reference for the appointed Interim Officials, including their mandate.
 6. Officers appointed as interim NEC and BEC shall be registered at the Labour Office and have the full responsibilities and privileges as of a NEC and BEC, until expiry of their mandate as per the SDC appointing them or fresh elections being held, whichever comes first.
 7. The Interim officials shall carry out any other functions as assigned to them by the SDC.



ARTICLE XVIII - 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 Legal Committee, and where necessary, the committee of experts (see Appendix) for interpretation. In case of dissatisfaction either party can appeal to the Annual Delegates' Conference whose decision shall be final and binding on all union members.

B) Standing Orders

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

C) Resolutions

- i. Every resolution shall be moved and seconded.
- ii. With the exception of resolutions seeking to amend the constitution or any articles, rules or regulations therein, a resolution will 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 shall be entered in the minutes as proof of its outcome.
- iii. Resolutions seeking to amend the constitution or any articles, rules or regulations therein, shall be subject to Article XVI.



D) Voting

1. Voting within the union shall be as per the relevant sections of the constitution
2. The system of voting shall be one paid-up member, one vote.
3. In the case of an equality of vote, 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 electoral committee shall be charged with the responsibility of ascertaining its validity. The decision made by the electoral committee shall be binding to all.
5. In the event that the validity of any delegate is under contest, the Independent Electoral Committee shall be charged with the responsibility of ascertaining his/her validity and the decision shall be binding to all.

E) Minutes

The General Secretary 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 XIX - DISSOLUTION OF THE UNION

1. The Union may be dissolved by a referendum where at least two thirds majority of the union membership vote in a secret ballot 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.



APPENDIX

Committee of experts:

1. Dr. Nelly Bosire - Chairperson
2. Dr. Mercy Korir - Secretary
3. Dr. Alex Thurania
4. Dr. Samuel Orok Obegi
5. Dr. Richard Mogeni
6. Dr. Bonface Chitayi

