

# CONSTITUTION

## Ontario Public Service Employees Union

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## **PREAMBLE**

The Ontario Public Service Employees Union was founded in 1911 under the name "Civil Service Association of Ontario." The Association was incorporated under the Corporations Act of Ontario in 1927. As the need for a trade union approach to be applied to relations between public employees on one hand and their employers and managers on the other hand has been increasingly accepted by employees, public, and government, and as the Members and Officers of the Civil Service Association of Ontario, Inc. were and are desirous of re-dedicating and re-structuring their organization to parallel more closely the aims and forms of other Canadian employee organizations, the said Members and Officers adopted the present name of the Union in 1975, in accordance with, and to be governed by, the provisions that follow in this Constitution.

## **Article 1**

### **NAME**

**1.1** The Union shall be known in the English language as the "Ontario Public Service Employees Union" and in the French language as the "Syndicat des employées et employés de la fonction publique de l'Ontario."

## **Article 2**

### **INTERPRETATION AND ABBREVIATIONS**

**2.1** "Union" means Ontario Public Service Employees Union and not a subsidiary body.

**2.2** "Subsidiary body" means every internal organizational structure or body established in this Constitution other than the Convention and its Committees, the Executive Board and its Committees, and the Executive Committee.

**2.3** "Board" means the Executive Board.

**2.4** "Committee" means the Executive Committee.

**2.5** "Office" refers to elected office at the provincial, Regional, Divisional or Local level, but a

delegate to a Convention shall not be considered to hold office by reason only of his/her delegate status.

**2.6** "President" means President of the Union and not of any subsidiary body in the Union except as used in Article 29.

**2.7** As long as the Union remains incorporated under The Corporations Act of Ontario, this Constitution shall be understood to be the "By-Laws" of the Corporation, "Convention" shall be understood to mean "General Meeting," "Board" shall be understood to mean "Board of Directors," and other terms found in this Constitution shall be understood to bear comparable meanings attributed to such terms.

**2.8** "LEC" means Local Executive Committee.

## **Article 3**

### **HEADQUARTERS**

**3.1** The Headquarters of the Union shall be located in Toronto, Ontario, Canada.

## **Article 4**

### **AIMS AND PURPOSES**

**4.1** The aims and purposes of the Union shall be:

(a) To regulate labour relations between the Members and their employers and managers, said labour relations to include the scope of negotiation, collective bargaining, the enforcement of collective agreements and health and safety standards, and the safeguarding of human rights;

(b) To organize, sign to membership, and represent employees in Ontario;

(c) To advance the common interests, economic, social and political, of the Members and of all public employees, wherever possible, by all appropriate means;

(d) To bring about improvements in the wages and working conditions of the membership, including the right of equal pay for work of equal value;

(e) To promote and defend the right to strike;

(f) To promote full employment and an equitable distribution of wealth within Canadian society;

(g) To co-operate with labour unions and other organizations with similar objectives in strengthening the Canadian labour union movement as a means towards advancing the interests and improving the well-being of workers generally in Canada;

(h) To promote justice, equality, and efficiency in services to the public;

(i) To strengthen, by precept and example, democratic principles and practices both in the Canadian labour union movement and in all manner of institutions, organizations, and government in Canada.

## Article 5

### JURISDICTION

**5.1** Employees of the Government of the Province of Ontario, or employees of a Board, Commission, or other emanation of the Crown in Right of Ontario or within the provisions of the Public Service Act (Ontario), or employees of municipalities, municipal boards and commissions, school boards, public utilities, and social and welfare agencies, or any employees deemed by the Union to be engaged in service to the public, or any employees in groups recognized or which may be recognized as an appropriate unit for collective bargaining purposes under existing labour legislation shall be eligible for membership in the Union.

## Article 6

### MEMBERSHIP

**6.1** An employee gainfully employed in the jurisdiction defined in Article 5 becomes a Member of the Union by:

(a) Signing and submitting to the Union a membership application form prescribed by the Union; and

(b) Paying any initiation or membership fee prescribed by Ontario law.

**6.2** A person becomes a Member of the Union if s/he is a Member in good standing of the Ontario Public Service Employees Union at the time this Constitution comes into force or if s/he is a Member in good standing of a recognized bargaining unit which, by majority vote of its Members, merges with the Union in accordance with the procedures established in Article 9 of this Constitution.

**6.3** A Member shall remain in good standing provided s/he is:

(a) Not more than three months in arrears in payment of dues;

(b) Gainfully employed in a bargaining unit for which the Union holds or seeks recognized bargaining rights;

(c) Not penalized by suspension or expulsion following conviction under Article 30 of the Constitution; and

(d) Not penalized by suspension or expulsion following conviction of a breach of OPSEU's harassment and discrimination policy, provided that in accordance with any applicable laws, no such penalty shall require the employer to discharge such Member from employment.

(e) Not penalized by suspension under Art. 16.10 of the Constitution.

However, failure to meet the requirements of (a) or (b) above shall not disqualify Members who are absent from their regular place of employment on leave of absence, paid or unpaid

"Leave of absence" shall include sabbatical leave, long-term disability, maternity leave, parental leave, workers' compensation, and any other form of extended leave of absence while remaining in the employ of the employer. Members on long-term disability may seek and hold office in the Union or any of its subsidiary bodies, and may be delegates to Union meetings, provided they pay uniform monthly dues, not to exceed \$5.00, to be set by the Executive Board, and are both able and available to carry out their duties. Members on other leaves of absence may seek and hold office in the Union or any of its subsidiary bodies, and may be delegates to Union meetings, provided they pay full Union dues and are both able and available to carry out their duties. Any

dispute as to ability or availability shall be decided by the President, with right of appeal to the Executive Board.

**6.4** Notwithstanding the provisions of any other article of this Constitution, a Member subject to regular seasonal and/or short-term lay-offs may remain in good standing for up to one year while laid off without payment of dues, but a Member subject to permanent or indefinite lay-off shall not be eligible for continuing membership for any period of the lay-off.

**6.5** Notwithstanding the provision of Articles 6.3(b) and 6.4, a Member dismissed or improperly laid off by his/her employer shall, if a grievance is submitted on the dismissal or lay-off, remain a Member in good standing until the grievance is settled, provided that if the Member wishes to seek or hold office in the Union, s/he must pay a uniform monthly amount of Union dues, not to exceed \$5, to be set by the Executive Board.

**6.6** Notwithstanding the provision of Article 6.3(b), upon payment of full Union dues a Member shall remain in good standing while:

(a) holding elected political office in any government, municipality, municipal board or commission, school board, public utility, social or welfare agency; or

(b) holding appointed office on any board or commission, etc., as a representative of labour; or

(c) holding elected or appointed office in any labour organization to which the Union is affiliated.

**6.7** A person who ceases to be a Member by reason only of non-payment of dues shall be reinstated upon submission to the Union of a new membership application accompanied by all arrears in dues.

**6.8** A Shop Steward, Unit Steward, local officer, trustee, delegate, team or committee member who is temporarily assigned (seconded) by the employer from his/her normal workplace to another workplace within the bargaining unit, and who retains the right to return to his/her normal workplace, shall be entitled to continue to hold or seek re-election to the Union office or function in his/her normal workplace during the term of such assignment (secondment), provided s/he is willing, able and available to carry out the duties of the Union office or function. Any

dispute as to ability or availability shall be decided by the President, with right of appeal to the Executive Board. While occupying such Union office or function, the member shall be ineligible to seek or hold any Union office or function in the other workplace.

**6.8.1** A shop Steward, Unit Steward, local officer, trustee, delegate, team or committee member who volunteers and is assigned or seconded by the employer from his/her normal workplace to a position outside any OPSEU bargaining unit shall not be entitled to continue to carry out the duties or functions of his/her office during the period of assignment or secondment. The Member shall be entitled to retain all other rights as a Member in Good Standing.

### **Honorary Members**

**6.9** Honorary membership in the Union may be granted to retiring Members who have been active in unions or to persons outside the Union who have rendered distinguished service to the trade union movement. The Executive Board shall be responsible for establishing criteria for the granting of Honorary Membership and these shall be circulated to all Locals. The President shall have sole authority to issue Honorary Memberships but may do so only on the recommendation of a Local or the Executive Board.

**6.10** Honorary Members shall not be required to pay dues or assessments and shall not be regarded as Members in good standing. In the case of those who had been Members of the Union, they shall have the right to attend meetings of their former Locals with voice but no vote.

### **Retired Members**

**6.11** A Member in good standing (as defined in Article 6.3), or an employee of the Union, who ceases to be employed in an OPSEU bargaining unit and leaves the work force by retiring directly to a pension (including a disability pension) earned in his/her workplace, or retiring from a bargaining unit with no pension plan, is entitled to become and remain a Retired Member on payment of dues of \$10.00, provided that the Member or employee is not in the employ of the Union. Retired Members will remain on the Union's mailing lists for whatever publications they wish to receive. A Retired Member shall have the right to participate, with voice but no

vote, in the activities of the Local to which s/he belonged at the time of retirement, or of a more readily accessible Local upon consent of that Local. However, such participation shall not add to the Local's entitlement to dues rebates or delegates.

### **Irregular Employment Status Members**

**6.12.1** Members who have an irregular attachment to the work force shall be designated as "Irregular Employment Status Members." An irregular attachment to the work force is an employer/employee relationship in which a Member works no pre-established amount of time during a pay period.

**6.12.2** For purposes of computing a Local's entitlement to rebates or to delegates, the Executive Board may adopt a "reduction formula" if that Local has as Members persons designated as "Irregular Employment Status Members."

**6.12.3** Notwithstanding Article 29.8, the reduction formula shall also determine the quorum for Local membership meetings.

## **Article 7**

### **MEMBERSHIP RIGHTS**

**7.1** Every Member in good standing is entitled:

- (a) To be represented by the Union;
- (b) To be treated with dignity and respect within the Union;
- (c) To be free from discrimination, interference, restriction, coercion, harassment, intimidation or disciplinary action exercised or practised by a Member with respect to another Member, both within the Union and in the workplace, by reason of race, colour, age, national or ethnic origin, political or religious affiliation, sex, sexual orientation, family status, marital status, record of offences, physical characteristics or physical or mental disability;
- (d) Subject to any qualifications stipulated elsewhere in this Constitution, to be nominated for, and hold, one or more offices in the Union;

(e) To participate in the Union's business at the Local level, participate in the election of delegates and alternates to Conventions, and vote on the ratification of collective agreements affecting such Member, except where the collective agreement is the result of binding arbitration;

(f) To make a formal presentation to the Board upon receipt of such presentation in writing at Headquarters not less than ten (10) calendar days before the date of the regularly scheduled Board Meeting at which the presentation is to be made, provided always that notice may be waived by majority vote of the Board;

(g) To attend any meeting of the Board, notwithstanding that s/he may not have a vote at such meeting, except that the Board may meet in closed session for purposes of discussing individual or staff contracts of employment;

(h) To receive a copy of the Constitution of the Union and to be advised of amendments to it, and to receive an up-to-date copy whenever the Constitution is compiled and reprinted.

**7.2** Only Members in good standing may hold office.

**7.3** Proxy voting is not permitted at any level of the Union.

## **Article 8**

### **STEWARDS' RESPONSIBILITIES AND RIGHTS**

**8.1** Each Union Steward shall be responsible for representation of members in a working area, including the responsibility:

- (a) to distribute information to the group;
- (b) to carry the group's issues to the LEC/unit committee;
- (c) to communicate LEC/unit committee decisions to the group;
- (d) to enlist support of members of the group in workplace actions and union campaigns; and
- (e) to prepare and investigate grievances from the group.

**8.2** To carry out these responsibilities, Stewards shall have:

(a) the right of access to LEC/unit committee meetings;

(b) the right to be informed of the status and disposition of grievances from the group; and

(c) the right to high quality education and training necessary to effectively exercise all their responsibilities.

## **Article 9**

### **MERGERS AND TRANSFERS**

**9.1** Where a group of employees in a recognized bargaining unit are or have been members of another bona fide trade union but wish to join the Union, for the purposes of this Constitution the minimum proof for the said wish shall be a majority vote of members voting on an appropriate and specific resolution either in a referendum or at one or more general membership meetings for which reasonable notice has been given. Following submission of the minimum proof, the Executive Board shall have the authority to grant membership in the Union on the adoption by a two-thirds vote of an appropriate and specific motion.

**9.2** In any case where a group of employees merging with the Union in accordance with Article 9.1 is expected to form an integral part of an existing Local or other subsidiary body in the Union, the membership of the said Local or other body must approve the merger by a two-thirds vote in a referendum or at one or more general membership meetings for which reasonable notice has been given.

**9.3** Where two or more existing Locals of the Union wish to merge, transfer, or exchange all or parts of their jurisdictions, or an existing Local wishes to divide itself into two or more Locals, the governing principle shall be that all affected parties, whether total Local membership and/or portions thereof, shall approve of any such proposed mergers, transfers, or exchanges by two-thirds majority votes in the manner described in Article 9.2, and subject to Board approval.

## **Article 10**

### **AFFILIATIONS**

**10.1** Affiliation of the Union, as a whole, to any labour, fraternal, service or other organization may be decided only by a Convention. Any and all fees and dues payable directly as a result of any affiliation so decided shall be the responsibility of the Union.

**10.2** A Local may affiliate to any local or district labour, fraternal, service or other organization established under the aegis of any parent organization to which the Union is affiliated pursuant to Article 10.1. The Union's Head Office shall reimburse no less than ninety (90) per cent of the cost of local or district labour council affiliation by any Local requesting such affiliation. However, a Local shall bear full financial responsibility for the cost of any other affiliation authorized by this Article. Where a Local is not able to afford this responsibility, the Board will authorize payment by Head Office.

**10.3** A Local may not affiliate or contribute to any organization, other than as provided for in Article 10.2, without obtaining the prior authorization of the Board.

## **Article 11**

### **STRUCTURE**

**11.1.1** The Members of the Union shall be grouped by occupation or bargaining unit, or geographical location, or a combination of these criteria, into Local Occupational Groups, Units or Locals. Groups of Locals may form Area Councils and Occupational Divisions for the purpose of pursuing particular goals common to some Locals or parts of some Locals, but the Councils and Occupational Divisions will not have a legislative function in terms of this Constitution and will not necessarily be related to the administrative structure of the employer.

**11.1.2** Locals shall be entitled to elect delegates to Conventions and the delegates in Convention shall be the supreme authority in the Union except where this Constitution requires decisions by referendum of, or ratification by, the general membership.

**11.1.3** Locals shall be grouped into seven Regions and each Region shall elect three persons to the Executive Board. The Board shall be the supreme authority in the Union when Conventions are not in

session except where this Constitution requires decisions by referendum of, or ratification by, the general membership, and shall be comprised of Officers and Members.

**11.1.4** The Officers shall constitute the Executive Committee.

**11.1.5** From among the Members of the Board elected by and in the Regions, the delegates in Convention shall elect a President, who shall be Chairperson of the Board and of the Committee, and a First Vice-President/Treasurer, both of whom shall be full-time paid Officers of the Union.

## **Article 12**

### **LOCALS OF THE UNION**

**12.1.1** All Members of the Union shall be organized into Units and no Member may be a member of more than one Unit, except where the Member is employed in more than one bargaining unit by a different employer.

**12.1.2** "Unit," as used here and in Article 29, means a group of Members from a single ministry, department, institution or agency of the Government of Ontario or from any other single employer. A Unit groups Members for purposes of electing Local Officers and Stewards and for conducting negotiations on a ministry level and on fringe benefits and working conditions on a province-wide level.

**12.1.3** Units shall be organized into Locals.

**12.2.1** The purpose of establishing Locals of the Union is to encourage participation of all Members in their Union. Locals will therefore have autonomy to the extent that their powers are not otherwise circumscribed by this Constitution or by Ontario statutes. Without limiting the generality of the foregoing, Locals may negotiate local collective agreements, process grievances, establish joint labour-management committees on local working conditions, exercise control over expenditure of their revenues, join local labour councils and other organizations, engage in social and community activities, elect delegates to Convention and schools of the Union and central labour organizations to which the Union as a whole is affiliated, and participate in policy formation in the Union and in collective bargaining beyond the Local level.

**12.2.2** Units and Locals shall be formed on the basis of geographical propinquity of membership in accordance with guidelines established by the Executive Board. Where possible in a given area, other common elements, such as occupation or management, which bind the Members shall also be used as bases to establish Locals.

**12.2.3** Locals may be formed of Members who work under more than one collective agreement.

**12.2.4** In the case of Members who are Crown employees Locals shall be defined and established as follows:

(a) Single-Unit Local is a group of Members from one ministry, department, institution or agency of the Government of Ontario or Crown in Right of Ontario who work at the same place or in close proximity to one another;

(b) Multi-Unit Local is a group of Members from one ministry, department, institution or agency of the Government of Ontario who work at two or more locations within a given geographical area but who have separate relations with management based on the different locations;

(c) Composite Local is a group of Members from two or more ministries, departments, institutions or agencies of the Government of Ontario within a given geographical area;

(d) A Local may have Units in not more than two different Regions and any such Local shall decide in which of the two Regions the Local as a whole shall function.

**12.2.5** In the case of Members who are not Crown employees, a Local will normally consist of a group of Members recognized as a bargaining unit under the Ontario Labour Relations Act or the Colleges Collective Bargaining Act and may be referred to as a Single-Unit Local. Nothing shall prevent the merger of such a Local with another such Local or a Local of Crown employees to form what may be termed a Composite Local.

**12.3.1** Locals of the Union in existence at the time this Constitution comes into effect shall be recognized as Locals under this Article and shall be issued charters. All Locals, whether existing or new, once established, may be re-organized only in accordance with Article 9.

**12.4.1** Locals shall be chartered by the Union in accordance with the principles set out in this Article. Charters shall define the Locals and be signed by the President and First Vice-President/Treasurer on behalf of the Union and shall constitute recognition of the Locals for all purposes of this Constitution.

**12.4.2** Only the delegates in a Convention may revoke or suspend a charter. Suspension or revocation of a charter does not deprive individual Members of their rights under this Constitution but does deprive the Members of such collective rights as electing delegates, forming executive committees, and participating in Area Councils.

**12.4.3** Nothing in this Article shall stand in the way of a Local voluntarily surrendering its charter, pursuant to a two-thirds vote of its members, for purposes of amalgamation, transfer, or other form of re-organization.

**12.4.4** In the event of suspension or revocation of a charter, the Members affected shall, within 2 months, be reorganized by the Executive Board, after consultation with the Members affected, into a new or existing Local and the appropriate charter shall be issued forthwith.

**12.5.1** A Local may adopt Local by-laws. If a Local fails to adopt its own set of Local by-laws then Article 29 of this Constitution shall have full force and effect as if it had been adopted by the Local's membership as its own set of by-laws. Any by-laws adopted by a Local, and any subsequent changes to them, must not be in conflict with this Constitution and must be adopted by at least two-thirds of the Members voting at a regular or special general membership meeting of the Local for which reasonable notice has been given to all Members of the intention to deal with the Local's by-laws.

**12.5.2** No supplemental by-laws or changes to them shall take effect until they have been approved by the President, which approval shall not be unduly delayed or unreasonably withheld. If the President's approval is refused, or if it is withheld for more than 45 days, the Local shall have the right to have the matter reviewed by the Board and the Board shall have the right to order the President to approve the by-law(s) in question.

#### **12.6.1 Establishment of Regions**

For the purposes of administration and election, Locals shall be organized into Regions.

Regions will be based on geographical boundaries and/or population.

#### **12.6.2 Establishment of Units, Locals and Regions**

The Board shall establish Units, charter Locals and define Regional boundaries within the Union's jurisdiction.

**12.7** A local whose membership is more than 60 per cent francophone shall be designated as requiring French services and shall be serviced in the French language.

### **Article 13**

#### **CONVENTIONS**

**13.1** The regular Convention shall be held annually in Ontario at a time and place to be determined by the Executive Board.

**13.2.1** At least 90 days prior to the opening of a regular Convention the President shall issue a Convention call in both official languages to all bodies entitled to send delegates giving the planned time for convocation, expected duration of the Convention, and a general statement of the business to be transacted. The call shall also state how many delegates each body is entitled to send and shall be accompanied by the appropriate number of delegates' credential forms, in duplicate. The forms must be completed and attested to by two officers of the organization sending delegates. The originals should be retained by the delegates, who will present them at the time of registration immediately before and during a Convention, and the duplicate must be forwarded so as to reach the Union's Headquarters not later than 30 days prior to the opening of the Convention.

**13.2.2** Not less than 15 days prior to the opening of the Convention, the Board shall forward to all registered delegates a copy of all resolutions and constitutional amendments submitted up to that date, as well as the material referred to in Articles 16.13.4 and 16.17.

**13.3** For purposes of calculating delegate entitlement, only Members in good standing shall be counted. Honorary Members and employees paying



dues, but not having joined the Union, shall not be counted. All calculations shall be based on membership records at Union Headquarters as of the last day of the month prior to the issuance of the Convention call. However, if a discrepancy arises between Headquarters and Local records which would affect the delegate entitlement of a Local, upon providing sufficient proof a Local shall be entitled to any extra delegate to which its Local records may entitle it.

**13.3.1** Notwithstanding Articles 13.2.1 and 13.3, new units certified by a labour relations board after the last day of the month prior to the issuance of the Convention call, shall be entitled to send delegates to the Convention provided they have been allocated to a Union Local and have elected their Local officers no later than two weeks prior to the Convention. Calculation of delegate entitlement shall be based on membership records at Union Headquarters as of the date of certification.

**13.4** Delegate entitlement to Conventions shall be as follows:

(a) Locals:	
Up to 150 Members	1 delegate
151 to 300 Members	2 delegates
301 to 500 Members	3 delegates
501 to 800 Members	4 delegates
801 to 1100 Members	5 delegates
1101 or more Members	6 delegates

(b) Each Member of the Executive Board shall be entitled to be a delegate of his/her Region.

(c) Each Member of a Convention Committee as stipulated under Article 13.9.1 shall be entitled to be a delegate of his/her Region.

(d) The Members of the Executive Committee of the Retired Members' Division, or their alternates, to a maximum of seven (7) persons, shall be entitled to be delegates.

(e) The Members of the Provincial Women's Committee and the Provincial Human Rights Committee shall be entitled to be delegates.

**13.5.1** All delegates and alternates from Locals shall be elected at a general membership meeting on the principle of winning a clear majority, with run-off ballots if necessary, except that the Local President shall be the first delegate automatically.

**13.5.2** A Local may elect alternate delegates up to the number of delegates to which it is entitled. Alternates may not be seated on the floor of the Convention unless in possession of badges of absent delegates of the same Locals. All Convention expenses of alternate delegates shall be borne by the Local.

**13.6** Except for delegates under Article 13.4(b), (c), (d) and (e), no person may be a delegate unless s/he is a Member in good standing of the Local which elected him/her as a delegate. No person may be a Member of more than one Local at the same time or cast more than one vote at a Convention, except where the Member is employed in more than one Local by a different employer. Honorary Members may not be delegates.

**13.7** The Union Headquarters shall make all the necessary arrangements for the holding of a Convention and shall be responsible for all actual and reasonable expenses of the Convention, including the costs such as lost time, travel, and meals and accommodation, of delegates' attendance.

**13.8** Resolutions and constitutional amendments may be submitted by any Local, Area Council or Division, by the Executive Board, by the Provincial Women's Committee, by the Provincial Human Rights Committee, and by the executive of the Retired Members' Division. They shall be attested to by two officers of the Local, Council, Division, Board or Committee and, except for resolutions and amendments from the Board, shall be forwarded so as to reach Union Headquarters not later than 45 calendar days prior to the opening of the Convention. Resolutions and constitutional amendments submitted contrary to this procedure may be dealt with by the Convention only with the consent of the majority of the delegates and only after all regularly submitted resolutions and constitutional amendments have been dealt with, except that the delegates may accept a resolution but not a constitutional amendment, as an emergency and deal with it immediately.

**13.9.1** At each Convention there shall be a Credentials Committee, a Resolutions Committee, a Constitutional Committee and any other committee deemed advisable or necessary by the Executive Committee of the Union. The purpose of the Committees shall be to assist the Convention in the orderly and efficient consideration of the business going before it.

**13.9.2** In an election year, each regional election meeting shall elect, from among the Members present, one member and one alternate to each of the Convention Committees. The Committees so elected shall exercise their functions not at the immediately following Convention, but at each of the two subsequent annual Conventions.

**13.9.3** The Executive Committee shall appoint one Member of the Executive Board to each Convention Committee. The President shall be an ex-officio member of each Committee, with voice but no vote. The Executive Committee shall also provide specific guidelines for the operations of the Committees and shall submit the names of the members to each Convention in the opening session for approval. The Convention Committees shall annually elect from among themselves their chairperson and vice-chairperson.

**13.9.4** If the positions of both the member and the alternate member from a Region on a Convention Committee should fall vacant, or the incumbents thereof become unable to carry out their functions, replacements shall be elected at the next Regional meeting in the Region concerned, or, if no such meeting is scheduled, the Executive Committee shall appoint replacements from the Region concerned. Such appointees shall, where possible, be drawn from Members who were nominated for such Convention Committee at the immediately preceding election in that Region.

**13.10** The Order of Business at a Convention shall be prepared by the Executive Board and submitted for approval at the opening session, along with any special rules of order. The Order of Business at a Convention shall contain those items specified in other Articles in this Constitution and any other matters, at the discretion of the Board.

**13.11** A Convention shall be governed by the following rules of order (and in any matter not susceptible to regulation by these rules, Robert's Rules of Order and O. Garfield Jones' Parliamentary Procedure at a Glance shall be applied):

1. Before speaking, unless it be on a point of order, a motion for reconsideration or objection to consideration, or a motion for the Orders of the Day, or a question of privilege, a delegate must be recognized by the Chairperson. On being recognized, a delegate shall immediately identify

himself/herself by name, Local and/or location.

2. When two or more delegates seek recognition simultaneously, the Chairperson shall decide the order in which they shall be recognized.

3. No delegate may speak for more than three minutes on any motion and no delegate may speak twice on the same motion until all other delegates who wish to speak on that motion have had an opportunity to do so.

4. No delegate may interrupt another delegate who has the floor except for the points or motions listed in Rule 1, above.

5. Any delegate who refuses to take his/her seat when called upon by the Chairperson to do so may, at the discretion of the Chairperson, be suspended from the remainder of the Convention or any part thereof, and if any delegate persistently engages in unparliamentary behaviour, the Chairperson shall name him/her and ask the Convention to impose appropriate sanctions.

6. The Chairperson may participate in a debate provided s/he vacates the Chair and does not return until the question has been disposed of.

7. Any motion, once the debate has begun, becomes the business of the Convention and may be withdrawn or replaced by the mover only if there is no objection or, if there be any objection, only with the consent of the Convention.

8. Where a motion or resolution may be amended, an amendment, and an amendment to the amendment (i.e., a sub-amendment), shall be in order. No further sub-amendment shall be in order until the first has been disposed of.

9. Questions shall normally be decided by a show of hands or other acceptable method. Where reasonable doubt may exist, on demand by at least 20 delegates, another show of hands or equivalent shall be called for. Only then, on demand by at least 20 delegates, shall a counted vote be taken. Abuse of this rule

shall be considered unparliamentary behaviour, subject to Rule 5. On a motion, supported by a majority of delegates present and voting, a roll-call vote shall be ordered. The motion for a roll-call vote may be moved at any time prior to the question being called.

10. A majority or a two-thirds majority in any vote shall be calculated on the basis of delegates present and voting, or casting valid ballots (in the case of written votes).

11. The Chairperson may vote on any question. In the case of a tie, s/he may cast the deciding vote. If s/he does not break the tie, the motion is lost.

12. A delegate may challenge a decision of the Chairperson. A seconder is required and the issue is not debatable except that the challenger and the Chairperson may each, respectively, state briefly the basis for the challenge and the decision. The Chairperson shall then vacate the Chair and a Vice-Chairperson shall put the question: "Shall the decision of the Chairperson be the decision of this assembly?" A majority vote is required to overturn the decision of the Chairperson.

13. No delegate who has spoken on a question may move or second referral, the previous question, or any other motion that would have the effect of denying or limiting the right of others to speak on the question.

14. A motion to adjourn, table, postpone, or otherwise delay may be repeated after progress.

15. A delegate may move "that the previous question be put." It is not debatable and, if adopted by a two-thirds majority, has the effect of closing debate on only the immediate motion, amendment, or sub-amendment.

16. Any committee bringing a resolution or report before the Convention shall move adoption, any recommendation of the committee notwithstanding.

17. Resolutions and reports of committees may not be amended on the floor of the Convention but they may be

referred back without instruction, which is not debatable, or with instructions, which is debatable.

18. A motion to reconsider a question may be made by a delegate who voted with the prevailing side on that question. This motion must be made during the same or immediately succeeding session of the Convention at which the question was decided and must be supported by a majority.

19. A notice of motion to reconsider a question may be given by any delegate who voted with the prevailing side and such notice must be given at the same session of the Convention at which the question was decided. The motion to reconsider then stands to be called up at the next session, or within 24 hours. Any delegate may call up the motion, which requires a simple majority vote to be adopted. If not called up within 24 hours, or if final adjournment shall have intervened, the effect of the notice is lost.

20. When debate begins on the substance of a resolution or constitutional amendment, the Chairperson shall give the opportunity to speak first to a delegate chosen by and from the organization(s) that originated it. If this interrupts the established speaking order, the previous order shall be resumed after the delegate speaks.

21. The Rules of Order and the Order of Business, once adopted, may be changed only by a two-thirds vote.

22. Any rule of order and procedure can be temporarily suspended by a two-thirds majority of the delegates registered.

**13.12** The quorum at any Convention shall be one half of the delegates registered and entitled to vote.

**13.13** A Special Convention may be ordered by a two-thirds vote at a regular Convention, by a two-thirds vote of the Executive Board, or by written requests from Locals representing a majority of the Union's membership. When a Special Convention has been ordered, the Executive Board shall issue the Convention call in both official languages at the time specified in the order, or within 30 days if no time has been specified. All provisions for the holding of a regular Convention shall be followed except that the

Convention call shall give all bodies entitled to representation at least 60 days' notice of the time and place for the holding of the Special Convention and shall also contain a brief statement of the reason(s) for ordering such a Convention. Notwithstanding Article 13.10, the Order of Business of a Special Convention shall be restricted to the matters stated in the Convention call.

**13.14** Unless specified otherwise, any resolution or Constitutional amendment adopted by a Convention shall take effect immediately upon final adjournment of the Convention.

## **Article 14**

### **ELECTION AND REMOVAL OF EXECUTIVE BOARD**

**14.1.1** Members of the Executive Board shall be elected by majority vote of all delegates casting valid ballots at Regional meetings held prior to every second regular Convention, with the first such meetings to be held in 1976.

**14.1.2** A Member of the Board may be removed from the Board only by a properly convened meeting of the delegates in his/her Region.

**14.1.3** The President or First Vice-President/Treasurer may be removed from office, but not from the Board, only by delegates in a regular or special Convention.

**14.2** Regional meetings to elect Members of the Board shall be convened in the Region the Members are to represent. All such meetings shall be convened not more than 30 days or less than 15 days prior to the opening of every other regular Convention. The place shall be as designated by the President or Executive Committee.

**14.3** The Notice of the Convening of Regional meetings shall be included with the Convention call required under Article 13.2 and shall be issued in both official languages.

**14.4** The number and qualifications of delegates entitled to attend a Regional meeting, and the quorum thereat, shall be as laid down in Article 13, the necessary changes being made.

**14.5.1** Any Member in a Region may be a candidate for Member of the Executive Board, including Regional Vice-President, even if s/he is not

a delegate to the Regional meeting provided, however, that his/her nomination is signed, supported by at least two Members from the Region and submitted to the President at least one week before the scheduled opening of the Regional meeting.

**14.5.2** Any delegate may be nominated by one other delegate of the same Region. The nomination may be in writing, signed by the candidate, or it may be oral, at the Regional meeting, in which case the candidate will rise and signify acceptance of the nomination.

**14.5.3** No person may be nominated before the issuance of the Convention call.

**14.5.4** Delegates to Regional election meetings shall be provided with a financial statement showing the expenses incurred during the previous fiscal year by the regional Board Members, the Provincial Women's Committee and the Provincial Human Rights Committee.

**14.6.1** At each Regional election meeting in an election year, the delegates shall elect three persons to be Members of the Executive Board and one person to be their alternate. Following the election of the three Board Members, there will be a subsequent election, in which the delegates will nominate from among the three elected Board Members a Regional Vice-President. Following election of the Regional Vice-President, there will be a subsequent election, in which the delegates will elect from among the remaining two Board Members an alternate Regional Vice-President. No person may hold more than one office on the Executive Board.

**14.6.2** Elections shall be conducted by secret ballot. To be elected to any office, a candidate must obtain a majority, which is more than 50 percent of the valid ballots cast. If no candidate, or an insufficient number of candidates, receives a majority of votes, a run-off election will be held from which any candidate who has obtained a majority, and the candidate who received the fewest votes, and any other candidate who voluntarily withdraws, will be eliminated. The process will be repeated until the required number of candidates has been elected.

**14.6.3** When more than one office is to be filled in one election, each delegate shall have one vote for each office to be filled and ballots may be marked for fewer candidates than are required to fill all offices.

**14.6.4** The results of the election in each Region, including the number of votes obtained by each

successful candidate, shall be conveyed to the President before the opening of the Convention by the Chairperson of the Regional meeting.

**14.6.5** In a non-election year, a one-day regional meeting shall be held at the Union's expense if requested by a majority of the Board Members or local presidents from that Region. The purpose of such meetings shall be to discuss regional issues and make recommendations to the Executive Board.

**14.7.1** A person elected to the Board shall be known as a Member-elect of the Board for the period of time from his/her election until the adjournment of the next Convention.

**14.7.2** The Member-elect shall take the following oath during the Convention immediately following his/ her election:

I, \_\_\_\_\_, promise that I will uphold and obey the Constitution and duly-authorized policies of the Ontario Public Service Employees Union, fulfil the obligations and responsibilities of my office to the best of my ability, and promptly deliver to my successor all monies, records, and other property of the Union in my possession at the close of my term in office."

Where any Member-elect is not able to take the oath at the Convention, it may be administered by the President at a Board meeting, but such Member-elect shall not be, or act as, a Member of the Board until the oath has been taken. Each Member-elect of the Board shall be required to take the oath, regardless of whether s/he has previously served on the Board.

**14.7.3** Except for the President and First Vice-President/Treasurer, the term of office for Members of the Board shall be from adjournment of the Convention at which they were Members-elect until adjournment of the regular Convention in the next election year. The terms of office for the President and First Vice-President/Treasurer may begin at any time up to 30 days after the adjournment of the Convention at which they were elected and shall end not more than 30 days after the adjournment of the regular Convention in the next election year, but salary shall be paid only for the period from adjournment to adjournment.

**14.8.1** On the second last day of the Convention in an election year the President and First Vice-President/Treasurer shall be elected separately, and in

the order stated, by the delegates from among the 21 Members-elect of the Board.

**14.8.2** Should a Regional Vice-President be elected President or First Vice-President/ Treasurer, the delegates from the Region(s) concerned shall, immediately following the election to these two offices, meet and elect a new Regional Vice-President from among the remaining Regional Board Members.

**14.9** The delegates in Convention shall vote in a secret ballot to decide which among the seven Regional Vice-Presidents shall have the title and precedence of Second Vice-President. The order of precedence from Third to Eighth Vice-President shall be decided by the popular vote in the same ballot.

## Article 15

### VACANCIES

**15.1** A vacancy on the Executive Board may be declared by the Board if a Member is absent for three or more consecutive regular meetings without a valid reason acceptable to the Board. A vacancy shall be declared if a Member ceases to be a Union Member in good standing for whatever reason.

**15.2** If the office of President should fall vacant, the First Vice-President/Treasurer shall automatically assume the full duties, responsibilities, and salary of the office of President, on an acting basis, while continuing to hold the office of First Vice-President/Treasurer. At the next Convention, an election will be held to fill the office of President. Notwithstanding the foregoing and notwithstanding the provisions of Article 15.3 or any other article or subclause elsewhere in the Constitution, the Second Vice-President shall perform the functions and duties of the office of the First Vice-President/Treasurer on a temporary basis until the election referred to above has taken place. While performing these functions and duties, the Second Vice-President shall receive the pay and allowances normally accorded the office of First Vice-President/ Treasurer.

**15.3** If the office of the First Vice-President/Treasurer should fall vacant, the Second Vice-President shall fill the vacancy on an acting basis until the next Convention, simultaneously continuing to hold the office of Second Vice-President. At the Convention the delegates shall elect a new Vice-President/Treasurer. Any resulting vacancy in the office of Regional Vice-President

shall be filled by the delegates from the Region concerned, who shall meet forthwith and elect a new Regional Vice-President from among the remaining Regional Board Members. If the above occurs in a year which is not an election year for the Executive Board, the newly-elected Regional Vice-President will become the Eighth Vice-President and other Vice-Presidents will move up accordingly.

**15.4** If any person should cease to be a Member of the Executive Board for any reason, the alternate elected from their region shall take their place. However, if the alternate has already taken a seat on the Executive Board, the President shall convene a special Regional meeting as far as possible in accordance with Article 14 for the purpose of electing another Member of the Board. However, the President shall not be obliged to convene such a Regional meeting if:

(a) the vacancy occurs within the four months preceding the regular biennial election meetings, or

(b) the vacancy occurs in a non-election year within four months prior to the scheduled start of a Convention, in which case such election shall take place either at a Regional meeting held in accordance with Article 14.6.5, or at a Regional meeting held in conjunction with the Convention, as far as possible in accordance with Article 14.

**15.5** If the vacancy referred to in Article 15.4 occurred in the office of Regional Vice-President, a subsequent election shall take place at the special Regional meeting (following the election of the Board Member) in which the delegates will decide which of the three Board Members shall be Regional Vice-President. The new Regional Vice-President will rank last among the Officers in the order of precedence.

**15.6** In every case of filling vacancies, the new incumbents shall serve only unexpired portions of the terms of office in question. The oath of office shall be administered in accordance with Article 14.7.2.

## **Article 16**

### **EXECUTIVE BOARD**

**16.1** The Members of the Board shall be the President, First Vice-President/Treasurer, seven Regional Vice-Presidents and 12 Members-at-large.

**16.2.1** The Board shall be the governing body of the Union whenever a duly-convened Convention is not in session. Its primary responsibilities are to take the necessary action and decisions to:

(a) Uphold and enforce the provisions of this Constitution;

(b) Implement the decisions of Conventions;

(c) Formulate and implement policy in the absence of decisions by Conventions;

(d) Oversee the activities of the Officers, staff and all subsidiary organizations of the Union.

**16.2.2** Subject to Articles 20.1 and 24.1.3, no Board decision that would result in a payroll deduction shall be implemented until it has been ratified by a majority of the voting delegates at a Convention, or, where it is urgent that a decision be made between Conventions, by a majority of the voting Members in a referendum to be conducted among the Members affected by the decision.

**16.2.3** If, because of changing circumstances or to meet essential operational requirements, the Board deems it necessary to make a decision contrary to a decision of the immediately preceding convention, such decision shall require a two-thirds majority roll-call vote of the Board.

**16.3** The Board shall meet in regular session at least six times per year and the interval between regular meetings shall not be longer than three months. The meetings shall be held at times and places in Ontario to be decided by the Board. At the conclusion of each Executive Board Meeting approved minutes of the previous proceedings shall be distributed to the Presidents of all Locals and/or subsidiary organizations of the Union.

**16.4** Special and emergency meetings of the Board may be called by the President with a minimum of 14 days' notice, and shall be called by the President with a minimum of seven and a maximum of 21 days' notice on receipt of requests in writing for such a meeting from a majority of the Board Members. All requests and notices shall state the purpose or reason for the special or emergency meeting, and the said matter(s) shall be dealt with before any other substantive issues may be raised.

**16.5** In policy or emergency matters where the President desires, or is required to have, the guidance and decision of the Board, but where a meeting of the Board is deemed by the President to be impractical or unnecessary, the Members of the Board may be polled by letter, telegram, electronic mail or telephone. A decision of a majority of the Members of the Board shall constitute a decision of the Board. Any decision so taken shall be placed on the agenda of the next Board meeting and confirmation of the decision shall be necessary by roll-call vote on an appropriate and precise resolution.

**16.6** The quorum for meetings of the Board shall be two-thirds of the Members in office. Unless otherwise provided, decisions of the Board shall be taken by a majority of those present and voting. The rules of order in Article 13.11 shall apply to Board meetings, with the necessary changes being made.

**16.7** On the recommendation of the Executive Committee the Board shall decide what salary and allowances may be paid to the President or to any other Officer. It shall also decide what honoraria, if any, or per diem and other expense allowances, or any other benefits, shall be given to Members of the Board. All Board decisions made under this Article shall be subject to ratification at the next regular Convention.

**16.8.1** Further to Article 14.1, the Board shall not have the authority to remove from office the President or any person elected by vote of delegates at a Convention. However, by a two-thirds majority in a roll-call vote of the Board, the Board may censure any one or more of its Members for specific reasons and any such decisions, along with the names of Board Members voting for and against and along with a statement from the Board Member(s) censured, shall be mailed to each Local. By a similar vote the Board may direct that a Special Convention be called to consider removal of any Officer of the Board. If the removal of the President is at issue, the First Vice- President/Treasurer shall chair the Special Convention.

### **Trusteeship**

**16.9.1** Where evidence has been produced leading to a reasonable belief that any subsidiary organization: (a) is acting or planning to act contrary to this Constitution or to the principles and policies of the Union; or (b) is being led or substantially influenced by corrupt or criminal persons; or (c) is suffering from grossly incompetent or wilfully neglectful leadership; or (d) is unable to exercise its

responsibilities under this Constitution because of its proportion of strikebreakers, the Board shall have the power to investigate the situation in any manner and by any person or committee it may duly authorize, provided, however, that the persons or bodies being investigated are notified of the Board's actions and are given a fair opportunity to present their cases.

**16.9.2** Where investigation substantiates the original evidence, the Board shall have the authority, upon a two-thirds vote, to place the subsidiary organization in question under trusteeship. The period of trusteeship may not exceed six months without a review and renewal of the Board's decision by a similar two-thirds vote. The trusteeship may be exercised by any person authorized by the Board.

**16.9.3** Where the President obtains evidence in accordance with Article 16.9.1 but believes investigative or corrective action is necessary before a Board meeting can be convened and an investigation completed, s/he shall have the authority to place the evidence before the Executive Committee which shall, in turn, have the authority to impose a trusteeship, solely on the basis of the evidence presented, for a period not to exceed thirty days. Where such action is taken by the Committee, the officers of the subsidiary body concerned shall be notified immediately.

**16.9.4** The Board shall have the authority to confirm or rescind the action of the Executive Committee. If the imposition of the trusteeship is confirmed, the Board shall be obligated to establish a time limitation in accordance with Article 16.9.2. If the Board does not confirm the imposition of the trusteeship, the trustee shall be withdrawn and shall turn back to the body concerned all normal rights and duties under this Constitution. In any event, before the Board may act to confirm or annul the decision of the Executive Committee on the imposition of a trusteeship, it shall give at least seven days' notice to the body concerned of the time and place when the trusteeship question will be discussed. The persons or body concerned shall be given a reasonable opportunity to make representations at the said meeting of the Executive Board.

**16.9.5** Whenever a trusteeship is imposed, the body placed under trusteeship shall have the right to have the matter placed on the Agenda of the next Convention, whether special or regular, of the Union.

**16.9.6** A trustee shall have the full authority to conduct the affairs of the subsidiary organization, to receive or disburse its funds, and in general to carry

out the duties which would otherwise devolve upon officers of the subsidiary organization, provided that disbursements of funds by the trustee shall be confined to the regular and necessary business of the organization and shall not be made for any other purpose; and provided further that the funds and other assets of the organization shall be and remain its property. The trustee shall also call meetings of the membership in the normal manner and keep them informed of the details concerning the trusteeship. The trustee shall be responsible to and shall regularly report to the Executive Committee.

**16.10** The Board may suspend from membership in good standing any member who participates in an attempt by another organization to displace OPSEU from its bargaining rights in respect of any bargaining unit it represents. Such suspension shall take place only as a result of a two-thirds majority roll call vote of the Board after the member has had an opportunity to present his/her views to the Board.

**16.11** The Members of the Board, by virtue of their offices, shall collectively hold title to all monies, records, and property of the Union as trustees for the Members of the Union and in the name of the Union. No monies of the Union may be disbursed unless authorized by budget or by supplementary decisions of the Board or Conventions. No property of the Union may be sold, conveyed, or encumbered without the approval of the Board.

**16.12** The Board shall have sole authority to approve any proposed investments or borrowings.

**16.13.1** The First Vice-President/Treasurer, in consultation with the Executive Committee, shall cause to be prepared an annual budget for the Union.

**16.13.2** The Executive Board shall examine the contents of the budget and may direct the First Vice-President/Treasurer to make alterations in its contents, following which the Board shall adopt the budget.

**16.13.3** If the new budget is not approved by the start of the fiscal year, existing budgetary provisions and authority will be deemed to continue in effect.

**16.13.4** The budget as amended shall be published and forwarded to each delegate not less than 15 days prior to the impending Convention and shall be presented to the Convention by the First Vice-President/Treasurer. The Convention shall examine

the contents of the proposed budget and may direct the Board to make alterations in its contents, following which the Convention shall adopt the budget.

**16.13.5** A budget will include forecasts of quarterly revenues and expenses, capital expenditures and cash flows for the next fiscal year, and a forecast of the financial position of the Union at the end of that fiscal year.

**16.13.6** The procedures to be followed to generate the budget shall be established and amended from time to time by the Executive Board.

**16.13.7** If, because of extraordinary circumstances, the Board or the Convention has not approved a budget within four months of the start of the fiscal year, the budget as amended by the Executive Board shall come into full force and effect retroactive to the beginning of the fiscal year.

**16.14** The Board shall establish policies on financial administration to ensure that all monies of the Union are handled, used, and accounted for in accordance with prevailing standards of good business practice.

**16.15** The Board shall establish objectives, guidelines, and policies concerning personnel administration but shall not normally concern itself with the day-to-day personnel operations, including the selection, hiring, dismissal, promotion, or demotion of personnel covered by a collective agreement between the Union and any group of its employees or personnel on individual contract. No such collective agreement or individual contract may be concluded on behalf of management without the express approval of the Board.

**16.16** The Board may appoint or elect such standing Committees from among its Members as it may deem necessary to assist in the supervision of the affairs of the Union. It may also appoint ad hoc Committees for specific purposes and for specific periods of time. All standing and ad hoc Committees shall report to the Executive Committee and then to the Board.

**16.17** For each regular Convention the Board shall cause to be prepared a complete report on its major activities and decisions and on the general state of the Union. The report shall be in writing and copies shall be sent to each delegate not less than 15 days prior to the annual Convention. The report shall be presented



to the Convention by the President on behalf of the Board.

## **Article 17**

### **EXECUTIVE COMMITTEE**

**17.1** The Executive Committee shall be composed of the President, First Vice-President/Treasurer, and seven Regional Vice-Presidents, who shall also be known as the Officers of the Union.

**17.2** The Committee shall meet at least eight times per year, at times and places in Ontario to be decided by it or as decided by the President in the absence of any other decision. Additional meetings must also be convened by the President on receipt of requests in writing from a majority of the Members of the Committee.

**17.3** A quorum for meetings of the Committee shall be two-thirds of its Members.

**17.4** In any emergency where the President requires or desires the guidance or decision of the Committee, the Members may be polled by telephone, telegraph, electronic mail or letter and a decision of the majority of the Members shall be taken as a decision of the Committee. At the next regular meeting, the Committee shall record and confirm the said decision.

**17.5** The Committee shall maintain close supervision over the financial administration of the Union. It shall establish procedures within the policy guidelines set by the Board, and it shall make regular and detailed reports to the Board on the financial state of the Union and on the Union's adherence to sound planning and accounting procedures. The Committee shall also have the authority to make or approve unforeseen, unusual, or non-budgetary expenditures of up to \$10,000 on any single item, up to an annual ceiling of \$120,000, for legitimate Union or general trade union purposes.

**17.6** The Committee shall, without necessarily having received directions from the Board, prepare reports, recommendations, and policy position papers for the Board on political, economic, and social issues of concern to the Union, as well as on personnel and administrative matters.

**17.7** The Committee shall act as a staffing review committee to assist the President in determining the number and classifications of staff to be hired. The

Committee shall not exercise any authority to hire or fire any personnel.

**17.8** The Committee shall act as advisor and consultant to the President on labour-management relations within the Union.

**17.9** If, because of changing circumstances or to meet essential operational requirements, the Committee deems it necessary to make a decision contrary to a decision of the immediately preceding convention, such decision shall require a two-thirds majority roll-call vote of the Committee.

## **Article 18**

### **FULL-TIME OFFICERS**

**18.1.1** The President shall be the chief executive officer of the Union. S/he shall be required to work as President on a full-time basis and shall receive compensation in accordance with Article 16.7.

**18.1.2** The President shall prepare the agendas for and be the Chairperson of both the Executive Board and Executive Committee and shall assume primary responsibility for chairing Conventions. However, nothing shall prevent the President from turning the Chair over to the First Vice-President/Treasurer or to other ranking Officers or, with the consent of delegates at Convention, to any neutral person for the purpose of conducting elections.

**18.1.3** The President shall have sole authority to interpret this Constitution and any by-laws of Locals duly approved in accordance with Article 12. Before finalizing an interpretation, the President shall consult the Executive Committee. The President's interpretation may be altered or reversed only by the Executive Board or a Convention.

**18.1.3.1** Any such presidential constitutional interpretations as approved or revised by the Executive Board or a Convention, as the case may be, shall be retained on file at the Head Office of the Union, one copy in the keeping of each of the following: (i) the President; (ii) the First Vice-President/Treasurer; (iii) the Corporate Secretary.

**18.1.4** It shall be the responsibility of the President to notify the First Vice-President/Treasurer of any expected absences, such as vacations, in order that the latter may perform the essential duties of the President.

**18.1.5** The President shall have overall authority over the affairs and operations of the Union on a day-to-day basis and shall also exercise such other powers and duties as the Executive Board may assign from time to time. The President shall also act as chief spokesperson for the Union on policy matters.

**18.1.6** The President shall have the authority, providing approval is granted by a two-thirds majority vote of the Board Members present and voting, to examine the books and records of any subsidiary body of the Union and shall also be empowered to delegate this authority, by signed instructions, to an accredited representative of the Union. The President shall have the right to attend any meeting of a subsidiary body, with voice but no vote.

**18.2** The First Vice-President/Treasurer shall act for the President in the latter's absence or incapacity. S/he shall also assist the President in the duties set out in Article 18.1 and shall be a full-time Officer of the Union receiving compensation in accordance with Article 16.7.

## **Article 19**

### **PROVINCIAL WOMEN'S COMMITTEE AND PROVINCIAL HUMAN RIGHTS COMMITTEE**

**19.1** There shall be a Provincial Women's Committee, composed of one woman Member from each Region, to be elected at the regular biennial Regional election meetings. The function of the Committee shall be to assist in establishing women's caucuses and committees within the Regions, to develop and promote programs to encourage women to participate in union activities, and to increase the awareness and understanding of equality issues throughout the membership.

**19.2** There shall be a Provincial Human Rights Committee, composed of one Member from each Region, to be elected at the regular biennial Regional election meetings. The function of the Committee shall be to assist in establishing local and other human rights committees within the Regions, to develop and promote programs to encourage all members to participate in Union activities, and to increase the awareness and understanding of workplace, community, national and international human rights issues throughout the membership.

## **Article 20**

### **REVENUE**

**20.1** The level of regular Union dues shall be as prescribed by the Board, but no increase in the level may take effect until approved by at least two-thirds of the delegates at a Convention following the sending of notice of the proposed increase, accompanied by a proposed budget, to all Locals at least three months prior to the start of the Convention. On receipt of such notice, each LEC shall convene a meeting of the general membership to give direction to their delegates.

**20.1.1** During a strike or lockout of a bargaining unit or units, the Union may levy supplementary dues on employees who are required by law to provide essential or emergency services during the strike or lockout. The amount of such supplementary dues shall be proposed by the Board to a Convention, where it shall require a two-thirds majority to be effective. All supplementary dues shall be directed to the Strike Fund.

**20.1.2** Following a strike or lockout of a bargaining unit or units which causes the Strike Fund to fall below \$30 million, the union may levy a temporary supplementary dues assessment of 0.2 percentage points. The temporary supplement will be terminated when the Strike Fund reaches \$30 million. All money raised through the levy will be directed exclusively to the Strike Fund.

**20.1.3** a) The minimum level of cash or investments in the strike fund shall be set at \$50 million.

b) When the cash or investment level is less than \$50 million, then ten (10) per cent of the union's general revenue shall be allocated to the strike fund and transferred on a monthly basis.

c) When the cash or investment level is greater than \$50 million, then two (2) per cent of the union's general revenue shall be allocated to the strike fund and transferred on a monthly basis.

d) All amounts referred to in this article reflect purchasing power in 2001 dollars. The amounts shall be annually adjusted by the Ontario Consumer Price Index each January 1<sup>st</sup>.

**20.2** All Union dues shall be sent to Union Headquarters.

**20.3** The Union shall send Locals rebates on regular Union dues. Such rebates shall be determined from time to time by the Executive Board subject to ratification by the Convention.

**20.4.1** In the case of newly-certified bargaining units, Union dues shall not be payable by any Member to the Union until s/he is covered by a collective agreement negotiated by the Union on behalf of the unit, but dues may then be payable retroactive to the effective date of the collective agreement, at the discretion of the Executive Board.

**20.4.2** In the case of bargaining units becoming part of the Union pursuant to Article 9.1, regular Union dues shall be payable immediately upon joining unless no collective agreement is in force, in which case the Executive Board shall have discretion to waive payment of dues until the effective date of the first collective agreement negotiated by the Union on behalf of the said bargaining unit.

## **Article 21**

### **DIVISIONS**

#### **21.1 Occupational Divisions**

**21.1.1** Occupational Divisions may be formed to bring together Members with common interests in terms of occupation (classification), the same management or employer, negotiation of collective agreements, or for other valid reasons approved by Convention or the Executive Board. Occupational Divisions may not be formed without the consent of a majority of the Members concerned. The initiative for proposing the formation of an Occupational Division may come from individual Members, Locals, or the Executive Board. A Member may be simultaneously a member of more than one Occupational Division.

**21.1.2** In accordance with duly-approved by-laws, Occupational Divisions may solicit their members or constituent Locals for sufficient funds to cover reasonable operating expenses. An Occupational Division may also apply to the Executive Board for financial assistance, and the Board shall have full discretion to grant or refuse such requests. All groups who wish to become Occupational Divisions of this Union shall register with the Union, giving names and addresses of members of the Division.

**21.1.3** No Occupational Division shall be recognized within the Union unless its constituent parts have adopted by-laws similar in spirit to those found in this Constitution to govern Locals and until the said by-laws have been approved by the President, which approval shall not be unreasonably withheld or unduly delayed.

**21.1.4** An Occupational Division shall have an administrative and technical function but no legislative function. It shall have a political function only to the extent that it may formulate positions and policies, and promote them within the Union, on matters of concern only to its particular members. An Occupational Division may adopt and promote any policy not inconsistent with this Constitution or established policy of the Union. An Occupational Division shall be entitled to submit resolutions and constitutional amendments to Conventions.

#### **21.2 Ministry and Sector Divisions**

**21.2.1** For purposes of Article 21.2, “ministry and sector divisions” shall mean the ministries within the Ontario Public Service, the CAAT Academic Division, the CAAT Support Division, the Hospital Health Care Professionals Division, and each of the other Broader Public Service (BPS) sectors. A Member may belong simultaneously to both a Ministry or Sector Division and an Occupational Division, but not to more than one Ministry or Sector Division.

**21.2.2** Ministry and Sector Divisions as presently constituted for the purpose of ministry or sector meetings for the election of ministry or sector negotiating teams and conducting ministry or sector negotiations shall remain as presently constituted and expense shall be funded by Head Office.

**21.2.3** A Ministry or Sector Division shall have an administrative, technical and negotiating function. It shall have a political function only to the extent that it may formulate positions and policies, and promote them within the Union, on matters of concern only to its particular members. A Ministry or Sector Division may adopt and promote any policy not inconsistent with this Constitution or established policy of the Union. A Ministry or Sector Division shall be entitled to submit resolutions and constitutional amendments to Conventions.

### **21.3 Retired Members' Division**

**21.3.1** There shall be a Retired Members' Division within the Union to bring together Retired Members or their delegates to discuss the particular issues of concern and interest to their members, and to formulate recommendations for action by the union, as well as to assist other Retired Members.

**21.3.2** To the extent possible, by-laws of the Union governing Locals shall be applied by the Union and the Retired Members to the governance and operation of the Retired Members' Division.

**21.3.3** The Retired Members' Division shall have all the rights, privileges and powers of an Occupational Division under Article 21, with the necessary changes being made, except that a Retired Member may stand for election as an Officer of the Union only within the Retired Members' Division. Notwithstanding the above, Retired Members may hold office in Area Councils if they are local delegates to the Area Council or delegates from the Regional Retirees' Division, and a Local shall have the authority to select a Retired Member or members to represent the Local at District Labour Council.

### **21.4 Divisional Councils**

**21.4.1** Divisional councils may be formed subject to the approval of the Executive Board, to bring together Divisions with common interests and to coordinate Division activities. A member may belong to no more than one Divisional Council.

**21.4.2** Divisional Councils shall operate under the Terms of Reference that are endorsed and passed by each of the Divisions that wish to belong to the Council, and that have been approved by the President, which approval shall not be unreasonably withheld or unduly delayed.

**21.4.3** Divisional Councils shall be funded by Head Office.

**21.4.4** A Divisional Council shall have an administrative and technical function, but have no legislative function. It shall have a political function only to the extent that it may formulate positions and policies and promote them within the union on matters of concern only to its members. A Divisional Council may adopt and promote any policy not inconsistent with this Constitution or established policy of the union.

## **Article 22**

### **AREA COUNCILS**

**22.1** Area Councils may be formed by Locals of the Union in a given geographical area. A Council shall not be formed or continue in existence with fewer than five Locals. A Local shall not participate in more than one Council, except that where a Local has Members working within the geographic jurisdiction of more than one Council, the Members shall be eligible to participate in the Council having jurisdiction over their respective workplaces. In case of doubt or dispute over the geographical jurisdiction of Councils the Executive Board shall decide.

**22.2** The purpose of a Council shall be to co-ordinate Union activities on a regional basis in such matters as political action, community involvement, social issues, participation in or co-operation with labour councils, education, and public relations.

**22.3** In matters relating to by-laws and accountability, Councils shall be governed by the principles laid down for Occupational Divisions in Article 21. However, in matters of revenue, Councils shall be financed by soliciting constituent Locals and each such Local shall decide on the manner of meeting its financial obligations to the Council.

## **Article 23**

### **STRIKE AND DEFENCE FUNDS**

**23.1** The Union shall maintain a Strike Fund, whose assets shall be used only for the following purposes:

- (a) for strike pay and expenses related to strikes, lockouts and other work stoppage situations involving OPSEU members; and
- (b) upon a two-thirds majority roll-call vote of the Executive Board, to make interest-free loans to other striking unions where the Board deems such loans to be in the interests of OPSEU Members.

**23.2** Notwithstanding Article 23.1, up to 10 million dollars of the assets of the Strike Fund may be encumbered by one or more security interests in order to secure any form of indebtedness of the union. The granting of any such encumbrance shall require approval by at least two-thirds of the Executive Board.

**23.3** The Union shall maintain a Defence Fund, whose assets shall be used only to defend OPSEU Members in situations that raise fundamental challenges to union principles, standards and practices, and that require the development of legal and/or lobbying and political campaigns.

## **Article 24**

### **NEGOTIATION AND RATIFICATION PROCEDURES**

**24.1.1** For purposes of negotiating any collective agreement, the Executive Board shall have full authority to establish procedures for demand setting, selection or election of negotiating teams, conduct of negotiations, and ratification. Any such procedures may be established as regulations under this Article and may be altered by the Board when required, except that categories in the Ontario Public Service bargaining unit must vote separately on tentative wage offers. Regulations in effect at the time of a Convention shall be submitted to the Convention for discussion and approval. Any regulation not approved shall be withdrawn by the Executive Board at its next regular meeting and replaced by new regulations based on discussion at, or guidance given by, the Convention. All Locals shall be notified promptly by mail of any additions to or changes in regulations enacted by the Board between Conventions.

**24.1.2** The Union shall assign a staff Representative to assist Locals in negotiations and the said Representative shall have the right to participate in negotiations at all stages, from demand setting to ratification, with voice but no vote.

**24.1.3** All local (as opposed to province-wide) collective agreements shall be negotiated in the name of the Union. One copy of each agreement before signing, and three afterwards, shall be sent to Union Headquarters. Should a collective agreement contain provisions contrary to established Union policy or potentially harmful to the Union or any of its Members, in the opinion of the President, the collective agreement shall not be signed. If the agreement meets the approval of the President, it shall be signed by local officers and a staff member. The President's decision may be appealed to the

Executive Committee by a Local Executive or its negotiating team and, if confirmed, shall oblige the Local or Locals concerned to resume negotiations. No collective agreement may be signed without ratification by a majority of the voting Members concerned.

## **Article 25**

### **GRIEVANCES**

**25.1** It is the responsibility of every Member of the Union to be familiar with any collective agreements between the Union and management governing or affecting his/her wages, benefits, and working conditions. It is the duty of any Member observing what s/he deems to be a breach of any collective agreement or statute by management to notify the President or Steward of his/her Local with a view to launching a grievance.

**25.2** No grievor will be denied representation at any time.

## **Article 26**

### **GENERAL**

#### **26.1 Fiscal Year**

Effective with the 1990 fiscal year, the fiscal year of the Union shall be January 1 to December 31.

#### **26.2 Audit**

Having considered the recommendation of the First Vice-President/Treasurer, the Board shall recommend to each annual Convention the appointment of a firm of chartered accountants to conduct an annual audit of the Union's financial affairs. The auditors' reports shall be made to the Officers who shall, in turn, cause the full reports to be communicated to delegates in regular Convention and a summary of each report to be circulated to each Local within 60 days of receipt of the full report by the Officers.

#### **26.3 Salaries**

At each regular Convention the First Vice-President/Treasurer shall report the current level of salaries and allowances for the President and himself/herself and for each category of the Union's staff. S/he shall also report on the amount of honoraria, if any, and per diem and other allowances received by each Member of the Executive Board since the previous Convention.

**26.4** This Constitution came into force at 12.01 a.m., November 3, 1975.

**26.5** By-Law No. 67 of the Ontario Public Service Employees Union, formerly the Civil Service Association of Ontario, Inc., is hereby repealed and this Constitution supersedes and replaces By-Law No. 67.

## **Article 27**

### **AMENDMENT**

**27.1** This Constitution may be amended only by a two-thirds vote of those delegates present and voting at any Convention.

## **Article 28**

### **CORPORATIONS ACT REQUIREMENTS**

**28.1** Where required by the Act, adoption of and amendments to this Constitution shall be considered to be in the form of "special resolutions." A Convention shall be deemed to be "a general meeting of the shareholders or members" for all purposes under the Act.

**28.2** Where the Minister under the Act, or a court, directs a change in name or other matter laid down in this Constitution, the Constitution shall be deemed to have been amended accordingly, Article 27 notwithstanding.

**28.3** Upon dissolution of the Union as a corporation under the Corporations Act and after payment of all debts, all property and assets shall be distributed to a class of members, hereby established, to be known as and restricted to "Ontario Public Service Employees Union."

**28.4** Remuneration for the auditors shall be fixed by the Board. The auditors shall receive all notices and other communications relating to Conventions.

**28.5** The Union shall have a seal which shall be selected and adopted by the Board and which may be altered by the Board by adoption of an appropriate by-law.

**28.6** A Member of the Board shall be eighteen or more years of age.

**28.7** Conventions must not be held more than 15 months apart.

**28.8** The Officers and Board shall be responsible for ensuring the Union's compliance with those provisions of the Corporations Act which are binding or preemptory. Where the Act is permissive, this Constitution shall govern.

## **Article 29**

### **BY-LAWS FOR LOCAL UNIONS**

#### **29.1 Steward System**

**29.1.1** Members of each Local shall be organized into working areas. Locals shall have the right to define the working areas within the Local, subject to the governing principle that all Members in a working area must normally work in, or be based in, the same building or part thereof. The Members in each working area shall elect one or more Shop Stewards from among themselves.

**29.1.2** The government of Locals shall be based on the Shop Steward system and election of Officers of Local Executive Committees shall be from among the Shop Stewards.

#### **29.1.3 The Single-Unit Local**

Each Local shall decide how many Shop Stewards it will have. Each Shop Steward is automatically a Member of the Local Executive Committee. At a general membership meeting of the Local, the members shall elect the Officers of the LEC from among the Shop Stewards. All Stewards not elected as Officers of the Local shall be known as LEC Members-at-large.

#### **29.1.4.1 The Multi-Unit and Composite Locals**

Each Unit shall decide how many Shop Stewards it will have. The Shop Stewards will form the Unit Committee. The membership of each Unit shall elect one of the Shop Stewards as Unit Steward and as such s/he shall be chairperson of the Unit Committee and shall also be that Unit's Member of the LEC. The membership of the Local shall then elect the Officers of the LEC from among the Unit Stewards.

**29.1.4.2** Normally there shall be only one Unit Steward from each Unit on the LEC, but where Units in the same Local vary greatly in size, additional Unit Stewards may be elected using the number of Members in the smallest Unit as the mathematical unit for calculating representation by population.

**29.1.4.3** The Unit Committee shall meet at least once every three months. The Unit Steward may call a meeting of the Committee at any time to deal with the business of an urgent nature. It may elect one or more of its members to act as secretary, treasurer, or secretary-treasurer of the Unit. The duties of the Unit Committee shall be to police all collective agreements, to be responsible for Unit negotiations, and to act as a channel of communications between the Members and the LEC.

**29.1.5** All elections of Stewards and Local Executive Committees shall be based on the principle of winning a clear majority, with run-off ballots, if necessary.

#### **29.2 Local Executive Committee**

**29.2.1** The Officers of the Local, together with the remaining Shop Stewards (in a Single-Unit Local) or Unit Stewards (in a Multi-Unit or Composite Local) shall constitute the Local Executive Committee. Every Local shall have at least three of the following Officers: President; Vice-President; Secretary; Treasurer or Secretary-Treasurer; such other Officer(s) as it may, by by-law, decide to have. In addition, a Single-Unit Local shall have a Chief Steward as an Officer of the Local Executive Committee. On the invitation of a Local, the immediate past President of the Local may serve on the LEC as an ex-officio Member with voice but no vote.

**29.2.2** The Local Executive Committee shall administer the affairs of the Local in accordance with this Constitution, the by-laws of the Local and the wishes of the members of the Local. The Committee shall meet at least once every three months. The

Local President may call a Committee meeting at any time to deal with business of an urgent nature.

#### **29.3 Term of Office**

**29.3.1** The term of office for Shop Stewards, Unit Stewards, and all Officers of LEC's shall be not more than two years or less than one year and shall be deemed to be two years unless a Local adopts a by-law to the contrary. For the sake of continuity, terms of office may be overlapping, if so provided in Local by-laws.

**29.3.2** Local elections may be held in either even- or odd-numbered years, subject to the requirements of Article 29.3.1.

**29.3.3** Any Member of the LEC may stand for re-election, provided that a Unit Steward must first have been elected or re-elected as a Shop Steward, and an Officer must first have been elected or re-elected as a Shop Steward (and, in a multi-unit or composite local, as a Unit Steward).

#### **29.4 Elections**

**29.4.1** Elections shall be conducted at general meetings of the Members concerned. Reasonable notice of the meeting and of the elections to take place must be given. In special circumstances the Local may request that voting be conducted by setting up one or more polling stations rather than at a general meeting and the President of the Union shall have the authority to grant such a request and establish rules to govern such votes.

**29.4.2** Mid-term vacancies occurring among Stewards or Members of LEC's shall be filled promptly, by election in accordance with Article 29.4.1, except where the vacancy occurs within three months of the expiry of the term of office. In every case of filling a vacancy, the new incumbent shall serve only the unexpired portion of the term of office in question.

**29.4.3** All elections within the Union shall be conducted by secret ballot.

#### **29.5 Duties of Officers of Locals**

##### **29.5.1 President**

The President shall enforce compliance with by-laws and regulations of the Union and Local; preside at Local meetings; be an ex-officio member of all Local committees; generally supervise the

affairs and operations of the Local; carry out such other duties as may be prescribed by Local by-laws.

### **29.5.2 Vice-President**

The Vice-President shall perform all the Presidential functions during any absence of the President and accept and exercise such other duties and powers as may be designated by the Local Executive Committee or the President. The Vice-President may also attend all functions (including all regional meetings and Conventions) of the Union, in place of the President when the President cannot attend.

### **29.5.3 Secretary**

The Secretary shall attend all meetings of the Local and keep Minutes; distribute notices to all members of the Local, as required; answer and/or forward all pertinent correspondence; and forward all pertinent membership information to the appropriate union regional office.

### **29.5.4 Treasurer**

The Treasurer shall be responsible for proper administration of the assets of the Local, including the operating funds.

### **29.5.5 Chief Steward**

The Chief Steward shall, like the Unit Stewards in Multi-Unit or Composite Locals, supervise and assist the Shop Stewards.

### **29.6 Trustees**

**29.6.1** Every Local shall elect an audit committee composed of at least two members to be known as Trustees. The Trustees shall be elected at a general membership meeting from among the members and may not hold any other office in any Local. They shall hold office for a two-year term, but at the first election in a Local the terms may be varied to provide subsequently for overlapping terms.

**29.6.2** The Trustees shall examine all books, records, and properties of their Local, including any Unit thereof, at least twice each year. All Officers of the Local are required to make available all necessary documents to the Trustees on reasonable notice. The Trustees shall file an audit report, in a form specified by Headquarters, to Headquarters at least once in

every six months and shall also make a full report to the first general membership meeting following each audit.

### **29.7 Membership Meetings**

**29.7.1** General membership meetings of all members of a Local shall be convened at least twice each year. Meetings of members of each Unit in Multi-Unit and Composite Locals shall be convened at least twice each year.

**29.7.2** The Order of Business at a general membership meeting shall be:

1. Call to order.
2. Adoption of agenda.
3. Minutes of previous meeting.
4. Business arising.
5. Treasurer's report.
6. Correspondence.
7. Initiation of new members.
8. Reports of Officers.
9. Reports of Committees.
10. Nominations and/or elections.
11. Unfinished business.
12. New business.
13. Adjournment.

In presenting an agenda based on the above Order of Business, the LEC should specify subjects under items 8, 9, 11, and 12. A Local may change the above Order of Business by by-law or for any given meeting by giving reasonable advance notice.

**29.7.3** Locals shall follow the Rules of Order laid down in Article 13.11, the necessary changes being made, and shall otherwise be governed by Robert's Rules of Order.

**29.7.4** A special general meeting of the Local shall be convened upon the written request of at least ten per cent of the membership.

**29.7.5** Attendance and participation at Local meetings shall be exclusive to the members of that Local, except that others may attend at the invitation of the Executive of that Local or by assignment by the President of OPSEU.

### **29.8 Quorums**

**29.8.1** This article defines the quorum for meetings of Units, Unit Committees, Local Executive Committees and the general membership of a Local.



**29.8.2** The quorum for meetings of the above groups shall be:

<b>Size of Group</b>	<b>Quorum</b>
1-20 members	50 percent of the members
21-200 members	10 members
201 or more members	5 percent of the members

### **29.9 Oaths**

**29.9.1** All Officers elected at the Local or Unit level shall take the Oath of Office prescribed in Article 14.7 before being allowed to take office. The oath shall be administered at a general membership meeting or at a meeting of the LEC.

**29.9.2** All Shop and Unit Stewards shall take the following oath before being allowed to take office. The oath shall be administered at a general membership meeting or at a meeting of the LEC:

“I, \_\_\_\_\_, promise that I will uphold and obey the Constitution, policies of the Ontario Public Service Employees Union and the by-laws of my Local, work with the Officers of the Local to represent the members, and fulfil the obligations and responsibilities of my elected position as Steward to the best of my ability.”

**29.9.3** Every new Member shall, as part of his/her application for membership in the Union, be required to sign a declaration containing the following words:

“I, \_\_\_\_\_, solemnly promise to uphold and obey the Constitution and By-laws of this Union, to assist my fellow members to improve their economic, political, and social conditions, to uphold the principles of democracy and fair play, and to do no deliberate wrong or harm to any other member of this Union.”

Every such declaration must be witnessed by a person who may be a member of the Local, an employee of the Union, or any other representative of the Union duly authorized by it.

**29.9.4** It shall be the duty of all Officers and Members to uphold their respective oaths and failure to act in accordance with them shall be deemed to be contrary to the Constitution.

### **29.10 Financial Operation**

**29.10.1** All funds of Locals shall be used only for legitimate trade union purposes. Accounting for revenue and disbursements shall be done in a proper and business-like manner. Except for reasonable amounts in petty cash accounts, all expenditures shall be by cheque and shall be properly supported by vouchers. The signing officers of a Local shall be any two of the President, Vice-President, and Treasurer (or Secretary-Treasurer).

**29.10.2** Financial control of Units shall rest with the Local Executive Committee. Locals and/or units shall have full control of funds they may raise through their own activities, or through local assessments. Notwithstanding the Local’s financial control, the Local shall be obligated to supply sufficient funds for the holding of Unit general and negotiating meetings but may retain authority to make the necessary arrangements for the said meetings.

**29.10.3** If a Unit or a Local merges or transfers, in accordance with Article 9, a proportionate share of the Local’s net assets shall, in the case of a Unit, be transferred to the new Local or Locals and all net assets shall, in the case of a Local, be transferred to the new Local or Locals. In the event a Unit or Local should cease to exist because the members cease to be Members of the Union, all assets shall become the property of the Union.

**29.10.4** Where members of a local are transferred, voluntarily or involuntarily, to another employer governed by a collective agreement with the Union, and where the Executive Board creates a new Local to receive them, a proportionate share of the former Local’s net assets shall be transferred to the new Local.

**29.10.5** The LEC shall present a budget to the annual general membership meeting of the Local.

**29.10.6** No assessment of the membership to increase revenue may be levied by the LEC unless the assessment has been approved by at least two-thirds of the members of the Local who vote in a referendum or two-thirds of those voting at a general membership meeting after having received at least 10 days’ notice of such meeting. The notice of meeting shall include a statement of intent to increase or decrease the Local assessment and by what amount.

### **29.11 General**

**29.11.1** The Union will defend the acts or actions of Locals, their Officers or their members which are in keeping with the aims and purposes of the Union.

## **Article 30**

### **STRIKEBREAKING**

**30.1.1** After giving reasonable written notice of a membership meeting to all Members of a Local for whom the Local has addresses, such notice to specify the purpose of the meeting and naming the Member(s) who is/are accused, and after all attending Members (and especially the accused) have had a reasonable opportunity to present their views, such local membership meeting may vote by a two-thirds majority to declare that a Member of that Local has engaged in strikebreaking, on more than one occasion, during a given legal strike by the Local.

**30.1.2** Where a Local has been placed under trusteeship by reason of the proportion of strikebreakers, the Region's EBMs will determine which of the Local's Members have engaged in strikebreaking. Such determination will only be made after a notice has been sent to all Members of the Local, identifying the members under consideration as strikebreakers, and after all Members have had a reasonable opportunity to present their views. After the matter of strikebreakers has been determined, the trusteeship shall be lifted.

**30.2.1** The assessment for damages to the union for strikebreaking shall be an amount equal to 100 per cent of the strikebreaker's wages earned during the strike, to a maximum of \$10,000 in consideration of the harm to the union caused by the strikebreaker's action.

**30.2.2** The strikebreaker will be suspended from membership, removed from any union office currently held, and the Member's name will be recorded on a central public registry. These penalties shall remain in effect until the assessment in Art. 30.2.1 has either been paid or collected, if necessary through enforcement in civil court.

**30.3** The Member so penalized and/or assessed damages shall have the right to appeal to the Executive Board, which, after hearing all relevant evidence and arguments, shall have the authority to confirm, vary or nullify the penalty and/or forgive or vary the assessed damages, as it may in its discretion decide. After a period of one year from the date of imposition of the assessment set out in Article 30.2.1, and the penalty set out in Article 30.2.2, an individual may apply to his/her Local for the penalty to be lifted and/or the assessment to be forgiven. The Local may

decide to confirm, vary or nullify the penalty and/or forgive or vary the assessed damages at its discretion.

**30.4** Any Member who has been designated by statute and/or collective agreement as providing essential or emergency services and who is called to perform such work during a legal strike shall not be subject to any charge, damages or penalty under this Article as long as the Member performs only such essential or emergency duties.