

# CONSTITUTION AND BY-LAWS



**SYNDICAT DES EMPLOYÉES ET EMPLOYÉS  
PROFESSIONNELS-LES ET DE BUREAU,  
LOCAL 577 (COPE/SEPB, CLC - FTQ)**

## **Constitution and By-Laws**

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## **ARTICLE 1      NAME**

1.01 This organization, with head office in Laval, Province of Québec, shall be known as the Syndicat des employées et employés professionnels-les et de bureau, Local 577.

This Local Union (hereinafter, Local) shall be and shall remain a chartered Local of the Canadian Office and Professional Employees Union (COPE), known in French as the Syndicat des employées et employés professionnels-les et de bureau (SEPB).

1.02 “Officer” signifies a member of the Executive Committee of Local Union 577.

1.03 “Union Representative” signifies a member of the regular personnel of SEPB-Québec, other than secretarial staff.

1.04 “Member” signifies a member in good standing of Local Union 577.

1.05 “Employer” signifies an employer governed by the certification held by Local Union 577.

1.06 “SEPB-Québec” signifies the Syndicat des employées et employés professionnels-les et de bureau - Québec.

## **ARTICLE 2      GOALS AND OBJECTIVES**

2.01 The goals and objectives of the Local shall be to promote, protect and champion the legitimate struggles of the members to secure their economic and just well-being and to safeguard their social rights and their rights as workers and to oppose all forms of discrimination, particularly toward women.

The Local adheres to the goals and objectives of the Canadian Union.

## **ARTICLE 3      EXISTENCE**

3.01 If the Local ceases to represent the persons in the employ of an employer in such a fashion that it affects its viability, the Canadian executive may suspend the charter of this Local and order its dissolution. At the time of dissolution of the Local, all its properties, including its funds, books and records, shall become the property of SEPB-Québec, to be held by SEPB-Québec in trust for a period of one year, during which time, such property shall be returned to the Local if it is reconstituted. After such one year period, such funds and assets shall become the property of SEPB-Québec and the funds shall be deposited in the general fund.

## **ARTICLE 4      JURISDICTION**

4.01 The jurisdiction of this Local shall embrace all employees who occupy technical, support and administrative positions or any other position covered by its certification.

- 4.02 The Local recognizes the right of the Executive Committee of SEPB-Québec to determine jurisdiction between the Locals of the Canadian Union in Québec and to settle all controversies which could occur between them in this regard. The Local agrees to submit all jurisdiction grievances, in writing, to the Executive Committee of SEPB-Québec.

## **ARTICLE 5 MEMBERS**

- 5.01 A person may not be admitted as a member if he/she supports principles whose goals and objectives conflict with the principles of the present Constitution and By-Laws, or if his/her admission follows tactical rules contrary to the interests of the Local. Article 22.03 establishes the procedure to be followed.
- 5.02 a] Members ex-officio
- The president of SEPB-Quebec, the Quebec director of SEPB-Quebec, the Canadian president, the Canadian secretary-treasurer or the persons that they delegate to represent them have the privilege of participating in the Local's assemblies without, however, having the right to vote but having the right to speak. The representatives of SEPB-Quebec, who are not members of the Local, have the privilege of participation without however having the right to vote.
- b] The Executive Committee may appoint as honorary member of the Local, a person who has rendered exceptional services.
- 5.03 Persons who wish to become a member of the Local must complete an application for membership. They must pay the dues provided for in the present Constitution and By-Laws.
- 5.04 The Executive Committee of the Local has the power to admit as members, persons who have filled the conditions provided in this article.
- 5.05 Notwithstanding the preceding provisions, it is agreed that during organizational campaigns, the President may, at his/her discretion, appoint one or more persons who shall have the power to:
- admit as members, anyone who makes a request;
  - chair the founding meeting;
  - have the relevant resolutions adopted and sign them after their adoption.
- 5.06 Members shall be members in good standing and entitled to participate fully in the affairs of the Local while and for as long as they maintain their employment links with this employer, are not expelled or suspended and not reinstated.

## **ARTICLE 6 FINANCES**

- 6.01 Revenues of this Local Union shall come from union dues, penalties, reinstatement fees, donations, sale of promotional items or any other special assessment having received majority approval by vote from the members during a regular or special convention.

6.02 a] Effective May 24, 2003, unless otherwise provided by the Constitution and By-Laws, union dues shall be payable and deducted at source as follows:

- 1.82 % of the member's wages.

Wages include those provided in the Constitution and By-Laws of SEPB-Québec.

The Treasurer shall not accept any union dues from a member until all reinstatement fees, penalties or special assessments owed by such member shall have been paid.

For the purpose of application of the preceding provisions, when the above-mentioned wage is payable in a lump sum, not distributed over set weeks of work, the dues shall be distributed to cover each of the weeks related to the payment and shall be payable accordingly, without exceeding the amount provided per week.

Issues related to the interpretation or application of the preceding provisions shall be submitted to the Executive Committee who shall dispose of them.

b] During an organizational campaign or the organization of a Unit, union dues shall be those provided by the applicable law.

c] i) The funds of the Local shall be deposited in a bank account on behalf of "SEPB Local 577, Commission scolaire Sir-Wilfrid-Laurier" and shall be disbursed by cheques signed by at least two Officers, namely the President and the Treasurer or other duly authorized person.

ii) A financial report of the revenues and expenses of the Local shall be accepted at least once a year, by the members of the Local in a general assembly.

A financial report of the revenues and expenses shall be drawn up in writing, at least every three months. A copy of these financial reports shall be remitted to the Treasurer of SEPB-Québec and to every member of the Local who shall request a copy.

6.03 No special assessment shall be decreed by the Local unless it has been approved, in a secret vote, by a majority of the members attending a general assembly or a special assembly. This special assessment shall be approved by the President of the Canadian Union before it may be collected.

6.04 A suspended member who wishes to be reinstated in the Local shall pay a reinstatement fee of three dollars (\$3.00) in addition to the membership dues for the current month. However, suspended members who nevertheless benefit from the same working conditions obtained and established by the Local shall, in addition, pay all the dues in arrears for the period of their employment.

6.05 The funds of the Local shall never be shared among the members. Expenditures shall be justified and made by cheque signed by the Treasurer and countersigned by the President or other duly authorized person.

- 6.06 The petty cash shall not exceed the amount of two hundred and fifty dollars (\$250.00) and shall be available to the Secretary-Treasurer to pay current expenses at the request of the Local. A cheque shall be issued to replenish the petty cash fund in an amount equal to the total amounts paid for previous expenditures.
- 6.07 Obligations owed by the Local to SEPB-Québec shall constitute a preferred claim and must be paid promptly each month prior to the payment of any other obligations.
- 6.08 The fiscal year for the Local shall be a period of twelve (12) months from July 1 to June 30.

## **ARTICLE 7 CONVENTION**

- 7.01 The triennial convention shall be held every three (3) years, in a location and on a date determined by the executive committee of this local union.

### **7.02 DUTIES OF THE TRIENNIAL CONVENTION**

The duties of the triennial convention shall be namely, to elect the officers and the three (3) trustees, adopt triennial budget estimates, set union dues and make any decision that is relevant to the orientations of the Local union.

### **7.03 CONVOCAATION**

The President shall call the members to the convention, advising them in writing of the date and location of the convention, at least (30) days in advance. If an event beyond the control of the Executive committee occurs, it may change the date and/or location of the convention by advising the members fifteen (15) days in advance.

### **7.04 DELEGATION**

The delegation with voting privileges shall be those members duly registered to the convention.

### **7.05 QUORUM**

Quorum for the convention shall be 50% of the members registered according to the report of the Credentials Committee.

Unless otherwise provided, decisions at the convention shall be adopted by the majority of members present.

- 7.06 The triennial convention constitutes the general assembly to be held that year.

### **7.07 SPECIAL CONVENTION**

- a] The Executive Committee may, at any time, call a special convention by making a resolution to this effect.
- b] A special convention of the Local may also be called at the request of at least ten percent (10%) of the dues-paying members of the Local. This request shall be



presented in writing to the President and shall clearly indicate the purpose of this special convention.

No other issue may be dealt with during this special convention, which must be held within thirty (30) days of the request.

7.08 The Executive Committee may create the committees required for the smooth functioning of a convention.

7.09 Only members who fulfil the conditions provided in Article 5 shall have the right to attend and actively participate in conventions; however, persons invited by the Executive Committee of the Local may participate in a convention, without having the right to vote.

#### 7.10 RESOLUTIONS

Resolutions shall be presented in writing seven (7) days before opening of the convention, as follows:

- i) by a member of the local;
- ii) by the general meeting of the Local;
- iii) by the Executive Committee.

Notwithstanding the preceding, resolutions of the Executive Committee may be presented at any time during the convention.

## **ARTICLE 8 GENERAL ASSEMBLY**

8.01 The General Assembly is the supreme instance of Local 577.

#### 8.02. CONVOCATION:

The general assembly is held once a year at a date and time determined by the Executive Committee.

8.03 a] The Local may organize general assemblies of its members who shall be called by a notice issued at least twenty-four (24) hours in advance, indicated on the Local's bulletin board. During a strike vote, the notice shall be given at least forty-eight (48) hours in advance.

b] A special assembly of the members of the Local may be called by the Officers of the Executive Committee of the local or by ten percent (10%) of the members who make such a request to the President of the Local. The calling of such a meeting may not take place in the months of July and August. The purpose of this meeting shall be clearly indicated on the notice posted on the Local's bulletin board at least twenty-four (24) hours in advance. This special assembly shall be held within ten (10) days of the request.

- c] A minimum of thirty (30) members of the Local shall constitute quorum with the power to transact business during a regular meeting.

In the event that a general assembly does not have quorum, it shall become a meeting of information.

- d] Unless otherwise provided, decisions shall be adopted by the majority.

#### 8.04 PROCEDURE AT ASSEMBLIES:

1. The president, or at the request of the president, the first vice-president shall preside the assemblies.
2. The President of the assembly is responsible for maintaining order during said assembly and for the application of the present rules of procedure.
3. The president of the assembly, if he/she is a member, may exercise his/her preponderant vote in case of a tie vote.
4. The president of the assembly establishes the order of interventions.
5. The president of the assembly may bring to order any person who contravenes these rules of procedure or deviates from the subject of discussion
6. Upon request by a member, the president of the assembly may ask that a secret vote be held on any subject on the agenda. This request must be accepted by the majority of members present.

### **ARTICLE 9 EXECUTIVE COMMITTEE**

- 9.01 a] The Executive Committee shall consist of the following officers:

- one (1) President;
- one (1) First Vice-President;
- one (1) Second Vice-President;
- one (1) Treasurer;
- one (1) Secretary.
- two (2) persons named by the Council of Delegates

These Officers shall be elected by majority, at every triennial convention from among the members in good standing.

The persons named by the Council of Delegates are named in accordance with the section dealing with the Council of Delegates

- 9.02 Three (3) trustees shall also be elected at the triennial convention.

- 9.03 The term of office of the Officers and the trustees shall be for a period of three (3) years and shall remain in office as long as their successors have not been elected and taken office.

In the event that a position becomes vacant before the next convention, the executive committee shall temporarily name a person to hold the vacant position until the next general assembly where elections shall be held to fill the position for the remainder of the mandate, elections to be held in conformity with section 10 of the by-laws.

- 9.04 A Local's elected Officers shall assume their duties immediately.

- 9.05 The position of an Officer of the Local shall become vacant when he/she resigns from his/her office, his/her employment or loses his/her status as an employee within the meaning of the Labour Code.

In the event of a dismissal, suspension, lay-off or unpaid leave, the Officer concerned may, or may not, be replaced for the period of the absence during a meeting of the Local; in addition, in all cases, if the Officer informs the Executive Committee of the Local, in writing, of his/her intention to remain a dues-paying member, he/she shall continue to act and retain all his/her rights at all levels. In addition, this Officer shall maintain his/her rights to the monthly allowance provided in the Constitution and By-laws.

Such provisions shall apply until a decision has been made in his/her regard or until his/her unpaid leave or lay-off has ended.

In such case, the person concerned shall pay the monthly dues provided in the Constitution and By-Laws of the Office and Professional Employees Canadian Union.

In the event of a leave for union activities, the Officer concerned shall retain all his/her rights, unless he/she becomes an employee of the Local, in which case he/she may not sit on the Executive Committee or the General Council for the term of his/her assignment as an employee of the Local.

## **ARTICLE 10 ELECTIONS**

- 10.01 a) Nominations of Officers to the different positions as well as the three (3) trustees shall be made from the floor of the triennial convention.
- b) During the election of Officers or of Trustees, the SEPB-Québec representative, or his/her replacement appointed by SEPB-Québec, shall act as Election Chairman;
- c) Any member can be nominated by a mover and a seconder to fill a vacant position.

An absent delegate shall advise the Election Chairman prior to the convention of his/her intention to accept or refuse his/her nomination to a position.

- 10.02 Elections shall be held on the day of the triennial convention.

- 10.03 Before an election takes place, the Election Chairman shall appoint three (3) Returning Officers, with the approval of the members. These persons cannot be election candidates

and shall collect and count the ballots in the presence of members of the Local. The Election Chairman shall then announce the results of the vote.

- 10.04 The candidates are elected by the majority of members in good standing having voted on election day, except, in the event where there is only one candidate, he or she shall be declared elected by acclamation.

In the event that no candidate receives a majority, the candidate receiving the lowest number of votes shall be dropped from subsequent balloting.

Voting shall be by secret ballot and thereafter shall be tabulated.

- 10.05 The President announces the result of the election by communiqué sent to all the members of the Local.

- 10.06 All elected members of the executive committee shall take office at the next meeting of the Executive.

- 10.07 Before entering upon the duties of their respective offices, the newly elected Officers shall take the following oath of office:

“I promise on my honour to perform the duties devolved to me according to the constitution and by-laws of the Syndicat des employées et employés professionnels-les et de bureau, Local 577, to the best of my knowledge and in good faith, to support, to ensure that others respect and put in practice all of the official policies of the Syndicat des employées et employés professionnels-les et de bureau, Local 577, to promote an environment free of all harassment and discrimination. I will fully devote myself to the pursuit of the goals and objectives in the best interests of the Syndicat des employées et employés professionnels - les et de bureau. As well, I shall remit to my successor all the books, documents and other possessions of the Syndicat des employées et employés professionnels-les et de bureau, Local 577 that I have in my possession.”

- 10.08 The Treasurer shall provide the Returning Officers with the documents indicating the status of each member.

## **ARTICLE 11 DUTIES OF OFFICERS OF THE LOCAL AND THE UNITS**

### **11.01 PRESIDENT**

- a] The President shall preside at all meetings of the Local, preserve order during its deliberations, sign orders on the Treasury when required and transact such other business as may of right pertain to this office and which may be necessary to the proper functioning of the Local.
- b] The President shall have the responsibility for the proper day-to-day functioning of this Local Union. The President shall apply and enforce the decisions of the various Union bodies.

- c] The President and/or his/her designate shall have the responsibility of keeping members of the Local informed by means of a newsletter and information on the SEPB-Québec and/or local website.
- d] The President shall deal with appeals concerning irregularities, submitted by members by consulting the Executive Committee and in conformity with the provisions of this Constitution and By-Laws.
- e] The President shall be ex-officio Vice President of SEPB-Québec's Executive Committee.
- f] Any appeal of irregularities by members must be filed with the President who will dispose of it in consultation with the Executive Committee in accordance with the provisions of this Constitution and By-laws.

#### 11.02 FIRST VICE-PRESIDENT

The First Vice-President shall perform the duties of the President in his/her absence and, in case of resignation, death or dismissal of the President, shall perform the duties of President until such vacancy is filled by an election as provided for in this Constitution and By-Laws. At the President's request, the First Vice-President shall also preside when the President is temporarily unable to discharge the duties of his/her office.

#### 11.03 SECOND VICE-PRESIDENT

The Second Vice-president shall perform such duties of the First Vice-president in his/her absence and, in case of resignation, death or dismissal of the First vice-president until such vacancy is filled by an election as provided for in this Constitution and By-laws. At the President's request, the Second Vice-President shall also preside when the President is temporarily unable to discharge the duties of his/her office.

The second vice-president shall accomplish such duties as may be determined and assigned to him/her by the President in carrying out the objectives for the proper functioning of this Local Union.

#### 11.04 TREASURER

The Treasurer shall perform the following duties:

- a] Shall keep all financial accounts of the Local and maintain correct and proper accounts of its dues-paying members; collect the revenues from the members and make all disbursements for the Local, as provided for in Article 6 of this Constitution and By-Laws; keep a correct record of all monies received and expended and prepare financial statements by calendar months to be submitted to the Secretary-Treasurer of the Canadian Union, monthly; and submit the appropriate financial statements to the Executive Committee and General Council for adoption.
- b] The Treasurer shall deposit all funds of the Local in the financial institution decided upon by the Executive Committee; submit all books and documents to the Trustees for audit and approval whenever called upon to do so and, on expiration of term of office, turn over to the successor all properties and assets of the Local in his/her

possession, including funds, books and records. The Treasurer shall turn over all documents, funds and books to the Secretary-Treasurer of the Canadian Union or a duly authorized representative, when properly called on to do so.

- c] The Treasurer shall remit, at the latest the 15<sup>th</sup> of the next month, to the Secretary-Treasurer of SEPB-Québec a monthly report of all members in good-standing as well as annexing the financial statements on the appropriate forms provided for this purpose by SEPB-Québec.

The remittance of all financial obligations due to SEPB-Québec shall be done in conformity with the constitution and by-laws of SEPB-Québec.

#### 11.05 SECRETARY

The Secretary shall see that the minutes are drawn up and distributed during the meetings of the various bodies.

The Secretary shall be responsible for all documents and effects of the Local concerning his/her office; maintain an up-to-date file of the minutes; take care of all correspondence related to this office and inform the Secretary-Treasurer of SEPB-Québec of any changes in the names or addresses of the members of the Executive Committee.

#### 11.06 TRUSTEES

- a] The Trustees shall audit the accounting records every three (3) months and report to the Local as well as to the Secretary-Treasurer of SEPB-Québec and the Canadian Union.
- b] At the request of the Executive Committee, of SEPB-Québec or of the Canadian Union, they shall audit the accounting records of the Local.
- c] The Trustees may request the supporting documents they deem necessary to perform the said audits.

### **ARTICLE 12 DUTIES OF THE EXECUTIVE COMMITTEE**

12.01 The Executive Committee shall govern the Local according to its constitution and by-laws.

Furthermore, it executes the directives of the General Assembly and the Council of Delegates.

With the present by-laws as guide, it shall take all appropriate measures in order to fulfill the goals and objectives of the Local.

The Executive committee is responsible for the business of the Local requiring immediate attention.

The decisions of the Executive committee are adopted by the majority of officers present.

- 12.02 The President of the executive committee decides on the hour, date (the statutory days shall be determined in the month of September of every year) and the place where these meetings will be held, after consultation with the members of the executive committee.
- 12.03 All members of the executive committee shall receive a reasonable notice from the Secretary regarding all meetings of this committee.
- 12.04 The majority of the executive committee shall constitute the quorum having the powers to administer the business at each meeting, to treat questions that require urgent attention and to form committees. The mandates of each committee shall be presented and adopted by the members of the executive committee. The executive committee shall act by resolution.
- 12.05 The executive committee will report on its business/activities at the general assembly
- 12.06 In the event of a member of the executive committee's resignation or impossibility to act, the executive committee shall elect, by majority vote, a replacement who shall act until the next general assembly.
- 12.07 In the event that a member of the Executive committee is absent, with no valid reason, for three (3) consecutive regular meetings of the executive committee, his(her) post is declared vacant. The reasons for the absences must be substantiated to the Secretary and must be accepted by the Executive committee.
- 12.08 The Executive Committee shall, if applicable, decide on terms for release, wages, etc. of the Officers of the Executive Committee.

At the request of fifty percent (50%) of the Officers, the President shall call a meeting by giving reasonable notice.

## **ARTICLE 13      COMPENSATION**

- 13.01 The Local may compensate the Officers.

## **ARTICLE 14      AFFILIATIONS AND DELEGATIONS**

- 14.01 The Local shall be affiliated with SEPB-Québec of the Canadian Union.
- 14.02 The Local is also affiliated to the QFL and, via the Canadian union, to the Canadian Labour Congress. It holds a charter from the Canadian union.
- 14.03 The president of the Local is official delegate to participate in the activities mentioned in the preceding paragraph. In the event that the president does not avail himself/herself of the right to participate, another member of the executive is elected by the Council of delegates to replace him (her).
- 14.04 Delegates to participate in the activities of SEPB-Québec, the central labour bodies, regional councils and chartered or affiliated federations of the Canadian Labour Congress

or the Canadian Union, shall be selected by a vote by the Council of Delegates, if the latter deems appropriate.

- 14.05 These delegates attend the meetings and sessions, to which they have been delegated, faithfully represent their Local, protect its interests and fully support its principles and directives. They shall report to the Local on the regular activities in which they have participated, and shall perform all the duties for which they are responsible.

## **ARTICLE 15 COMMITTEES**

- 15.01 The Executive Committee may appoint the special committees necessary to conduct its business.
- 15.02 In appointing these committees, their duties, level of authority and the amount of money placed at their disposal by the Executive Committee shall be indicated in the minutes. These committees may not make or authorize expenditures without the previous authorization of the Executive Committee. The President shall be an ex officio member of all these committees.
- 15.03 In the event of the absence or incapacity of a member of a committee, the President shall have the power to appoint a substitute member.

## **ARTICLE 16 THE COUNCIL OF DELEGATES**

- 16.01 1) Composition and Quorum

The Council of Delegates is composed of members of the Executive committee as well as delegates named in each school, center or service. It shall, before the 1<sup>st</sup> of October of each school year, elect a delegate. In the event that no election takes place, the Executive committee may designate a member as delegate.

The quorum of the Council of Delegates is 15 members present.

- 2) Duties of the Council of Delegates

- a) The Council of Delegates is the body between general assemblies;
- b) The Council of Delegates adopts all decisions necessary to the pursuit of objectives of the Local.

- 3) Meetings

The decisions made by the Council of Delegates are determined by the majority of members attending the Council.

Regular meetings are held three (3) times per school year.

The Executive committee decides on the date, time and place of the first assembly of the council of delegates.



At this first assembly of the council of delegates, the council shall decide on the dates, time and place of the subsequent two (2) meetings in the school year.

The Executive committee may, in the case of a legal holiday or for a serious reason, change the date of the assembly. If deemed necessary, the executive committee may call a special meeting of the Council.

The president calls the members of the Council of delegates within a reasonable delay before each assembly.

At the first meeting of the Council of delegates, the delegates elect two (2) representatives to sit on the Executive committee for the current year.

## **ARTICLE 17     STRIKES**

- 17.01 Before declaring a strike against an employer, the Local shall receive the lawful approval of the majority of its members attending a duly called meeting. The vote shall be a secret ballot.
- 17.02 A strike may be ended if a majority of the members attending a meeting duly called to this effect so decide by secret ballot.
- 17.03 To be eligible to the Fund for strike, lock-out and defence benefits of the Canadian union, the Local shall submit its request for authorization to the Canadian president and shall follow the prescribed procedure.

## **ARTICLE 18     BY-LAWS**

- 18.01 Bourinot's Rules of Order shall govern the Local when applicable, providing they do not enter into conflict with the present Constitution and By-Laws.
- 18.02 The permanent By-Laws of the Local shall be appended to this Constitution. A By-Law may be waived by a majority vote or amended or cancelled by a vote of two-thirds (2/3) of the delegates present at the convention or special convention. By-Law "C" may be amended by a general meeting on the recommendation of the Executive Committee. When one of the permanent By-Laws is amended or cancelled permanently, this cancellation or amendment shall be forwarded to the President of the Canadian Union.

## **ARTICLE 19     GENERAL PROVISIONS**

- 19.01 All collective labour agreements shall be negotiated by SEP-B-Québec and accepted during a meeting by the members of the Unit concerned. The Canadian Union shall not assume responsibility for a collective agreement to which it is not party.
- 19.02 The Local shall not assume responsibility for actions of its members as individuals not expressly authorized by it or its duly mandated representatives. A collective labour

agreement shall not bind the Local unless it has been signed by the Officers or authorized representatives of the Local.

19.03 The signed original of all collective labour agreements shall be kept by SEPB-Québec in its files.

19.04 The French and English versions of this Constitution and By-Laws are official. The Canadian president will be charged with its interpretation.

## **ARTICLE 20 CANADIAN CONSTITUTION**

20.01 The Constitution of the Canadian Union shall be the paramount law applying to the government of this Local, and all provisions of said International Union Constitution insofar as the same are or may be applicable to the affairs and activities of this Local are hereby, by reference thereto, incorporated into and made a part of this Constitution and By-Laws, and any provision contained herein which is contrary to or in conflict with the provisions of the International Union Constitution shall be inoperative and of no effect.

## **ARTICLE 21 AMENDMENTS**

21.01 a] A proposed amendment to this Constitution and By-Laws shall be forwarded in writing to the President of the Local, fifteen (15) days before the convention commences.

b] Amendments shall be introduced by resolution made by:

- i) the General assembly
- ii) the Council of delegates
- iii) the Executive Committee.

c] Notwithstanding the preceding, the Executive Committee may present amendments at any time during the convention.

d] Amendments shall be adopted by a vote of two-thirds (2/3) of the attending members. Amendments modifying dues shall be adopted by a majority vote of the attending members having the right to vote.

21.02 No amendment to this Constitution and By-Laws shall take effect until approval of the Canadian Union has been secured.

21.03 The Local may amend its Constitution and By-Laws in order to include other units of accreditations or other units of negotiation. These amendments must be adopted in conformity to the present constitution and by-laws.

## ARTICLE 22 DISCIPLINE AND LITIGATION

22.01 In conformity with the procedure regarding discipline adopted by the executive of the Canadian Union, the Local may suspend, expulse and discipline or impose a fine or otherwise, any member found guilty of a violation of the Canadian Constitution and By-Laws or of the present Constitution and By-Laws of the Local, or found guilty of participating in an activity deemed contrary or prejudicial to the interest of the Local. However, any member of the Local whose dues are remitted three (3) months late is automatically suspended.

22.02 A complaint may be filed against a member or Officer who may be penalized for having committed, among others, one of the following offences:

- 1.- Publicizing or giving information about Union affairs to persons whose interests are opposed to those of the Union;
- 2.- Working for an employer against whom the Unit has declared a strike, unless permission has been granted by proper Officers of the Local;
- 3.- Working for less than the rate of pay or under poorer working conditions than those provided in the collective agreement signed with the Local;
- 4.- Permitting any other person to use his/her membership card;
- 5.- Violation of the oath of office, if an Officer;
- 6.- During a vote within the Local, tampering with ballots, illegal voting, violence, coercion or any other misconduct not included in the foregoing which, in any manner interferes with a member's right to vote;
- 7.- Any act of misconduct contrary to the interests of the Local or any conduct not suitable to a unionized person; violation of a provision of the present Constitution and By-Laws or the Constitution of the Canadian Union.

22.03 When deemed appropriate, the Executive Committee of the Local shall dispose of a written objection to the admission of a person as member. If applicable, the Committee shall forward a notice to the said person indicating reception of an objection and the right to be heard before a Board of Inquiry by submitting a challenge to the said objection, in writing, within ten days following reception of the said notice.

A person who fails to contest, in writing, the objection mentioned in the preceding paragraph, shall be considered to have withdrawn the application for membership.

In the event of an objection, the Executive Committee of the Local shall appoint three members to investigate and report.

The Board of Inquiry shall sit in the location it deems suitable, after having advised the persons concerned, at least fifteen (15) days in advance, by registered mail, of the date, time and location where they shall report.

The Board of Inquiry shall hold a fair and impartial inquiry. The interested parties shall be entitled to representation during the inquiry, to present witnesses and evidence and to cross-examine witnesses.

The Board of Inquiry shall proceed according to the procedure and manner of proof it deems appropriate.

If one of the parties fails to attend the inquiry after having received a notice in due form as specified above, and if this party is unable or does not wish to provide a reasonable reason for this absence, the Board of Inquiry shall have the authority to continue the hearing.

Following the hearing, the Board of Inquiry shall submit a written report to the Executive Committee, including the results, conclusions and recommendations. The report of the Board of Inquiry shall be presented to the party or parties concerned at the same time as it is submitted to the Executive Committee. An aggrieved party may submit an appeal, in writing, within two (2) weeks following reception of such report, stating why the report of the Board of Inquiry should be rejected or adopted. During the next regular meeting, the Executive Committee, by a majority vote, may confirm, reject or change the report and adopt such results and conclusions that it considers reasonable and fair in the circumstances. The decision of the Executive Committee shall be communicated to the parties involved.

The General Council shall be entitled to maintain, amend, reverse or cancel a decision of the Executive Committee if an interested party makes such request within twenty (20) days of the decision of the Executive Committee indicating the reasons for the appeal. During its next regular meeting, the General Council shall then hear the persons representing the persons concerned and make a decision in consequence thereof.

## **STANDING BY-LAWS**

### **By-Law "A"**

As a guide, the agenda for a meeting of the Local shall read as follows:

- 1.- Opening.
- 2.- Minutes of the preceding meeting.
- 3.- Financial report.
- 4.- Report by the Officers and various committees.
- 5.- New business.
- 6.- Adjournment.

### **By-Law "B"**

Members registered and attending the Convention shall receive a meal allowance or the meal itself during a convention or special convention of the Local.

## **By-Law "C"**

1. The expenses for the negotiating members traveling outside of the city or for designated delegations by the Council of Delegates are as follow :
  - a) Transportation costs round-trip economy class or « 48 » cents a kilometer, per automobile. The means of transportation may be subject to be determined by the Executive committee or the person who was delegated by the Council of Delegates.
  - b) Reasonable hotel costs, in consultation with the Council of Delegates or the person delegated by the Council of Delegates, are reimbursed upon presentation of the appropriate receipts and with the approval of the Council of Delegates.
  - c) A per diem of \$80.00 is allocated for expenses including meals when the activity is outside of town, generally requiring a sleep-over.
  - d) The reimbursement of regular salary, if there is loss of salary, is remitted upon presentation of receipts.
  - e) The allocation for meals during negotiation, hearings, mediations and any other Union meeting as determined by the Council of Delegates is of \$20.00 unless a meal is provided.
  - f) The Council of Delegates may allow additional expenses, in very special circumstances, during negotiations, hearings, and mediations, and any other union meeting that it authorizes.
  - g) A per diem of \$25.00 is allocated to the person who participates in any other activity if it lasts more than five (5) hours.
  
- 2.- Expenses allocated to Officers shall be as follows:
  - i)

-	President:	\$400.00 per month
-	Vice-President:	\$50.00 per month
-	Treasurer:	\$50.00 per month
-	Secretary:	\$30.00 per month
-	Trustees:	\$30.00 per verification
  - ii) The officer must be present at the meeting of the executive committee in order to receive the expense allowance for the two (2) preceding months.
  - iii) No officer shall receive two (2) expense allowances. If two (2) allowances apply, the officer receives the allowance most advantageous to him/her.

## **By Law “D”**

- 1.- The use of language which is vulgar or in poor taste during meetings shall be prohibited as being against the decorum and dignity of the meeting.
- 2.- No member shall be admitted to meetings while intoxicated or otherwise voluntarily impaired.
- 3.- A member may not interrupt a debate except in regard to a question of privilege, a point of order, to make a motion to reconsider or a request for information, or to pose the previous question.
- 4.- A member may not leave the meeting room without the previous permission of the President.
- 5.- There shall be no private conversations between the members during a meeting, without the previous permission of the President.
- 6.- All whispering or other conversation and/or behaviour which could distract a member who is speaking or harm the regular conduct of business of the Local, shall be considered as a violation of the By-Laws.
- 7.- When a member takes the floor, he/she shall be limited to the question being discussed and avoid personal allusions and language which is sarcastic or in poor taste.
- 8.- Acts of intolerance shall never be permitted during a meeting, for any reason whatsoever .
- 9.- When the President orders a member to sit down or to be quiet, on three occasions, and such member does not comply, he/she shall then be forbidden from participating in all other activities during this meeting. However, following a motion adopted by two-thirds (2/3) of the meeting, this member may be released from this sanction.
- 10.- Unless otherwise provided by Bourinot’s Rules of Order or the Constitution and By-Laws of the Local, issues may be decided by a majority vote of the dues-paying members attending the meeting.

## **ANNEX “A” CANADIAN PROCEDURE REGARDING DISCIPLINE**

In conformity with section 18.10 of the By-Laws of the Canadian Office and Professional Employees Union, the National executive adopted in 2004 a Canadian procedure regarding discipline which was modified in 2007. Said procedure applies to the Local.

### **I COMPLAINT AGAINST A MEMBER OR A LOCAL UNION OFFICER ACTING IN THIS CAPACITY**

01- All complaints include the following:

- a) the name and bargaining unit of the charged member;
- b) the date or dates of each alleged offence;

- c) the sections of the bylaws or the Constitution of the Local Union, or the Constitution of the National Union which are alleged to have been violated;
- d) a brief statement of the facts describing each alleged violation;
- e) the printed name, address, telephone number and the signature of the person filing the complaint.

02- Any proceedings shall commence with a complaint filed in writing with the Local Union President who shall then submit it to the Local Union Executive Board of the Local Union. The President shall also notify the charged member in writing that a complaint has been filed, with a copy of such complaint.

These procedures apply only to Local Union members and officers.

03- The following are entitled to file complaints:

- a member or an officer of the Local Union;
- an officer of the National Union.

04- In the event one of the members of the Local Union Executive Board is charged in the complaint filed, they shall refrain from participating in the disposition of the complaint.

05- The charged member shall have the right to contest such complaint in writing by transmitting their statement to the Local Union President prior to the meeting of the Local Union Executive Board. The Local Union President shall transmit such statement to the Local Union Executive Board.

06- The Local Union Executive Board shall render their decision according to equity and the merits of the case.

It is within the power of the Local Union Executive Board to decide, at its next meeting, to:

- a) allow the complaint, in part or in its entirety;
- b) dismiss it.

In the event it allows the complaint, the Local Union Executive Board shall impose the penalty deemed to be fair and just:

- a) reprimand in writing;
- b) fine;
- c) suspension from membership for a specified period of time;
- d) suspension of the right to hold office for a specified period of time;
- e) expulsion from membership, or prohibition from holding office;
- f) reimbursement of any monetary losses;
- g) any combination of the foregoing penalties.

The decision of the Local Union Executive Board shall be in writing, substantiated and notified to the interested parties as soon as possible.

07- A person who believes they have been wronged by a decision rendered by the Local Union Executive Board may, within thirty (30) days of notification of the decision, file an appeal to the Council. They shall forward a statement of appeal to the Council President, with a copy served to the interested parties.

Where there is no Council, the appeal is filed with the National Executive in accordance with the procedure outlined in Articles 13 and following.

08- The statement of appeal includes the following:

- a) the name, address, phone and fax numbers, e-mail addresses of the parties, the Local Union number of the appealing party or parties;
- b) a copy of the decision;
- c) the relevant sections of the bylaws or the Constitution of the Local Union, and any relevant piece of legislation;
- d) a summary of the grounds of appeal;
- e) a declaration explaining the corrective action sought.

09- The respondent may, within thirty (30) days of the notification, contest the appeal in writing to the Council President, with a copy served to the appealing party. This document shall include their claims and state what findings they seek.

10- An appeal filed in accordance with these rules will not defer the imposition of any penalty. A request for the suspension of any penalty must state the reasons supporting the request and shall be filed with the Council President with a copy to the opposing party who may choose to contest. The Council Executive Board shall decide on the validity of the request on the basis of the documents presented in support of the request. Suspension of penalty may be granted when the applicant appears to be entitled to it and it is considered to be necessary in order to avoid serious or irreparable injury to them, or a situation of such a nature as to render the judgement in appeal ineffectual. This decision is final.

11- Upon receipt of the appeal documents, the Council President shall transmit them to the Council Executive Board for decision at its next meeting. The Council Executive Board shall render its decision according to equity and the merits of the case. The Council Executive Board may decide to impose any of the penalties outlined above.

12- The decision of the Council Executive Board shall be in writing, substantiated and notified to the interested parties as soon as possible.

13- A person who believes they have been wronged by a decision rendered by the Council Executive Board may, within thirty (30) days of notification of the decision, file an appeal to the National Executive.

They shall forward a statement of appeal to the National President, with a copy served to the interested parties.

14- The respondent may, within thirty (30) days of the notification, contest the appeal in writing to the National President, with a copy served to the appealing party. This document shall include their claims and state what findings they seek.

15- An appeal filed in accordance with these rules will not defer the imposition of any penalty. A



request for the suspension of any penalty must state the reasons supporting the request and shall be filed with the National President with a copy to the opposing party who may choose to contest. The National Executive at its next meeting shall decide on the validity of the request on the basis of the documents presented in support of the request. Suspension of penalty may be granted when the applicant appears to be entitled to it and it is considered to be necessary in order to avoid serious or irreparable injury to them, or a situation of such a nature as to render the judgement in appeal ineffectual. This decision is final.

- 16- If appropriate and provided the parties agree to it, the National Executive may elect to make its decision on the basis of the record. This decision is final.
- 17- Should the National Executive opt not to proceed as set out in the preceding paragraph then it shall refer this appeal to an Appeals Committee consisting of one or more persons it appoints one of which at least is a member of the National Executive.
- 18- Before rendering a decision, the Appeals Committee will allow the parties to be heard.
- 19- The appointees to the Appeals Committee shall not have any conflict of interest.
- 20- The Appeals Committee shall hold a hearing at a suitable place and send written notice thereof, at least fifteen (15) days in advance, which shall specify the date, time and place of the hearing to all interested parties.
- 21- If one of the parties does not appear at the hearing after having been duly advised and does not present any good cause for not attending, or refuses to testify, the Appeals Committee may decide to proceed with the case and render a decision.
- 22- The Appeals Committee shall proceed in an orderly, fair and impartial manner, in accordance with the hearing proceedings and introduction of evidence it so chooses and in accordance with the principles of natural justice and the duty of fairness.
- 23- The Appeals Committee shall render its decision in writing, substantiated and according to equity and the merits of the case. The Appeals Committee may decide to impose any of the penalties outlined above.
- 24- The Appeals Committee's decision is binding upon the National Executive who shall make a decision accordingly

#### **IV GENERAL PROVISIONS**

- 56- Any documents shall be couriered, faxed, e-mailed or forwarded by bailiff.
- 57- In any issues, the parties shall be responsible for their own expenses and fees and have the right to be represented.
- 58- Time limits defined in this article may be extended by the body dealing with the appeal if reasonable grounds warrant such extension and provided that no serious prejudice to any party results from such an extension.
- 59- There shall be no resort to any court of law until all remedies within the National Union under its Constitution have been exhausted.
- 60- In the event the President has a conflict of interest, the complaint and any other document shall be filed with the Secretary-Treasurer.

(Adopted version – October 17<sup>th</sup>, 2009)