

CONSTITUTION

ARTICLE I

Name, Headquarters and Seal

This organization shall be known in the English language as the "Canadian Office and Professional Employees Union (COPE)" and in the French language as "Syndicat canadien des employées et employés professionnels et de bureau (SEPB)" and shall be affiliated with the Canadian Labour Congress. This National Union shall continue in existence and cannot be dissolved while there are five (5) Local Unions chartered thereby desiring to continue its existence. The location of the Union's headquarters shall be that of the offices of the President, provided; however, the National President with the approval of the Executive Board shall have the power to relocate the National Union headquarters. The National Union shall have a seal and a label, which seal and label shall be adopted by the Executive Board.

ARTICLE II

Purposes and Aims

The National Union shall be devoted and dedicated to promoting, protecting and championing the legitimate struggles of professional, technical, office and clerical employees toward achieving economic well-being, their general welfare and rights as workers and citizens.

In working toward the achievement of this goal, the National Union will strive to bring the benefits of union organization and collective bargaining to all professional, technical, office and clerical employees coming under its jurisdiction.

It shall provide all possible aid, assistance and guidance to its Local Unions and their members, to the end that all these employees may share in the benefits resulting from employment under the terms of signed collective bargaining agreements which provide (1) adequate compensation for services performed, (2) shorter hours of employment and proper pay for overtime and holiday work, (3) the maximum possible job security and assurance of advancement opportunities, (4) adequate annual paid vacation and sick leave allowances sufficient to meet all normal exigencies, (5) equitable grievances handling procedures and (6) other justifiable employment protections.

It is also the purpose and aim of the National Union to inform, advise and educate these employees in the principles and policies of this organization and of the benefits and gains which they may achieve through organization and collective bargaining; and of the accomplishments of our organized members through an understanding of the growth and development of the labor movement and its position in our modern economic society, and to place in proper perspective the vital role played by professional, technical, office and clerical employees in the economy of our society.

ARTICLE III

Jurisdiction

This organization shall embrace within its jurisdiction all employees in Canada and employed in any phase of professional, technical, office, clerical and related work. The membership of this National Union shall consist of all Local Unions, and the members thereof, within the jurisdiction of and chartered by this National Union.

ARTICLE IV

Membership

SECTION 1. No person shall be admitted to membership in any Local Union of the National Union who advocates principles or lends support to organizations or movements whose purposes and objectives are contrary to the fundamental principles of the established governments of Canada, or are in conflict with the policies of this National Union. No person shall simultaneously hold membership in more than one Local Union of the National Union. No person may transfer membership from one Local Union of the National Union to another Local Union without the approval of the President, unless such a transfer is the result of a change in employment from one bargaining unit represented by the National Union or a Local Union to another such unit. Members shall hold membership in the National Union through the Local Union in whose jurisdiction they are working or last worked, except for members employed by the National Union or one of its subordinate bodies, a Local Union or any Council or other federation of Local Unions, who shall hold membership in such Local Union as may be determined by the President. Where a member works within the jurisdiction of more than one Local Union, such member shall hold membership through the Local Union in whose jurisdiction such member first worked; provided, however that such member shall pay a fee equal to the applicable dues to the other Local Union(s) in whose jurisdiction the member is working and such Local Union(s) shall pay a fee equal to the applicable per capita tax to the National Union.

SECTION 2. MEMBERSHIP CLASSIFICATIONS. Membership classifications shall be active, non-active and associate. No member shall simultaneously hold more than one classification. A person who is suspended or expelled; loses their basis for membership due to an election; is no longer employed by the National Union or one of its subordinate bodies, a Local Union or any Council or other federation of Local Unions; has resigned their membership; or any other person who is not a member in accordance with one of the membership classifications provided for in this Article; shall not be considered members for any purpose, except as may be directed by the President; provided, however, in the event that a decision deprives a person of the basis upon which they hold membership, and that decision may be appealed to any body other than the Convention of the National Union, that person shall maintain membership until the ruling on the appeal by the membership of a Local Union or the Executive Board of the National Union upholds the deprivation of the basis upon which membership is held.

SECTION 3. ACTIVE MEMBERSHIP. (a) An individual is eligible to be an active member in the National Union and a Local Union if that individual is: employed within a collective bargaining unit represented by the National Union or any Local Union; employed by an employer who is the subject of an active organizing effort by the Canadian Union or any Local Union; an employee or officer of the National Union or one of its subordinate bodies; an employee or officer of a Local Union or any Council or other federation of Local Unions. Compliance with reasonable membership requirements uniformly imposed by a Local Union, and receipt by the Local Union of the current dues and any required initiation or reinstatement fee, or any installment established by the Local Union for payment of such fee, is required for an eligible individual to become an active member. Continued payment of dues, and if applicable, any remaining installments of the required initiation or reinstatement fee, is required to maintain active membership.

(b) An active member who is not actively working due to layoff, illness, disability, or a contractually provided leave of absence, and has applicable recall, reemployment or other employment rights which have not expired under the collective bargaining agreement, may elect (1) to continue to pay dues and maintain active membership for the period for which said recall, reemployment or other employment rights are valid or said grievance is pending, (2) to apply for another classification of membership provided for in this Article, if eligible, or (3) to apply for a withdrawal card.

(c) Active members shall enjoy all rights and privileges of membership in their respective Local Unions and in the National Union including, without limitation, the right to vote at all meetings and in all elections or referenda, to be nominated for and hold any office, and to be elected a delegate to the National Union Convention, if otherwise qualified under their Local Union Constitution and By-Laws and this Constitution.

SECTION 4. NON-ACTIVE MEMBERSHIP. (a) An individual is eligible to be a non-active member if that individual is a former active member of the National Union, including an individual who has retired from the position which made them eligible to be an active member, who desires to maintain membership in a Local Union. Receipt by the Local Union of whatever dues or fees it may establish for non-active members that are currently due is required for an eligible individual to become a non-active member. Continued payment of such dues and fees is required to maintain non-active membership. One half of any such dues or fees shall be paid to the National Union at the same time that per capita taxes are due, but not in excess of the applicable per capita tax.

(b) Non-active members may attend and address Local Union meetings at the discretion of the Local Union President. Such person shall have no voice or vote in National Union or Local Union affairs, nor shall they be nominated for or hold an National Union or Local Union office or Executive Board position, or be elected a delegate to the National Union Convention; provided, however, that if a Local Union has or does provide in its Constitution and By-Laws that such a member has a voice and/or a vote in an election of Local Union officers, such provisions shall govern.

SECTION 5. ASSOCIATE MEMBERSHIP. (a) The Executive Board shall be empowered to establish an associate membership classification and determine the per capita affiliation cost and all other conditions and regulations which may be applicable to the category. Any Local Union may also establish an associate membership classification which is consistent with any Executive Board action concerning an associate membership classification.

(b) Associate members may attend and address Local Union meetings at the discretion of the Local Union President. Such person shall have no voice or vote in National Union or Local Union affairs, nor shall they be nominated for or hold a National Union or Local Union office or Executive Board position, or be elected a delegate to the National Union Convention.

ARTICLE V

Conventions

SECTION 1. The National Convention shall be the governing body of this Union and it shall establish its laws and policies in accordance with this constitution. The National Convention shall be the legitimate source of all authority and the final court of appeal. Between Conventions the Executive Board, as hereinafter provided, shall be the governing body of this National Union.

SECTION 2. The first Convention of the National Union shall convene before December 31, 2004 in a city designated by the Executive Board.

SECTION 3. Special Conventions may be called by direction of the Executive Board. In addition, special Conventions shall be called if requested by at least fifteen (15) Local Unions located in at least three (3) different provinces, provided that a majority of all Local Unions approve such request. For the purpose of making such request and granting such approval, Local Unions shall act only by majority vote of members present at the meeting considering same. A call for a special Convention shall state the purpose, or purposes, of such special Convention, and the business of such Convention shall be limited to the consideration of such purpose or purposes.

SECTION 4. The Convention call and credential forms shall be sent to Local Unions by the Secretary-Treasurer of the National Union at least ninety (90) days prior to the opening date of the Convention, except that in the case of special Conventions they shall be sent at least forty-five (45) days prior to the opening date of such special Convention. All Local Unions sending delegates shall fill out such credentials, place the seal of the Local Union thereon, and return the forms to the Secretary-Treasurer of the National Union at least four (4) weeks prior to the opening of the Convention, except that in the case of special Conventions they shall be returned at least two (2) weeks prior to the opening of such special Conventions. Delegates whose credentials are not received within the time limits prescribed may be seated by action of the delegates seated at a Convention.

SECTION 5. Except as hereinafter specified, all resolutions, petitions, memorials, or appeals to be considered by any Convention shall be written and submitted in duplicate signed copies to the Secretary-Treasurer of the National Union and received by the Secretary-Treasurer not later than twenty-one (21) days prior to the opening date of the Convention. Resolutions can be submitted only by the Executive Board, Local Unions, Convention committees and Convention delegates. The Executive Board may submit resolutions at any time prior to the adjournment of a convention. Resolutions originating with the Convention's committees must have relevance to the committees' functions and can be submitted at any time prior to the submission of such committees' final report. Resolutions originating with individual delegates can be submitted at any time during the Convention with the consent of the Convention by a two-thirds (2/3) vote.

SECTION 6. A quorum shall consist of a majority of qualified delegates in attendance at a Convention.

SECTION 7. Questions may be decided by a voice vote, division, or show of hands, but if a call of the roll on any question is demanded by one-tenth (1/10) of the delegates present, such question shall be decided by roll call vote on the basis of voting strength provided in Article VI, Section 1.

SECTION 8. The official proceedings of the Convention shall be approved by the Executive Board, and a complimentary copy shall be provided to each Local Union.

ARTICLE VI

Representation at Conventions

SECTION 1. Each Local Union in good standing shall have one (1) vote in Convention for each one hundred (100) members or major fraction thereof, on which per capita tax has been paid for the twelve (12) month period ending two months prior to the month of a regular Convention, or paid for the twelve (12) month-period ending two

months immediately prior to the month of any special Convention; except that any Local Union having less than a major fraction of one hundred (100) shall, nevertheless, be entitled to one (1) vote. If a Local Union has paid per capita tax for less than all the months of such a twelve (12) month period, and has not been suspended, that Local Union shall be entitled to one-twelfth (1/12) of its total vote for each month on which per capita tax was paid during the applicable period.

SECTION 2. No Local Union which has been chartered during the two (2) calendar months preceding the month of any regular or special Convention, or during the month of such Convention, shall be entitled to representation at such Convention.

SECTION 3. Each Local Union shall be entitled to as many delegates as it has votes, except that no Local Union shall have more than ten (10) delegates present at a Convention. The delegate or delegates from each Local Union may cast the entire vote of the Local Union

SECTION 4. The voting strength and representation of a Local Union resulting from an amalgamation of two (2) or more Local Unions, shall be based on the total per capita tax payments made by the Local Unions forming such a Local Union.

SECTION 5. No Local Union may be represented at any Convention of the National Union by proxy, nor may it delegate its voting strength to any other Local Union, and no delegate to any Convention shall represent more than one (1) Local Union.

SECTION 6. Each delegate to a Convention must have been in continuous good standing with the Local Union such delegate represents for at least twelve (12) months prior to the convening of the Convention, unless the Local Union has been functioning (the period when a Local Union shall be deemed to be "functioning" shall be that commencing with the first month for which per capita tax payments are regularly made) for less than one (1) year, in which case such delegate must have been in good standing during the period that the Local Union has been so functioning. Each delegate shall be selected in accordance with the constitution and by-laws of the Local Union, or by vote of the Local Union.

SECTION 7. Except as otherwise specified, all officers of the National Union shall be entitled to participate fully in all Conventions and shall be eligible for election to any office in the National Union to be filled in any Convention. No officer of the National Union shall be entitled to vote on any Convention action unless such officer is a delegate (except that the presiding officer of a Convention can vote to break a tie).

SECTION 8. The Executive Board shall constitute the Credentials Committee, and for that purpose shall meet in advance of the Convention. The President of the National Union shall appoint committees on Rules, Program, Resolutions, Constitution and Laws, Legislation, Organization, Officer's Reports, Publicity and such other committees as may be required. The Rules and Program Committees shall also meet in advance of the Convention. Not more than a total of two (2) Vice Presidents, exclusive of the committee Chairperson, shall serve on the same committee. The President shall endeavor to achieve broad regional representation in the membership of such committees.

ARTICLE VII

Convention Fund

SECTION 1. There shall be maintained a separate Convention Fund consisting of all monies paid by the Local Unions to the National Union in conformance with the applicable portion of Article XVI providing for Local Union payments to such Fund.

SECTION 2. Each Local Union eligible to participate and participating in a regular Convention by sending at least one (1) delegate to such Convention shall be paid a portion of the total amount in this Fund, based on monthly payments received from Local Unions through the month of February of the regular Convention year, and including any balance in such Fund, subject to the following provisions.

SECTION 3. In determining the amount to be paid each eligible Local Union participating in such regular Convention, the total amount in the Fund as defined in Section 2 of this article shall be divided by the total of all the straight map kilometers between each and every eligible Local Union's charter city and the Convention city.

SECTION 4. Each eligible Local Union participating in such regular Convention shall be paid an amount equal to the result of the division defined in Section 4 of this article (figured to the next lower half cent) multiplied by the number of straight map kilometers such Local Union is from the city in which such Convention is being held. Any Local Union contributing to the Convention Fund less than one (1) year prior to February of the Convention year shall participate in the Fund at the rate of one-twelfth (1/12) of a normal share for each month of participation.

SECTION 5. Included in each regular Convention call of the National Union sent to each Local Union shall be a statement indicating the amount which will be paid from this Fund to Local Unions participating in such Convention in accordance with Section 4 of this article.

SECTION 6. Upon receipt of a properly executed delegate's Convention credential, bearing the seal of the Local Union and signatures of its President and Secretary-Treasurer, the National Union President shall issue to the Local Union a check drawn on this Fund in the amount determined by Section 4 of this article, and subject to conditions in Section 7 thereof.

SECTION 7. Local Unions which are not seated at such Convention shall not share in this Fund for such Convention, and any such Local Union which may have been paid from this Fund for such Convention shall refund to the National Union for redeposit in this Fund any such payments.

ARTICLE VIII

Officers of the National Union

SECTION 1. The officers of the National Union shall be a President, a Secretary-Treasurer, who shall be the principal executive officers, five (5) Vice Presidents and eleven (11) Regional officers. These officers shall constitute the Executive Board. All officers shall hold office until their successors are elected and installed, as hereinafter provided. Until the next Convention is held the Secretary-Treasurer shall be chosen from amongst the members of the Executive Board.

SECTION 2. The President and Secretary-Treasurer shall be elected from different Local Unions. Not more than one (1) Vice President shall be elected from any one (1) Local Union. These provisions shall not prevent any Vice President from being elected from any Local Union where either the President or Secretary-Treasurer is a member.

SECTION 3. No person can qualify as officers of the National Union unless they are citizens of Canada, are eligible to and are now and have been members in continuous good standing of Local Unions of this National Union for twelve (12) months prior to nomination and have either worked within the jurisdiction of the National Union for at least one (1) year within the five (5) years preceding nomination to office, or have served a term as an officer of the National Union or as an officer or business representative of a

Local Union. Eligibility to hold office in this National Union shall not be limited to delegates to its regular Convention. No person shall hold more than one (1) office in the National Union.

SECTION 4. For the purpose of selection of Vice Presidents, Canada shall be divided into four (4) regions:

Region I shall consist of the Provinces of Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick and Quebec.

Region VIII shall consist of the Provinces of British Columbia and the Yukon.

Region IX shall consist of the Provinces of Alberta, Saskatchewan, Manitoba and the Northwest Territories and Nunavut.

Region X shall consist of the Province of Ontario.

SECTION 5. In addition to the Vice Presidents selected from Regions, one Vice President shall be selected from amongst the members of all Local Unions. This seat shall be reserved for women.

SECTION 6. All officers of the National Union shall be ex-officio members of all Local Unions with the privilege of participating in Local Union meetings, but not voting; provided, however, such officers and organizers shall retain and may exercise full rights of participation in the Local Union in which they hold membership.

SECTION 7. In the event that the Local Union in which an officer of the National Union holds membership dissolves, is suspended, or expelled, such officer shall be considered as a member-at-large, provided regular monthly dues are paid directly to the National Union at the rate established by the dissolved, suspended or expelled Local Union. Such continuous membership-at-large shall be construed as good standing for purposes of election to office.

ARTICLE IX

Election of Officers of the National Union

SECTION 1. Officers of the National Union shall be nominated, elected and installed at each regular Convention of the National Union. The officers of the National Union shall subscribe by oath to the following obligation:

I, _____, do hereby sincerely pledge my honor to perform the duties of my office as prescribed by the Constitution of the Canadian Office and Professional Employees' Union. I will deliver to my successor in office all books, papers and other property of this National Union that may be in my possession at the close of my official term. I will also deliver all property of this National Union to the proper authority of the same upon lawful demand. I will at all times devote my efforts to further the objectives and best interest of the Canadian Office and Professional Employees' Union.

SECTION 2. The President and Secretary-Treasurer shall be elected by delegates voting their representation and it shall require a majority of votes cast to elect. In case 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 tabulated.

SECTION 3. (a) Regions I, VIII and X shall each have five (5) representatives and Region IX shall have three (3) representatives.

(b) The President, the Secretary-Treasurer, the four (4) Regional Vice Presidents and the Vice President seat reserved for women shall be included in the numbers hereinabove mentioned.

(c) The following requirement must be observed in the election of the Regional Officers in Regions I and VIII: a Region shall have no more than three (3) representatives from the same Local Union.

(d) The following requirement must be observed in the election of the Regional Officers in Region IX: the Region shall have no more than two (2) representatives from the same Local Union.

(e) The following requirement must be observed in the election of the Regional Officers in Region X: the Region shall have no more than three (3) representatives from the same Local Union; at least one (1) representative shall come from the Central Ontario Council and at least one (1) representative shall come from the Mid Canada Council.

(f) The Regional Officers shall each be nominated and elected by the Convention delegates from the Local Unions located in each Region voting their representation.

(g) The limitation setting the maximum number of Regional Officers from the same Local Union shall only apply in cases where a Region is comprised of more than one Local Union.

SECTION 4. (a) Regional Vice Presidents shall each be nominated and elected by the Convention delegates from the Local Unions located in each Region voting their representation. They shall nominate and elect one (1) Vice President in Region I; one (1) Vice President in Region VIII; one (1) Vice President in Region IX; and one (1) Vice President in Region X. It shall require a majority of votes cast to elect. In case 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 tabulated.

(b) The person on the Vice President seat reserved for women shall be elected by the delegates voting their representation and it shall require a majority of votes cast to elect. In case 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 tabulated.

(c) After each seat on the National Union Executive Board has been filled, and subject to the next paragraph dealing with National Union Region X, the Regional Officers shall each be nominated and elected in accordance with the following procedures:

(1) Nominations are open for Regional Officers;

(2) In the event that there are more candidates than the number of positions to fill, the vote shall be held as follows:

2.1 Delegates will cast votes in accordance with their representation.

2.2 Ballots shall be declared void if the following conditions are not met:

2.2.1. Delegates shall cast votes for as many candidates as there are positions to be filled.

2.2.2. Delegates shall not have the right to vote for more candidates from the same Local Union than the remaining number of positions that may be held by candidates from that Local Union.

2.3 The candidates receiving the highest number of votes shall be declared elected subject to the limitation in the maximum number of Regional Officers from the same Local Union.

2.4 If that limitation prevents the election of a certain candidate, the candidate from another Local Union receiving the highest number of votes shall be declared elected.

2.5 In the event candidates cannot be declared elected because of a tie vote, a subsequent balloting shall be held only between these candidates. Candidates may withdraw at any time before voting is held.

(d) After each seat on the National Union Executive Board has been filled, the Regional Officers representing Region X shall each be nominated and elected in accordance with the following procedures:

(1) If the reserved seats for the Mid Canada Council or the Central Ontario Council have not been filled with the election of the members of the Executive Board, the following procedure shall apply:

1.1 Nominations are open for the reserved seat(s);

1.2 The candidate(s) receiving the highest number of votes shall be declared elected.

(2) The afore described process shall apply thereafter.

SECTION 5. Officers of this National Union shall be responsible to the chartered Locals for the fair and equitable administration of the provisions of this constitution, and the President shall provide for the satisfactory settlement of grievances submitted by the chartered Locals on their behalf.

ARTICLE X

Duties of President of the Union

SECTION 1. It shall be the duty of the President to preside at all Conventions; to interpret the Constitution; to exercise supervision over the affairs of the National Union throughout its jurisdiction; to sign all official documents; to travel whenever required in the interest of the National Union; and the President shall submit to each regular Convention a report of acts and doings between Conventions.

SECTION 2. The President shall act as executive officer of the Executive Board in all matters wherein authority is not especially conferred upon other officers of the National Union. The President shall be chairperson of the Executive Board and shall have the power to convene the Committee at any time.

SECTION 3. The President shall employ and fix compensation for all necessary legal, technical and administrative help, together with whatever personnel office help may be necessary for the efficient conduct of the office.

SECTION 4. The President's approval shall be required for all extraordinary or nonrecurring disbursements of the National Union.

SECTION 5. The President's approval shall be required on all constitutions and bylaws adopted by Local Unions in accordance with this constitution and all Local Unions shall submit their constitutions and bylaws governing the Local Union membership to the President of the National Union for approval. Such approval shall be obtained prior to their being put into effect by the Local Union.

SECTION 6. The President shall be editor of the official publication of the National Union and shall be authorized to employ such assistance as is necessary in connection therewith. Such publication shall be published at the discretion of the Executive Board. It shall be the official publication of the National Union for all purposes, including notices. The publication shall be free to all dues-paying members.

SECTION 7. The President shall be paid a salary and allowed such per diem allowances as established by the National Union Executive Board, together with transportation and reimbursement for all necessary expenses incurred on behalf of the National Union.

SECTION 8. The President shall be a delegate of the National Union to all Conventions, including Conventions of the Canadian Labour Congress. The President is empowered to appoint delegates of the National Union to any Convention, and to Conventions of the Canadian Labour Congress, where deemed to be in the best interest of the National Union to have additional representation or to act in the President's behalf as a delegate at any such Convention.

SECTION 9. Whenever any Local Union makes a request in writing to the President to take over the affairs of the Local Union, the President may appoint a trustee to assume control over the affairs, operation, books, funds, records, assets and property of such Local Union until such time as the President terminates the trusteeship and turns the affairs of the said Local Union back to the Local Union. Any request by a Local Union for the President to appoint a trustee must be authorized by a vote of the executive board of the Local Union, or by a vote of the union membership as provided by the Local Union constitution and bylaws. Upon appointment of any such trustee, the Local Union officers, agents and members shall turn over to such trustee all books, funds, records, assets and property of any kind, which shall be held and managed by the trustee in trust for the membership of the Local Union. The salary of the trustee, which shall be fixed by the President, and any necessary expenses incurred by the trustee during the period of the assignment, shall be paid by the Local Union.

ARTICLE XI

Duties of Secretary-Treasurer of the National Union

SECTION 1. The Secretary-Treasurer shall keep a correct record of the proceedings of all Conventions and of all meetings of the Executive Board.

SECTION 2. The Secretary-Treasurer shall collect and issue a receipt for all monies paid to the National Union and shall make all proper disbursements by check, except that the Secretary-Treasurer is authorized to maintain a petty cash account of five hundred dollars (\$500.00) from which authorized cash disbursements are made. The Secretary-Treasurer must obtain and keep on file a signed warrant from the President for any extraordinary or nonrecurring disbursements. No funds of the National Union shall be expended except to accomplish the purposes of the National Union.

SECTION 3. The Secretary-Treasurer shall properly safeguard the assets of this National Union and shall keep the funds invested in the name of the National Union. The funds shall be invested or deposited in a chartered bank or other financial institutions, in amounts not to exceed the maximum insurable amounts in a chartered bank in Canada incorporated under the Dominion Bank Act or Credit Union Act for all funds received from Canada. The funds may also be invested in securities issued or guaranteed by the Canadian Government. Whenever possible and feasible, the Secretary-Treasurer shall endeavor to deposit such funds in banks and other financial institutions that are under contract to the National Union.

SECTION 4. The Secretary-Treasurer shall be adequately bonded in a surety company through and on behalf of the National Union, premium for such bond to be paid by the National Union.

SECTION 5. The Secretary-Treasurer shall submit monthly to the President an itemized statement showing all receipts and expenditures and cash on hand; shall submit all books to the certified public accountant designated by the Executive Board, as prescribed by this constitution; shall at all times keep all books and accounts open for inspection of the President and Executive Board; shall make a quarterly financial statement and submit a copy to all members of the Executive Board and to all Local Unions; shall also make an annual financial statement and submit a copy to all members of the Executive Board and to all Local Unions.

SECTION 6. The Secretary-Treasurer shall notify all Local Unions of their past due obligations and of their suspension in the event of such.

SECTION 7. The Secretary-Treasurer shall issue charters to Local Unions under the policies promulgated by the Executive Board.

SECTION 8. The Secretary-Treasurer is authorized to inspect the books, records and financial accounts of any Local Union whenever deemed necessary to do so, having due regard for the convenience of the Local Union, and Local Unions and their officers shall be obligated to turn over their books, records and financial accounts to the Secretary-Treasurer or duly designated representative upon such request for the purpose of such inspection.

SECTION 9. The Secretary-Treasurer shall employ and fix compensation for such office help as is necessary for the proper functioning of the Secretary-Treasurer's office and duties, including traveling auditors for the purposes of inspecting Local Union books, records, and financial accounts whenever, in the Secretary-Treasurer's judgment, it becomes necessary to do so, provided, however, that approval of the National Executive Board must be obtained for any amounts of compensation to be paid for such employment and duties.

SECTION 10. The Secretary-Treasurer shall formulate and establish uniform accounting procedures for Local Unions, to be followed by all Local Unions.

SECTION 11. It shall be the duty of the Secretary-Treasurer to promptly report to the bonding company through which Local Union officers are bonded the failure of any Local Union officer to transmit per capita taxes or financial obligations due the National Union.

SECTION 12. The fiscal year of the National Union shall end with the last day of May of each year.

SECTION 13. The Secretary-Treasurer shall be paid a salary and allowed such per diem allowances as established by the Executive Board, together with transportation and reimbursement for all necessary expenses incurred on behalf of the National Union.

SECTION 14. The Secretary-Treasurer shall be a delegate of the National Union to all Conventions, including Conventions of the Canadian Labour Congress.

ARTICLE XII

Duties of Vice Presidents of the National Union

SECTION 1. The Vice Presidents shall act as volunteer or special organizers for the National Union and shall perform such duties as may be determined and assigned to them by the President in carrying out the objectives of the National Union.

SECTION 2. They shall report monthly to the President, informing conditions and progress and their plans for the forthcoming month.

SECTION 3. They shall perform such other duties as the Executive Board may assign to them.

SECTION 4. While performing assigned tasks, Vice Presidents not employed as organizers shall be compensated in such amounts and allowed such per diem allowances as established by the National Executive Board, together with transportation and reimbursement for all necessary expenses incurred on behalf of the National Union.

ARTICLE XIII

Duties of Executive Board of the National Union

SECTION 1. Between Conventions the Executive Board shall conduct the affairs of the National Union. With this constitution as its guide, it shall take all action necessary to carry out the objectives of this National Union.

SECTION 2. The Executive Board shall meet semi-annually at the call of the President. It shall meet before and after each Convention, and the members thereof shall be available for meetings during any Convention.

SECTION 3. A quorum for the transaction of business at any meeting of the Executive Board shall consist of a majority of the members of the committee. All members of the committee shall be given reasonable notification of Executive Board meetings. The actions of the Executive Board shall be determined by majority vote of the members present.

SECTION 4. On specific propositions and in response to request by the President for a decision, the Executive Board members shall vote by mail, or facsimile; provided, however, that in such cases it shall require a majority vote of the entire Executive Board to decide any issue.

SECTION 5. The Executive Board shall determine the policies pursuant to which charters shall be issued by the Secretary-Treasurer, but shall consult with and obtain the opinion of existing affected Local Unions in any particular city before issuing an additional charter in such city.

SECTION 6. The Executive Board is authorized to determine the conditions and terms under which suspended, expelled, dissolved or disbanded Local Unions may be reconstituted or reinstated.

SECTION 7. The Executive Board shall determine jurisdiction between Local Unions and settle all controversies respecting jurisdiction between Local Unions.

SECTION 8. The Executive Board shall approve all investments of funds of the National Union.

SECTION 9. The Executive Board shall have the power in emergencies to levy assessments upon Local Unions or members of Local Unions, such assessments not to exceed the equivalent of ten cents (10¢) per month per member, provided that a majority of all Local Unions approve of such assessment.

SECTION 10. The Executive Board is authorized to grant strike, lockout or victimization benefits to Local Unions from the funds of the National Union upon terms and conditions established by the Executive Board.

SECTION 11. It shall be the duty of the Executive Board to see that the Secretary-Treasurer is adequately bonded in a surety company to the National Union.

SECTION 12. In case of a vacancy because of resignation, suspension, expulsion, death or incapacity of the President of the National Union, the Executive Board shall meet within thirty (30) days at the call of the Secretary-Treasurer to fill the vacant office, which office shall be held until the next regular Convention. Whenever the office of the Secretary-Treasurer becomes vacant due to resignation, suspension, expulsion, death or incapacity, the President shall have the authority to appoint a temporary Secretary-Treasurer to serve with all rights, powers and duties vested in the office under this constitution, such temporary Secretary-Treasurer to serve until the Executive Board chooses a successor, but in any event, not later than ninety (90) days from the date of the first appointment by the President. The Executive Board, by majority vote, shall fill such vacancy as soon as possible after it occurs, which office shall be held until the next regular Convention. Incapacity shall be defined as a medical condition certified by a licensed physician as making the President or the Secretary-Treasurer unable to perform the duties of their office. Whenever any such incapacity should occur that is not permanent, the temporary appointment by the Executive Board or the President shall terminate as soon as the President or the Secretary-Treasurer is certified by a licensed physician as able to resume performance of the duties of their office. Should any such non-permanent incapacity continue beyond ninety (90) days, the Executive Board or the President shall have the power to make successive temporary appointments which shall be valid only until such time as the President or Secretary-Treasurer is certified as able to resume the duties of their office.

SECTION 13. The Executive Board shall make a complete report of its interim action to the regular Convention.

SECTION 14. The Executive Board shall appoint delegates (other than the President and Secretary-Treasurer) to the Convention of the Canadian Labour Congress.

SECTION 15. In the case of Local Unions amalgamating, the Executive Board shall be empowered to waive that portion of Section 3 of Article XIX of this constitution relating to permitting the election to Local Union office only those persons who have been in continuous good standing in their Local Union for twelve (12) months.

SECTION 16. Three (3) members of the Executive Board may request in writing a special meeting of the Executive Board. Such request shall be addressed to the President, but in the event the office of President is vacant or the President is incapacitated, then to the Secretary-Treasurer, but in the event of vacancy or incapacity in the office of Secretary-Treasurer, then the next senior officer. The President or appropriate officer, as the case may be, shall immediately poll the members of the Executive Board on the question of holding such a meeting, and upon majority vote to hold such a meeting, the President or appropriate officer, as the case may be, shall convene such meeting within thirty (30) days from date of such majority vote.

SECTION 17. The National Union Executive Board shall designate a certified public accountant who shall audit the books, records and financial accounts of the National Union for at least each fiscal year within three (3) months following the end of each such year, a copy of each fiscal year's audit being promptly supplied by the National Union Secretary-Treasurer to each member of the Executive Board and to each Local Union.

ARTICLE XIV

Canada

(Deleted)

ARTICLE XV

Prohibited Activities

SECTION 1. The Executive Board shall have the power, within its discretion and in accordance with the procedure hereinafter set forth, to suspend, expel and discipline a member of any Local Union, an officer of any Local Union or of the National Union, or any Local Union itself, for violating the constitution of the National Union, or for engaging in any activity or course of conduct which it is deemed by the Executive Board to be contrary or detrimental to the welfare or best interest of the National Union, including but not limited to failure to maintain any financial obligation owed or due to the National Union; provided, however, that any Local which becomes three (3) months in arrears in its per capita tax obligation to the National Union shall be automatically suspended. In imposing any penalty upon any member, officer, or Local Union, the Executive Board shall not impose any monetary fine, but shall have the authority to invoke any other penalty allowable by law.

SECTION 2. a. Any proceedings pursuant to Section 1 of this article, except for suspension for nonpayment of per capita tax, shall be commenced by the Executive Board by serving in writing a statement of charges upon the party or parties affected. The Executive Board, shall, upon written request of the party or parties involved, schedule a hearing, and send notice there of which shall specify the time and place of the hearing which shall be held within a reasonable period of time at a place reasonably suited to afford a fair opportunity for all parties to be heard.

b. The Executive Board shall appoint and deputize any officer or agent of the National Union to act as a hearing officer in the matter or it may appoint and deputize any officers or agents of the National Union to act as a hearing committee in the matter. The hearing officer, or committee, shall conduct the hearing and report in writing to the Executive Board with findings, conclusions, and recommendations. At the hearing, any person designated by the Executive Board may present evidence, witnesses, documents, or statements in support of the charges. The accused party or parties shall thereafter have an opportunity to present evidence, witnesses, documents or statements in defense of the charges.

c. The report of the hearing officer, or committee, shall be served upon the party or parties affected at the same time it is rendered to the Executive Board. Any party aggrieved shall have the right to file objections in writing within two (2) weeks after receipt of such report setting forth reasons why the report of the hearing officer, or committee, should be rejected or adopted. The Executive Board, at its next regular meeting, shall by majority vote affirm, reject or modify such report and adopt such findings and conclusions as it deems reasonable and proper in the circumstances. Notice of the decision of the Executive Board shall be provided to the affected parties.

d. It is further provided, however, that when any situation is presented to and found by the President to be a matter of emergency and that the interest of the National Union reasonably require immediate action, the President is empowered to suspend, pursuant to Section 1 of this article, any officer or member of any Local Union or of the National Union, and is further empowered to suspend any Local Union and appoint a trustee over its affairs until such time as procedures hereinafter set forth are complied with.

e. Any notice of suspension by the President directed to any member or officer of any Local Union or the National Union shall be accompanied by a statement in writing of the charges, which shall therewith be referred to the Executive Board for disposition in accordance with the regular procedures hereinabove set forth. Such suspension shall remain in effect until such time as the Executive Board renders its ruling.

f. Any notice of suspension by the President directed to any Local Union shall state the reasons for such suspension and shall, upon written request of the Local Union involved, direct that a hearing be held within thirty (30) days at a time and place selected by the President, to determine whether or not there is sufficient reason to continue such trusteeship. The President shall appoint and deputize any officer or agent of the National Union as a hearing officer, or shall appoint and deputize any officers or agents of the National Union to act as a hearing committee, to conduct such hearing. The President may appoint a representative to present evidence and arguments why the suspension of the Local Union should be continued. The Local Union affected shall have the right through its representatives to present evidence and arguments in its behalf. Parties shall have the right of representation by any member of the National Union and the further right of advice and consultation of legal counsel, if desired. The hearing officer, or committee, after receiving evidence and hearing arguments, shall thereafter make a report to the Executive Board with findings, conclusions and recommendations and serve a copy of such report on the affected Local Union. The Executive Board shall thereafter, after entertaining any objections which the affected Local Union shall care to make in accordance with the procedures previously set forth in this section, shall make findings and conclusions and serve such findings and conclusions upon the affected Local Union. Any Local Union shall thereafter have the right to petition the Executive Board in any period of six (6) months or more for relief from any such trusteeship.

SECTION 3. In the case of an expulsion or suspension of a Local Union, or an officer of a Local Union or of the National Union, all funds, properties, books and assets of the Local Union or of the National Union in the possession of such expelled or suspended Local Union, or of such Local Union officer, or of such National Union officer, shall be turned over to a duly authorized representative of the National Union and the National Union shall have the right to possession of such funds, properties, books and assets.

SECTION 4. In all cases where a Local Union has been suspended under the provisions of this article, the President shall have the power to assume charge of the affairs and business of such suspended Local Union by the appointment of a trustee or other duly authorized representative of the National Union for the purpose of assuming such charge. All funds, properties, books and assets of the suspended Local Union, which must be turned over to the trustee or other duly authorized representative of the National Union pursuant to Section 3 of this article, shall be held in trust for the benefit of the Local Union and shall be managed and expanded only for such purposes as are necessary for the proper conduct of the affairs of the Local Union.

SECTION 5. Any disciplinary action taken or approved by the Executive Board may be subject to appeal to the next regular Convention of the National Union, which Convention is the final authority on all matters of discipline. The appellant shall have the right to appear before any appeals committees that may be set up by the Convention but not before the Convention itself, except with the Convention's consent. In any case there shall be no resort to a court of law until all relief within the National Union under its constitution has been exhausted.

ARTICLE XVI

Finances

The revenue of the National Union shall be obtained as follows: Twenty-five percent (25%) of the total of each initiation fee received by the Local Union from the applicant for membership, but in no case shall the amount received by the Union be less than one dollar (\$1.00) per applicant; a reinstatement fee of two dollars and fifty cents (\$2.50) upon reinstatement of any suspended member of a Local Union, one dollar and twenty-five cents (\$1.25) on each per capita tax unit to the Strike Benefit and Defense Fund; a monthly fee for each outstanding work permit in an amount equal to the per capita tax then due for the first two hundred dues collected during that month to be paid by a Local Union to the National Union; charter fee of fifty dollars (\$50.00) to be paid by each local group upon being chartered; such assessments as the Executive Board is entitled to impose; interest on funds deposited or invested; and a per capita tax collected by the Local Union, which per capita tax shall constitute part of the dues paid by a member of a Local Union to the Local Union and which shall become the property of the National Union when such dues are paid by a member of a Local Union to a Local Union. Effective July 1st, 2004, and payable in August 2004, the per capita tax collected for and forwarded to the National Union shall be based on the number of months' dues collected during each month by each Local Union in accordance with the following schedule:

- \$8.92 each on 1 through 200, and
- 8.47 each on 201 through 300, and
- 8.42 each on 301 through 400, and
- 8.12 each on 401 through 500, and
- 6.42 each on 501 and over.

REGIONAL ORGANIZING COOPERATIVE FUND: An amount of sixty-five cents (65¢) per member per month shall be transferred from per capita tax received to the Regional Organizing Cooperative Fund.

The President may direct the transfer of additional funds from the General Fund into the Regional Organizing Cooperative Fund as may be required from time to time.

The President, in consultation with the Secretary-Treasurer and the Vice Presidents, shall be responsible for the Regional Organizing Cooperative Fund. Notwithstanding any other provision in the Constitution, the President shall have signing authority to all transactions of such fund and shall submit to the Secretary-Treasurer, on a quarterly basis, a report of all transactions. Investments related to such fund shall be subject to Article XI, Section 3 of this Constitution.

HOWARD COUGHLIN MEMORIAL SCHOLARSHIP FUND: An amount of four cents (4¢) on each per capita tax unit received shall be transferred from the General Fund into the Howard Coughlin Memorial Scholarship Fund. The Executive Board shall make all determinations concerning the administration of this Fund.

JOHN KELLY LABOUR STUDIES SCHOLARSHIP FUND: Effective July 1st, 2004, an amount of two cents (2¢) on each per capita tax unit received shall be transferred from the General Fund into the John Kelly Labor Studies Scholarship Fund. The

Executive Board shall make all determinations concerning the administration of this Fund.

ROMÉO CORBEIL MEMORIAL SCHOLARSHIP FUND: Effective July 1st, 2004, an amount of two cents (2¢) on each per capita tax unit received shall be transferred from the General Fund to the Roméo Corbeil Memorial Scholarship Fund. The Executive Board shall make all determinations concerning the administration of this Fund.

CONVENTION FUND: Effective July 1st, 2004 and payable in August 2004 and each month thereafter, each Local Union shall contribute fifty dollars (\$50.00) per month to the Convention Fund as per the rules and regulations presently existing.

This article shall not prohibit the National Union or its Executive Board from accepting revenues from other legitimate sources or from borrowing money, or from raising funds by any legitimate means.

ARTICLE XVII

Councils

SECTION 1. Where mutual interests require cooperative action by Local Unions and their membership in advancing the purposes and aims of the National Union, the Executive Board of the National Union may establish Councils of Local Unions within limited areas or by industries; provided, however, that such Councils shall be established only after (1) the jurisdiction of such Council has been determined and defined by the Executive Board, such jurisdiction to be limited to the Local Unions within the area within which such Council can effectively carry out the purposes of this article, and (2) the request or approval of a majority of the Local Unions within the jurisdiction of the Council as determined by the Executive Board.

SECTION 2. Affiliation with an established Council by each Local Union within the jurisdiction of such Council shall be as determined by action of each such Local Union, and on a voluntary basis.

SECTION 3. The Constitution and By-Laws of all Councils, and any proposed amendments thereto shall be submitted for the National Union President's examination, correction and approval before final adoption. Such Constitution and By-Laws or Amendments thereto must be approved by at least two-thirds (2/3) of the members voting except in the case of dues, per capita tax, and individual member assessments which shall require the approval of at least a majority of the members voting. Voting on these questions shall be at meetings of the respective Local Unions affiliated with the Council, of which meetings notice has been sent to all members in writing by mail or other appropriate notice at least ten (10) days before date of meeting.

SECTION 4. All of the provisions of the constitution of the National Union relating to Local Unions, their officers and members shall, insofar as they are applicable and adaptable, apply to and control all Councils of the National Union.

SECTION 5. Each Council shall determine the proportion and method of representation therein of Local Unions within its jurisdiction, and the revenues to be collected from its affiliated Local Unions to maintain and carry on the work of the Council.

SECTION 6. Each Council shall secure a bond by a bonding company and under a bond approved by the Secretary-Treasurer of the National Union to cover the Secretary-Treasurer of the Council.

SECTION 7. The Secretary-Treasurer of each Council shall render a quarterly statement of receipts and disbursements to each affiliated Local Union within its jurisdiction and to the National Union Secretary-Treasurer.

SECTION 8. Each Council shall, at the close of each calendar quarter, supply the President of the National Union with a complete report of its activities.

SECTION 9. The constitution and bylaws of each Council shall specify the extent of its functions in relation to its affiliated Local Unions; but no Council shall exercise any function which would violate the rights, duties, authority or control otherwise delegated in the National Union constitution or the constitution and bylaws of any of the Local Unions affiliated with such a Council.

SECTION 10. Councils may through appropriate provisions in their Constitution and By-Laws provide for the levying of assessments upon their affiliated Local Unions in case of emergency. When such assessments are paid from the Local Union treasury without individual member assessment, no further action is required by such Local Unions. When any assessment is to be paid by members, it shall be required that a majority of all affected members present and voting must approve. Voting on the question by members shall be by secret ballot and shall be at meetings of the respective Local Unions affiliated with the Council, with notice of such meetings having been sent to all members in writing, at least ten (10) days before date of meeting. All assessments shall be subject to the approval of the President of the National Union in advance of being levied.

ARTICLE XVIII

Conferences

(Deleted)

ARTICLE XIX

Local Unions

SECTION 1. In order to establish a Local Union, at least twenty-five (25) members working within the jurisdiction of the National Union must apply to the Secretary-Treasurer of the National Union for a charter and pay a charter fee of fifty dollars (\$50.00) for the charter and initial supplies. Such charter if granted shall thereafter be installed by the Secretary-Treasurer or the duly authorized representative.

SECTION 2. No Local Union can be dissolved while there are seven (7) dues-paying members therein who desire to continue its existence. When any Local Union ceases to represent employees of any employer, the Executive Board may suspend the charter of such Local Union and order it dissolved. The funds of a Local Union cannot be divided among individual members and can be utilized only for valid union purposes. Upon the dissolution of any Local Union, all its properties and assets, including its funds, books and records, shall become the property of the National Union, to be held by the National Union in trust for a period of one (1) year, during which time such property shall be returned to the Local Union, if it is reconstituted. After such one (1) year period, such properties and assets shall become the property of the National Union and the funds placed in the National treasury to be used by the National Union for its general purposes.

SECTION 3. All Local Unions shall have the following minimum number of officers: President, Vice President, Secretary-Treasurer, recording secretary and three (3) trustees, except that a Local Union may combine the office and duties of the recording

secretary with the office and duties of the Secretary-Treasurer. In addition, a Local Union may provide in its constitution and bylaws for such other officers as it deems necessary for the conduct of its business, such as additional Vice Presidents, guard, guide, sergeant-at-arms, etc. A business representative or business representatives may also be designated as an officer or officers of the Local Union, or may be employed, in which latter case they need not necessarily be members of a Local Union at the time of hiring. Each Local Union shall have an executive board consisting of its President, Vice President or Vice Presidents, Secretary-Treasurer, and such other additional officers or executive board members as the Local Union deems necessary for the conduct of its business. A Local Union may by provision in its constitution and bylaws provide for the election of some or all of its executive board members who are not officers from specified divisions of the Local Union by the members in each such division or the general membership. No person shall be elected or appointed to a Local Union office or as an executive board member unless such person has been a member of a Local Union in continuous good standing for at least the preceding twelve (12) months, unless the Local Union has been functioning (the period when a Local Union shall be deemed to be "functioning" shall be that commencing with the first month for which per capita tax payments are regularly made) for less than one (1) year; provided, however, that the Local Union may in its constitution and bylaws provide for some or all of its executive board members (not officers), who may not meet this requirement, to be elected or appointed from specific divisions of the Local Union. The Local Union is authorized to compensate its officers and representatives as it sees fit.

SECTION 4. Applicants for membership in any Local Union shall be required to fill out application and authorization cards upon forms specified or approved by the Secretary-Treasurer of the National Union.

SECTION 5. The officers and executive board members of a Local Union shall be elected by a majority or a plurality of the votes cast as set forth in its constitution and bylaws. Any election of officers and executive board members of a Local Union shall be by secret ballot, except that a Local Union may provide in its constitution and bylaws that such officers and executive board members shall be declared duly elected if only one nomination is made for any such office. No voting by proxy shall be allowed. Where geographic location may cause difficulties in following the usual election procedure, the National President may authorize mail balloting. The procedures for holding elections shall be prescribed in the Local Union constitution and bylaws and the term of office of officers and executive board members shall not be less than one (1) year nor more than three (3) years. Vacancies in office or on the executive board shall be filled by special election; except that, if so provided in the Local Union constitution and bylaws, the Local Union executive board may appoint officers or executive board members to fill vacancies.

SECTION 6. The duties of officers of Local Unions shall include the following:

a. It shall be the duty of the President to preside at all meetings of the Local Union; to preserve order during its deliberations; to sign all orders on the treasury when ordered by the Local Union; to appoint all committees not otherwise ordered; and to transact such other business as may of right pertain to the President's office and which may be necessary for the proper functioning of the Local Union.

b. The Vice President shall perform the duties of the President in the absence of that officer and, in case of the resignation or death of the President, shall perform the duties of the President until such vacancy is filled as provided for by the Local Union constitution. The Vice President shall also preside when called upon by the President

and at times when the President may be temporarily unable to discharge the duties of the office of the President.

c. The recording secretary shall keep a correct record of all union meetings, and of all meetings of the executive board of the Local Union unless the Local Union provides for and elects a recorder for such purpose.

d. The Secretary-Treasurer shall perform the following duties:

1. The Secretary-Treasurer shall keep all financial accounts of the Local Union and shall maintain correct and proper accounts of all of its members; collect all financial obligations due from members of the Local Union; make all disbursements for the Local Union as provided in Section 12 of this article; 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 National Union monthly, and to the next regular meeting of the Local Union.

2. The Secretary-Treasurer shall be properly bonded by a bonding company and under a bond approved by the Secretary-Treasurer of the National Union. The Secretary-Treasurer shall deposit all funds of the Local Union in a bank recommended by the trustees. The Secretary-Treasurer shall submit all books and records to the trustees for audit and approval whenever called upon to do so, and upon the expiration of the term of office, turn over to the successor all properties and assets including funds, books and records of the Local Union. Before turning over such properties and assets to the successor, the Secretary-Treasurer must see to it that such successor is properly bonded. The Secretary-Treasurer shall turn over all properties and assets, including funds, books and records to the Secretary-Treasurer of the National Union or the duly authorized representative when properly called upon to do so.

3. The Secretary-Treasurer shall transmit monthly to the Secretary-Treasurer of the National Union all financial obligations owing to the National Union not later than by the 15th day of the following month. The Secretary-Treasurer shall follow such accounting and reporting procedure as shall be formulated by the Secretary-Treasurer of the National Union. The Secretary-Treasurer shall be required to make monthly reports to the Secretary-Treasurer of the National Union of all dues-paying members on forms prescribed by the Secretary-Treasurer of the National Union. The Secretary-Treasurer shall be required to include in each monthly report the social security or social insurance number, name and address of all newly initiated and reactivated members, members who have withdrawn, died, or have been suspended (including members automatically suspended upon becoming three (3) months' delinquent in dues) or expelled, and the names of all persons to whom working permits were issued during the month.

e. The trustees shall audit the books of the Secretary-Treasurer at least quarterly and at the close of each fiscal year and shall report each such audit to the Local Union and to the Secretary-Treasurer of the National Union, or if the Local Union so chooses, it may, as an alternative, have the audit conducted annually by a certified or chartered public accountant in Canada, and have such audits reported to the Local Union and to the Secretary-Treasurer of the National Union.

SECTION 7. The duties of executive boards of Local Unions shall be only such as are specifically prescribed in the Local Unions' constitutions and bylaws; provided, however, that Local Unions may not prescribe for their executive boards in their constitutions and bylaws any duties, functions or authorities vested in any other person, board, or body under the National constitution.

SECTION 8. Local Unions shall charge an initiation fee of not less than two dollars (\$2.00) or not more than one hundred dollars (\$100.00) or any other amount approved by the National Union President, twenty-five percent (25%) of which, but in no case less than one dollar (\$1.00), shall be forwarded to the National Union, as provided in Article XVI; provided, however, that no initiation fee shall be required by any Local Union, or by the National Union, of any person involuntarily inducted into the armed services of Canada or entering such services during emergency periods as determined by the Executive Board, if any such person applies for membership within a period of one (1) year after being discharged provided such discharge is other than a dishonorable discharge and provided same is initial employment following such service; and provided further than when in the judgment of the President of the National Union it shall be deemed to be to the best interests of the National Union to waive initiation or reinstatement fees in whole or in part in connection with any particular organizing campaign, the President of the National Union shall be empowered to waive such fees if the Local Union involved shall so request or if such action would contribute to organization of a new Local Union; and provided further that the National Union Executive Board may, upon the request of a Local Union or if such action would contribute to organization of a new Local Union, and if in its judgment the circumstances so warrant and such action will not interfere with the future progress of the Local Union or adversely affect the best interest of the National Union, authorize an initiation fee in excess of the maximum herein specified. Effective July 1st, 2004, all Local Unions dues shall be a minimum of thirteen dollars (\$13.00) per month or average equivalent of same, from which dues the per capita tax collected by the Local Union for the benefit of the National Union shall be paid. In unusual circumstances, the President shall be empowered to defer the application of the minimum dues or minimum dues increases of Local Unions.

SECTION 9. No assessment of any kind can be made by any Local Union except as voted by secret ballot by a majority of the membership or by an executive Council or similar body which is representative of the membership, with authority under the Local Union constitution superior to that of the Local Union executive board present at a meeting called for that purpose and of which all members have been notified at least fifteen (15) days in advance and provided further that such assessments must be subject to the approval of the President of the National Union in advance of being levied. However, benefit assessments do not require approval of the President of the National Union and are not subject to the maximum limitations set forth below provided that benefit funds are maintained and operated from a separate fund established by the Local Union and are set forth in the Local Union's constitution and bylaws. A Local Union may not assess its membership more than one dollar (\$1.00) per member per month or more than four dollars (\$4.00) per member in any fiscal year, except that in emergency situations Local Unions may make additional assessments with the permission of the President of the National Union.

SECTION 10. Local Unions may discipline their members or officers for violation of the National Constitution or the Local Union Constitution and/or bylaws for engaging in any activity or course of conduct which is deemed to be contrary or detrimental to the welfare or best interest of the Local Union. The Executive Board shall establish uniform procedures, including rights of appeal, to insure full compliance with applicable law which shall be complied with in order to afford the fullest protection for all parties involved. Notwithstanding the foregoing, a Local Union may establish a disciplinary procedure provided such procedure is approved by the National President.

None of the foregoing is applicable to any matter involving delinquency or failure to pay dues. Any Local Union may provide in its bylaws for automatic suspension of any member who is delinquent a minimum of one (1) month in dues payment, but in any event any member of any Local Union who becomes three (3) months' delinquent in dues payment shall be automatically suspended.

SECTION 11. Any Local Union which becomes three (3) months in arrears in its per capita tax obligations to the National Union shall be automatically suspended, and any Local Union which fails to transmit at least all of the first of such three (3) months' obligations so as to reach the National Union by the 15th of the month following such three (3) month period, shall be deemed to have become three (3) months in arrears.

SECTION 12. Expenditures of the Local Union shall be only for purposes of the Local Union, and in all cases shall be made by check signed by the Secretary-Treasurer and countersigned by the President or Vice President; provided, however, that a petty cash fund may be authorized by the Local Union, from which expenditures can be made. The initiation fees, reinstatement fees and other obligations owed by the Local Union to the National Union shall constitute a preferred claim and must be paid promptly by the Local Union each month prior to the payment of any other obligation of the Local Union.

SECTION 13. In accordance with Article X, Section 7, each Local Union must have an approved constitution and bylaws. It is the obligation of the Local Unions to update their constitutions in accordance with the actions taken at each Convention, no more than six (6) months after receipt of a listing of constitutional changes from the National Union Secretary-Treasurer.

SECTION 14. Amendments to Local Union constitutions can be made only by a two-thirds (2/3) vote of those eligible members voting on such matters under the Local Union's constitution, except that changes in dues, initiation fees and reinstatement fees shall require only a majority vote of those members voting on any such issue, notwithstanding any provision in any Local Union constitution to the contrary.

ARTICLE XX

Strike Benefit and Defence

SECTION 1. No Local Union shall call a strike against an employer, or employers, unless the members of the Local Union employed by such employer or employers by a majority vote of those present at a meeting called for this purpose so requested by secret ballot; provided, further, that a meeting of the Local Union—of which all members have been notified and called for the purpose of discussing the proposed strike—a majority of those present shall have voted by secret ballot to grant strike sanction, but provided that the Local Union may, by secret ballot at a meeting duly called for such purpose, confer blanket or other authority upon its executive board to call any or all strikes; and provided finally that approval of the President of the National Union shall be obtained. Approval of the President of the National Union shall not be construed as approval, ratification, or participation by the National Union in any particular activity of the Local Union involving such strike and shall imply no more than that such strike is not contrary to the best interests of the National Union, its Local Unions, and its members.

SECTION 2. Strikes against any employer, or employers, may be terminated if a majority of the members of the Local Union employed by such employer, or employers, so request by secret ballot.

SECTION 3. The National Union shall maintain a Fund known as the Strike Benefit and Defense Fund consisting of all monies paid by the Local Unions to the National

Union in conformance with the applicable portion of Article XVI providing for Local Union payments to such Fund, which payment shall be in addition to the other payments required in Article XVI. Payments to the Strike Benefit and Defense Fund shall be set forth separately from other Local Union payments and shall be sent to the Secretary-Treasurer of the National Union, who shall deposit such payments in the Fund which shall be kept separate and apart from all other monies and accounts.

SECTION 4. Whenever a Local Union is involved in a strike, the Local Union shall make application to the Executive Board of the National Union for strike benefits to be drawn from the Strike Benefit and Defense Fund. The Executive Board shall make all determinations concerning the issuance of funds, and shall adopt procedures, rules and regulations for the administration of the Strike Benefit and Defense Fund, which shall be final and binding upon all Local Unions and all members. Payments of benefits from the Fund upon authorization by the Executive Board shall not be construed as approval, ratification, or participation by the National Union in any activity of the Local Union involving such strike, but shall be limited solely to economic aid to members of the Local Union.

SECTION 5. The Strike Benefit and Defense Fund may also be used as determined by the Executive Board for the defense of the Union and its members.

ARTICLE XXI

Withdrawal and Military Service Cards and Work Permits

SECTION 1. Local Unions are authorized to issue withdrawal cards only to active members who, at the time of request for same, are in good standing with all obligations to the National Union and the Local Union paid, including the current month. Such cards shall be issued as follows:

(a) A withdrawal card shall be issued by a Local Union to any active member requesting same who is leaving the jurisdiction of the National Union.

(b) Any person bearing a withdrawal card shall not be entitled to participate in the operation of any Local Union. A person bearing a withdrawal card and who has complied with the conditions of the same shall upon resuming work within the jurisdiction of any Local Union deposit such card and thereafter shall be admitted to membership in any such Local Union without the payment of any initiation or transfer fees.

SECTION 2. Members entering the armed services of Canada during emergency periods as determined by the Executive Board of the National Union and who are in good standing with all obligations to the National Union and the Local Union paid, including the month in which they entered the armed services, shall be issued military service cards which shall continue their membership without the payment of dues or other fees for the period of the service required by such emergency periods and for an additional ninety (90) day period or until they again resume work within the jurisdiction of the Local Union, whichever occurs first, except that such persons shall only accrue rights to benefits to the extent determined by their respective Local Unions.

SECTION 3. Withdrawal and military service cards shall be issued by the Secretary-Treasurer of the Local Union and monthly reports of all such cards issued, deposited or canceled shall be made to the Secretary-Treasurer of the National Union.

SECTION 4. Local Unions may issue work permits to persons employed for a period not exceeding ninety (90) days for work within the jurisdiction of the Local Union in establishments where the Local Union has union agreements, which work permit shall

allow such person to work without the payment of initiation fees and dues; provided, however, that any such person may apply at any time during such period for membership in such Local Union. In the event a person works beyond ninety (90) days, then any extension beyond this period will be subject to approval by the National President. Such permits if used by a Local Union shall be issued monthly and the charge shall be the same as the Local Union's regular monthly dues. Work permits shall be issued by the Local Union Secretary-Treasurer and monthly reports of all work permits issued shall be made to the Secretary-Treasurer of the National Union.

SECTION 5. All withdrawal, military service and work permit cards shall be secured by the Local Union from the Secretary-Treasurer of the National Union.

ARTICLE XXII

Withdrawal Card Reciprocity

SECTION 1. Any former member of a union affiliated with the Canadian Labour Congress not under the jurisdiction of this National Union who accepts employment under the jurisdiction of this National Union shall, upon application for membership and irrevocable surrender of an honorable withdrawal card, or evidence of honorable termination of membership in those instances where unions do not issue withdrawal cards and upon payment of the current month's dues, if accepted for membership in the Local Union be inducted into such Local Union, without the payment of any initiation fees. Any such evidence of such an applicant shall be surrendered to the Secretary-Treasurer of the Local Union, who shall forward same to the Secretary-Treasurer of the National Union in lieu of initiation fees on such applicant. This section shall only apply to unions affiliated with the Canadian Labour Congress, which have a reciprocal plan of accepting withdrawal cards from Locals of the National Union in lieu of an initiation fee.

SECTION 2. Any member of any Local Union affiliated with this National Union who secures employment under the jurisdiction of any other union affiliated with the Canadian Labour Congress not under the jurisdiction of this National Union and who is thereby required to become a member of such other union, may retain membership in the Local Union of this National Union.

ARTICLE XXIII

General Provisions

SECTION 1. Copies of all collective bargaining agreements entered into by Local Unions shall be filed at National headquarters, and all such agreements, together with such information as may be necessary for a proper understanding of the agreement, shall be submitted to the President of the National Union. The National Union assumes no responsibility for any agreement to which it is not an actual party.

SECTION 2. The National Union assumes no responsibility for acts or actions of Local Unions, their officers or members not expressly directed or authorized by the National Union or its duly authorized representatives.

ARTICLE XXIV

Rules

Each Convention of the National Union shall adopt the rules to apply at such Convention. The rules adopted by the Rules Committee meeting in advance of a Convention shall apply until rules are adopted by the Convention. Except as otherwise provided in this constitution or in the rules adopted by Conventions, the latest edition of

“Robert’s Rules of Order Newly Revised” shall be followed. Except as otherwise provided in Local Union rules or bylaws approved by the President of the National Union, the latest edition of “Robert’s Rules of Order Newly Revised” shall apply to all meetings of Local Unions.

ARTICLE XXV

Constitution is Paramount Law

The constitution of the National Union shall be the paramount law governing the affairs of all Local Unions of the National Union. Any provision contained in the constitution and bylaws of a Local Union which is contrary to or in conflict with the provisions of the National Union constitution shall be inoperative and of no effect except as the National President may otherwise specifically approve.

ARTICLE XXVI

Amendments to Constitution

Amendments to this constitution can be made only by a two-thirds (2/3) vote of a Convention. Unless otherwise provided for, amendments shall become effective upon adoption.

INITIATION OF MEMBERS AND OATH OF OFFICE

Initiatory Obligation

“I, _____, pledge my honor before these witnesses to faithfully comply with the constitution, laws, and all amendments thereto of Canadian Office and Professional Employees’ Union, Local No _____, and of the National Union.”

OATH OF OFFICE

“I, _____, do solemnly pledge my word and honor before these witnesses that I will, to the best of my abilities, perform the duties of my office. At the close of my official term, I will turn over to my successor all books, records, and all other properties, including funds, of this Local Union, that may be in my possession. I will also deliver all such properties to the Canadian Office and Professional Employees’ Union upon lawful demand. I will at all times devote my efforts to further the objectives and best interests of my Union.”

**ADMINISTRATIVE
POLICIES AND PROCEDURES**

APPEAL PROCEDURE

(Adopted by the National Union Executive Board on June 20, 2004.)

I. DEFINITIONS

A. The term “Local Union” when used in this Appeal Procedure means a Local Union, council, or any other subordinate body of the Canadian Office and Professional Employees’ Union (National Union), as applicable.

B. The term “Executive Board” when used in this Appeal Procedure means the Executive Board or other governing body of a Local Union, council, or other subordinate body of the National Union, as applicable.

C. The term “membership” when used in this Appeal Procedure means the membership of a Local Union, council, or other subordinate body of the National Union, as applicable.

D. The term “officer” when used in this Appeal Procedure means any person authorized to perform the function of President, Vice President, Secretary-Treasurer, Recording Secretary, Trustee, Business Manager or any other executive function of a Local Union, and any member of the Executive Board of a Local Union.

II. WHAT IS APPEALABLE

Any decisions or actions of a Local Union, or of any officers, officials or subordinate body of a Local Union, concerning the following matters, are appealable to the National Union Executive Board:

A. An election of any Local Union officer.

B. The discipline of any member of a Local Union for activities undertaken as a member, officer, or other official of his/her own Local Union.

C. The membership status of any member.

D. Disputes in which the National President deems it to be in the best interest of the National Union to permit an appeal.

III. PREREQUISITES TO AN APPEAL

Before any issue may be appealed, the following procedures must be completed:

A. Election issues

1. The appeal procedures of the Local Union Constitution and/or Bylaws must be followed, and a final decision of the Local Union must be rendered.

2. If no Local Union procedures to consider election issues exist, then the following procedures apply:

a) A written protest of the election stating all grounds on which the election is challenged must be presented, by a member or members of the entity in which the election was held, to the committee or other body responsible for conducting the election within ten (10) days after the ballots are counted.

b) The committee or other body responsible for conducting the election must issue a written ruling on the issues raised in the protest within ten (10) days of receipt.

c) An appeal may be taken to the Local Union Executive Board within ten (10) days of receipt of the decision of the responsible body or committee. The Executive Board

may sustain, modify, or reverse the decision of the body responsible for conducting the election. The Executive Board shall render a decision on the appeal no later than at its next regular meeting, and that decision shall be fully explained in writing within seven (7) days after that meeting. Copies of the written decision must be sent to each protesting member and the body responsible for conducting the election, within seven (7) days after the Executive Board meeting.

d) If the Local Union fails or refuses to timely process the election protest, an appeal may be taken directly to the National Union Executive Board through this Appeal Procedure.

e) The persons that the Committee or other body responsible for conducting the election declares elected shall retain their offices so long as an appeal is pending, unless the National Union Executive Board determines otherwise.

B. Discipline issues

Local Unions follow the Uniform Disciplinary Procedure or a Local Union procedure which has been approved by the National President, including any appeal rights provided in such procedure.

C. Membership Status Issues

1. The Executive Board of the Local Union has ruled on the issue; and
2. The Local Union has decided the issue as provided in its Constitution or Bylaws.

D. Presidential Determination to Allow Appeal

1. If a member of a Local Union, or an officer or other official of a Local Union wishes to challenge an action of a Local Union or an officer, official or a subordinate body of a Local Union not covered by the above categories; and

2. The action has been upheld by the Local Union as provided in its Constitution or Bylaws; and

3. The member, Local Union, officer, or official presents a written Request for Permission to Appeal to the National President explaining in detail the issue or matter complained of and how it affects the National Union, and requesting relief; then

4. The National President may determine that it is in the best interest of the National Union to allow an appeal to be taken.

IV. HOW AN APPEAL IS PROCESSED

A. How Taken

1. An appeal permitted by this procedure shall be initiated by filing an appeal with the National President, and simultaneously filing a copy with the National Secretary-Treasurer.

B. Timeliness

1. To be timely an appeal must be received no later than thirty (30) days after receipt of the final Local Union decision, or as otherwise specified in this Appeal Procedure.

2. To be considered at an National Union Executive Board meeting, the appeal must have been received no less than sixty (60) days prior to the start of the meeting.

3. These requirements may be waived by the National President.

C. Contents

1. An Appeal shall contain the following:

a) Name, address, telephone numbers, fax number, e-mail address, and Local Union of the party or parties appealing.

b) Dates of the decisions made by all bodies of the Local Union which considered the dispute, including but not limited to the Election Committee, the Executive Board and the membership.

c) A copy of the written decisions issued by all bodies of the Local Union which considered the dispute, including but not limited to the Election Committee, the Executive Board and the membership.

d) If no written decisions are issued by any body of the Local Union, then a detailed description of the action appealed must be included.

e) Citation to the relevant provisions of the Local Constitution or Bylaws, the National Constitution, the National Union Disciplinary Procedures for any provincial, or federal law relied upon.

f) A statement of the arguments and reasons why the appeal should be granted.

g) A statement of the relief requested.

D. Service and Response

1. Copies of the Appeal shall be served upon the Secretary-Treasurer of the concerned Local Union, at the same time the Appeal is sent to the National President and National Secretary-Treasurer.

2. Within ten (10) days of receipt of an Appeal, the Secretary-Treasurer of the concerned Local Union shall serve a copy of the complete record of all proceedings at the Local Union level, including but not limited to any documents considered, any decisions, and complete minutes of all relevant or related Executive Board and membership meetings, upon the National President and the National Secretary-Treasurer.

3. The Local Union or Unions may also file a statement of position within ten (10) days after receiving an appeal with the National President and simultaneously with the National Secretary-Treasurer.

4. The National Secretary-Treasurer shall promptly provide copies of all documents received from any party in any appeal to all other parties.

E. Method of Filing and Service

1. All documents to be sent, filed, or served in accordance with this Appeal Procedure shall be signed and sent by first class mail, or delivered and a signed receipt obtained, faxed, or sent by e-mail.

F. The Procedure

1. Upon receipt of the Appeal, Local Union record or records, and timely filed statement(s) of position, if any, the National President shall decide the procedure to be followed in the handling of the appeal. The National President may require any or all of the following actions to be taken:

a) Appoint an investigator or hearing officer to ascertain the facts and make a recommendation of the action to be taken to the Executive Board.

b) Appoint a Committee of the Executive Board to ascertain the facts and make a recommendation of the action to be taken to the Executive Board.

c) Direct that the Appeal be decided by the Executive Board.

2. The National President shall decide in any appeal if any of the following proceedings will occur:

- a) Consideration solely upon the documentation and written statements of position and arguments previously presented by the parties.
- b) An opportunity for the parties to appear and state their positions and respond to questions.
- c) A hearing to determine the facts.

3. If the National President determines that an appeal involves the interpretation of the National Constitution, then the National President shall decide that issue or issues, and if appropriate, sustain, modify or affirm the decision(s) that have been appealed.

G. Hearings

1. If the National President determines that a hearing is appropriate, the following shall apply, subject to any limitations deemed reasonable by the Hearing Officer or Committee which is conducting the hearing:

- a) The parties shall be permitted to appear and shall be afforded a full and fair hearing.
- b) The parties shall have the right to call, examine and cross-examine witnesses.
- c) The parties shall have the right to present documentary and other evidence.
- d) The parties shall be permitted to file pre-hearing but not post-hearing briefs.

H. Representation

Parties to an appeal may be represented.

I. How Decided

The National Union Executive Board shall decide by majority vote whether to sustain, modify or the National Union Executive Board shall decide by majority vote whether to reverse the decision(s) from which the appeal is taken.

J. Final Decision

If no appeal is taken, the decision of the National Union Executive Board shall be final and binding.

V. APPEAL TO CONVENTION

A. Any party who intends to appeal to the National Union Convention shall state that intent in writing to the National President and all parties to the proceeding within sixty (60) days of receipt of the decision of the National Union Executive Board.

B. Duplicate signed copies of the Appeal shall be served upon the National Secretary-Treasurer not later than twenty-one (21) days prior to the opening date of the Convention.

C. The Appeal shall state which part of the decision of the Executive Board is being appealed.

D. The Appeal shall contain a detailed statement of the reason(s) the decision is incorrect.

E. The National Secretary-Treasurer shall immediately provide copies of any appeal to the National President and all parties who appeared before the National Union Executive Board.

F. During the pendency of any appeal, the decision of the National Union Executive Board shall remain in effect unless the Executive Board determines otherwise.

G. The National President shall appoint an Appeal Committee comprised of delegates to the Convention to consider the appeal and make a recommendation to the Convention.

H. No Appeal Committee may receive or consider evidence beyond that contained in the file of the National Union Executive Board.

I. No party to an appeal may address the Convention about that appeal without the consent of two-thirds (2/3) of the delegates to the Convention, except that any party who is also a delegate may be heard when the recommendation of the Appeal Committee is presented to the Convention for action.

J. The Convention may sustain, modify or reverse any decision of the National Union Executive Board which is appealed.

K. The decision of the Convention shall be final and binding.

VI. EXHAUSTION OF PROCEDURES BEFORE FILING COURT OR AGENCY ACTION

A. There shall be no resort to a court of law or any governmental agency by any party to a dispute with a Local Union, or the National Union, or with any member of the National Union arising under a Local Union or the National Union Constitution or Bylaws, unless and until all procedures provided in this Appeal Procedure, or otherwise in the Constitution of the National Union, have been exhausted to the extent permitted by applicable law.

VII. COSTS OF PROCESSING AN APPEAL

All expenses or costs incurred by any party utilizing this Appeal Procedure shall be paid for by that party.

VIII. EFFECTIVE DATE

This Appeal Procedure shall be effective upon adoption and shall apply to all appealable matters pending on the date of its adoption, except matters in which the National Union Executive Board has taken final action before the adoption of this Appeal Procedure.

IX. SEVERABILITY

If any provision of this Appeal Procedure is held to be illegal or invalid in a final judgment of a court of competent jurisdiction, the remainder of this Appeal Procedure shall remain in full force and effect.

POLICY AND PROCEDURE FOR MERGERS BETWEEN LOCAL UNIONS

*(Adopted by the National Union Executive Board
on June 20, 2004)*

The National Union recognizes that mergers of Local Unions can result in greater strength, solidarity, and efficiency for their memberships, and strongly recommends that Local Unions consider merger where appropriate. To facilitate and encourage the merger process, the National Union Executive Board promulgates the following Policy And Procedure For Mergers Between Local Unions.

1. Mergers between Local Unions may only be effected in accord with this Policy and Procedure.

2. The Executive Board of each Local Union involved shall first approve consideration of the proposed merger, and then each such Local Union shall submit a written application to the President for approval to conduct merger discussions. Each application shall be accompanied by copies of the following documents for each Local Union involved:

- A. The current Constitution and Bylaws;
- B. The most recent statement of assets and liabilities; and
- C. The most recent National Union reports.

3. After obtaining the written approval of the National President, the Local Unions may begin merger discussions and, if a tentative agreement to merge is reached, the Local Unions shall memorialize that tentative agreement in a Merger Agreement. The issues addressed in the Merger Agreement shall include:

- A. Statement of intent to merge;
- B. Which Local Union shall be the surviving entity, or whether a new Local Union should be created;
- C. Dues requirements in the merged Local Union;
- D. Control of the assets of the merging Local Unions;
- E. Responsibility for liabilities of the merging Local Unions;
- F. Who will be the officers and executive board members in the merged Local Union;
- G. When the next election of officers and executive board members will occur;
- H. Which constitution, bylaws, and/or amendments will govern the merged Local Union, and the precise language to be used in any such amendments;
- I. Whether any divisions or units will be recognized in the merged Local Union; and
- J. Effective date of the merger (which cannot be until the merger is approved by the National Executive Board).

4. The Local Unions involved shall then schedule and conduct merger meetings in conformity with the following, or proceed to approve the merger in accord with the Constitution and Bylaws of an involved Local Union which provide for such decisions to be made by a body or bodies other than the Executive Board and/or the membership:

A. The Executive Boards of each of the involved Local Unions shall approve the terms of the Merger Agreement.

B. If the Executive Board of each of the involved Local Unions approves a Merger Agreement, then the Agreement must be presented for a vote by the memberships. A Local Union may have the Merger Agreement read and discussed at one Local Union membership meeting and voted upon at the next Local Union membership meeting, or the Executive Board may decide to conduct a mail ballot on the acceptance of the Merger Agreement of each involved Local Union. The text of the complete Merger Agreement and the date, time, and place where all meetings to discuss and/or vote upon the Merger Agreement will be held must be mailed by first class mail, postage prepaid, to the last known address of each member of each Local Union prior to the vote to accept the Merger Agreement. That mailing must be made at least thirty (30) days prior to the membership meeting at which the vote will be taken, or the last date upon which mail ballots may be returned. If the Merger Agreement includes any amendments to the Constitution of the surviving Local Union, those amendments must be adopted in accord with the procedure for amending that Constitution.

C. Each Local Union should hold at least one meeting which shall include a complete review of the Merger Agreement and the opportunity for members to ask any questions and receive answers. The vote on a proposed Merger Agreement at a membership meeting shall be by a secret ballot conducted by a ballot committee selected from the members present by the Local Union President. A Local Union Executive Board may engage an outside agency to conduct a mail ballot to accept a Merger Agreement. A majority of the members present and voting, or returning mail ballots, must approve the Merger Agreement.

D. However, where the membership of all but one of the pre-merger Local Unions is less than twenty-five percent (25%) of the membership of that one pre-merger Local Union, then subsections B and C shall only apply to the smaller pre-merger Local Union or Unions. The Executive Board of that one largest pre-merger Local Union shall approve the proposed Merger Agreement, and present it for membership approval as any other actions of the Executive Board are presented for approval.

E. In conformity with applicable Canadian law, upon the request of the Executive Board of a Canadian Local Union involved in a merger, the National President, may waive or modify any of the requirements of Subsections B and/or C.

5. Upon an affirmative vote to merge by each of the involved Local Unions as described in Section 4 above, the Presidents of each Local Union shall request in writing that the National President recommend approval of the proposed merger to the National Executive Board. Each request to the President of the National Union shall include the following:

A. Copies of the complete minutes of the Local Union Executive Board and membership meetings at which the Merger Agreement was approved or the complete minutes of the other Local Union body or bodies which approved the merger agreement. The accuracy of these minutes shall be attested to by the Recording Secretary and/or Secretary-Treasurer of the Local Union;

B. A copy of the certification of the results of the vote or votes on the Merger Agreement; and

C. A copy of the Merger Agreement, signed by the President and Recording Secretary and/or Secretary-Treasurer of the Local Union.

6. The Local Unions shall be informed of the National President's decision within ten (10) business days of receipt of the request and all required information. If approved, the merger will carry with it the President's recommendation for approval to the National Union's Executive Board, and the National President shall place the merger on the agenda of the next National Union Executive Board meeting or conduct a poll to approve the merger. The proposed merger shall not become effective until after approval by the National Union Executive Board.

**POLICY AND PROCEDURE FOR
AFFILIATIONS OF NON-AFFILIATED
ORGANIZATIONS WITH NATIONAL UNION
LOCAL UNIONS**

*(Adopted by the National Union Executive
Board on June 20, 2004.)*

1. In addition to the authority of the National Union to enter into affiliation agreements, Local Unions may enter into affiliation agreements with non-affiliated organizations in accord with this Policy and Procedure.

2. At the earliest possible time during any discussions concerning affiliation with a non-affiliated organization, Local Unions shall inform the President. The Local Union shall provide whatever information is requested by the National President. Affiliation discussions may continue while the matter is being considered by the National President, but the discussions and any efforts to complete the affiliation must cease if the National President issues a written instruction to the Local Union to cease.

3. The Local Union and the non-affiliated organization shall enter into an Affiliation Agreement which shall include:

- A. Statement of intent to affiliate;
- B. Control of the assets;
- C. Responsibility for liabilities of the organizations;
- D. Dues requirements for affiliating organization members;
- E. The obligation to pay full per capita to the National Union for each member of the non-affiliated organization;
- F. That the National Union Constitution will govern the non-affiliated organization when the affiliation becomes effective;
- G. The effective date of the Affiliation;

4. The Executive Board of the Local Union shall consider the proposed Affiliation Agreement, and if approved shall present the Affiliation Agreement for membership approval at the next regular membership meeting, as any other actions of the Executive Board are considered for approval, or as otherwise provided in the Local Union Constitution.

5. The non-affiliated organization shall approve the proposed Affiliation Agreement in accord with its Constitution, Bylaws, and/or other governing documents.

CANADIAN DISCIPLINE PROCEDURES

*(Adopted by the
National Union Executive Board)*

01-Any proceedings shall commence with a complaint filed with the President of the Local Union in writing who shall then submit it to the Executive Board of the Local Union. The President shall also notify the charged member that a complaint has been filed and the reasons thereof, unless adequate disposition of the complaint requires that the charged party not be informed of the filing of the complaint. To that effect, the President shall consider the seriousness of the prejudice the complaint may cause to the Local Union notably when an allegation is made with regards to the finances, fraud or falsification of documents or books.

In the event the President of the Local Union is charged in the complaint filed, the Treasurer of the Local Union shall replace her/him mutatis mutandis for the purpose of application of these procedures.

These procedures apply only to members and officers.

02- All complaints should include the following:

- a] the name and address 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.

03- The following are entitled to file complaints:

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

04- In the event one of the members of the Executive Board of the Local Union is charged in the complaint filed, he/she 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 his/her statement to the Local Union President prior to the meeting of the Executive Board. The President shall transmit such statement to the Executive Board.
- 06-** It is within the power of the Executive Board of the Local Union to decide, at its next meeting, to:
- a] pursue the filed complaint; or,
 - b] appoint an investigator to investigate the complaint and to report to the Executive Board whether or not to pursue the complaint; or,
 - c] dismiss the statement of complaint as unwarranted.

Written notification of any action taken shall be sent to the complainant and the charged party.

- 07-** In the event the Executive Board of the Local Union dismisses the complaint filed, the complainant may, within a period of 15 days, address an appeal to the National Union Executive Board in writing directed to the National President with a written statement of the basis of such appeal. The National President will then notify the President of the Local Union of the rights of the Local Union to submit a written statement that sets forth its position, with copy to the complainant. Upon receipt of those documents, the National President transmits the documents to the Executive Board which shall arrive at one of the decisions outlined in the preceding paragraph, with copy to the complainant, the member and the President of the Local Union. In the event the Executive Board decides to pursue the complaint, the proceedings shall be made in accordance with the procedure described hereinafter.
- 08-** In the event a decision is made to pursue the complaint the President of the Local Union shall forward said decision by certified mail or by bailiff to the charged party.
- 09-** In the event of the appointment of an investigator, he/she shall meet with the interested parties and any witnesses that he/she may find suitable and report to the Executive Board.
- 10-** Refusal to meet with the investigator or to answer his/her questions or refusing to produce documents requested by the investigator shall be considered as misconduct against the best interests of the Union.
- 11-** In the event the complaint is to be pursued, a copy of the decision of the Executive Board shall be sent to the National President who shall appoint a hearing officer to hear the dispute.
- 12-** If the National President fails to appoint a hearing officer within a reasonable period of time or if the National President has a conflict of interest, the appointment shall be made by the National Union Executive Board.
- 13-** The hearing officer shall not have any conflict of interest.

- 14-** The hearing officer 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.
- 15-**
- a] If a complainant fails to appear at the hearing when called by the hearing officer, he/she has the authority to:
 - i) dismiss the complaint;
 - ii) postpone the hearing to a later date.
 - b] If the charged party in the complaint fails to appear at the hearing when called by the hearing officer, he/she has the authority to:
 - i) proceed exparte;
 - ii) postpone the hearing to a later date.
- 16-** The hearing officer shall proceed in an orderly, fair and impartial manner, in accordance with the hearing proceedings and introduction of evidence he/she so chooses and in accordance with the principles of natural justice and the duty of fairness.
- 17-** Onus of proof is on the complainant.
- 18-** The parties have the right to call witnesses and to produce evidence relevant to the complaint and the right to cross-examine any witness. They also have the right to be represented at their own expense.
- 19-** The hearing officer shall render his/her decision in writing and decide on the validity of the complaint within forty-five days of the close of the hearing. Should the complaint be deemed valid, he/she 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] any combination of the foregoing penalties.
- 20-** The decision shall be forwarded to each party to the hearing, the President of the Local Union and the appointing officer.
- 21-** Expenses and/or fees of the hearing officer shall be born by the Local Union.
- 22-** Within twenty (20) days of the date the decision is received, the parties may appeal to the Executive Board of the Local Union in writing to the President of the Local Union setting forth the grounds for appeal, with copy to the other party. The opposing party has twenty (20) days to present its views in writing to the President of the Local Union, with copy to the appealing party.
- 23-** 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 President of the Local Union with copy to the opposing party who may choose to contest. The Executive Board of the Local Union shall decide, at its next meeting, 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 him/her, or a situation of such a nature as to render the judgement in appeal ineffectual. This decision is final.

- 24-** Upon receipt of the documents mentioned in paragraph 23, the President of the Local Union shall transmit them to the Executive Board for decision at its next meeting. He /she shall also forward copy of the document to the National President. The Executive Board sitting in appeal shall render any decision that it considers just and reasonable in accordance with the Constitution.
- 25-** The President of the Local Union shall forward copies of the decision of the Executive Board to the interested parties and to the National President.
- 26-** Within twenty (20) days of the receipt of the decision, the parties may file an appeal in writing to the Executive Board of the National Union by forwarding to the National President a statement of reasons for the appeal, with copy to the opposing party. The opposing party has twenty (20) days to present its views in writing and forward them to the National President, with copy to the appellant. In the event of an appeal, a full record shall be transmitted to the National President by the President of the Local Union.
- 27-** Upon receipt of the documents mentioned in the preceding paragraph, the National President shall submit them to the Executive Board for decision. The Executive Board sitting in appeal may render any decision that it considers just and fair in accordance with the Constitution.
- 28-** The National President shall forward a copy of the Executive Board's decision to the interested parties and the President of the Local Union.
- 29-** Any decision may be appealed to the next regular convention of the National Union by filing a notice of such appeal in writing with the National President within thirty (30) days of the date the decision is received, with copy to the other party. The opposing party then has thirty (30) days to transmit its views in writing to the Secretary-Treasurer, with copy to the appellant. The appeal will then be heard in conformity with the Constitution of the National Union.
- 30-** Time limits defined in this article may be extended by the National President if reasonable grounds warrant such extension and provided that no serious prejudice to any party results from such an extension.
- 31-** Upon request, the National President shall obtain copies of all the documents, testimony and all other information submitted to any officer or entity in connection with the complaint.
- 32-** In the case of an expulsion or suspension of an officer of a Local Union, all funds, properties, books and assets in his/her possession shall be turned over to an individual duly authorized by the National President.

- 33-** There shall be no resort to any court of law until all remedies within the International Union under its Constitution have been exhausted.
- 34-** The foregoing procedures are inapplicable to any matter involving delinquency or failure to pay dues. Any Local Union may provide in its bylaws for automatic suspension of any member who is delinquent a minimum of one month in his/her dues, but in any event any member of any Local Union who becomes three (3) months delinquent in his/her dues shall be automatically suspended.