

# POLICY AND PROCEDURES MANUAL

## 6.1.1 BREACH OF DUTY

### Policy

To describe what constitutes a Breach of Duty

### Procedure

Members are expected to fulfill certain responsibilities and obligations, including but not limited to, complying with any Constitution and Bylaws, and Policies and Procedures.

Conduct that violates these responsibilities and obligations constitutes a breach of duty, and may be subject to penalties pursuant to the Constitution and Bylaws.

A breach of duty includes, but is not limited to:

1. Violating any provisions of the Constitution and Bylaws and Policies and Procedures;
2. Carrying out any conduct which may be detrimental to the reputation or integrity of the BCNU, as determined by Council or the Annual Convention;
3. Willfully engaging in any acts or course of conduct which are inconsistent with the Collective Bargaining process or which constitute a breach of an existing Collective Agreement;
4. Causing or advocating a stoppage of work because of any alleged grievance or dispute in violation of any existing Collective Agreement or without the consent of Council;
5. Obtaining, or assisting another person to obtain, membership through fraudulent means or by misrepresentation;
6. Revealing, without proper authorization, information confidential to the BCNU to anyone not entitled to it;
7. Without receiving proper authority to do so, furnishing a complete or partial list of the membership of the BCNU to any person or persons other than those whose official position entitles them to have such a list;
8. Publishing or circulating, either orally or otherwise, false reports or deliberate misrepresentations concerning the BCNU (including its leadership or Staff) or any Member in respect to any matter connected with the affairs of the BCNU;
9. Making a complaint under the Constitution and Bylaws or Policies and Procedures without reasonable grounds for believing the complaint to be true;
10. Commencing, or advocating that a Member commence a proceeding in a court or tribunal against the BCNU, any individual holding an Elected Position, any other BCNU representative, or any Member, in any matter concerning the affairs of the BCNU, without first exhausting all remedies provided for in the Constitution and Bylaws;
11. Crossing a picket line of the BCNU or any union or organization of workers supported by the BCNU when under no legal duty to do so;
12. Attending at work during a lawful work stoppage, whether or not a picket line is established, unless compelled to do so by lawful authority;
13. Working as a replacement for an employee not at work due to a strike, lockout or other stoppage when under no legal duty to do so;

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14. Failing to perform, without reasonable justification, picketing or any other duty reasonably required of Members during a lawful work stoppage;
15. Failing to pay when due, the dues, levies or fines imposed by the BCNU or failing to authorize their payment by payroll deduction;
16. Committing a fraud in, or otherwise interfering with, or attempting to interfere with a BCNU election;
17. Interfering with, or attempting to interfere with, the rights of a Member provided for in the Constitution and Bylaws;
18. Attempting to bring about the withdrawal from the BCNU of any Member, or group of Members, in any way other than through procedures set out in the Constitution and Bylaws;
19. Working in the interest of any organization competing with the BCNU in a manner which is detrimental to the BCNU;
20. Working in the interests of, or accepting membership in, any organization competing with the BCNU to represent persons eligible for membership in the BCNU;
21. Unlawfully receiving, removing, retaining, destroying, erasing, mutilating or misappropriating any property belonging to the BCNU or in the possession of the BCNU;
22. Obstructing the orderly process of a meeting of the BCNU including the Provincial Executive Committee or any Committee meeting or failing to keep order when directed to do so by the Chairperson of any such meeting;
23. Attempting, by the use of harassment, coercion or intimidation of any kind, including threats of legal action, to cause a Member to refrain from carrying out their obligations, or exercising their rights under this Constitution and Bylaws;
24. Using, without authority, the name, logo or brand of the BCNU for any improper purpose, including but not limited to soliciting funds or advertising;
25. Wrongfully interfering with any Member, incumbent in an Elected Position or any other BCNU representative, in the discharge of their duties;
26. Failing to fulfil their duties in an Elected Position;
27. Refusing to or failing to communicate with or provide information to or to appear, without reasonable excuse, at a meeting convened by the Complaints Investigation Sub-Committee or to provide it requested documents or to comply with any other direction of the Complaints Investigation Sub-Committee;
28. Refusing or failing to appear, without reasonable excuse, as a witness before a Hearing Board or to provide it requested documents or to comply with any other direction of a Hearing Board; or
29. Any other reason, that Council (when the Annual Convention is not in session) in its sole discretion considers to be reasonable, having regard for the purpose, integrity and welfare of the BCNU.

## Policy Footnotes

<p><b>Section</b></p> <p><b>Sub-section</b></p> <p><b>Policy Number</b></p> <p><b>Council Approved</b></p> <p><b>Council Revised</b></p> <p><b>Further reading</b></p>	<p>6 Member Relations</p> <p>6.1 Complaints Investigation and Discipline</p> <p>6.1.1</p> <p>30-05-19</p> <p>08-12-21</p> <p>Bylaw Article 12 of BCNU's Constitution and Bylaws</p>
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