

# Constitution of the Canadian Office and Professional Employees Union (CLC)

COPE



As amended by the Sixth National Convention of COPE  
Gatineau, Québec  
June 7-9, 2019

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*Administrative version, which does not include  
the amendments in regards to the gender  
neutral resolution*

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# ARTICLE 1

## Name, Headquarters and Definitions

- 1.1 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.
- 1.2 In this document it shall be referred to as the National Union.
- 1.3 This document is the "Constitution" of the National Union. It applies equally to Local Unions, Councils and subordinate bodies, to their officers and to members in general.
- 1.4 This National Union shall continue in existence and can be dissolved only by a two thirds (2/3) vote at a regular or special convention.
- 1.5 The Union's headquarters shall be located in the offices of the National President; provided, however, that the National President with the approval of the National Executive shall have the power to relocate the National Union headquarters.
- 1.6 The National Union shall have a seal and a logo, which seal and logo shall be adopted by the National Executive.
- 1.7 DEFINITIONS:
  - "Member" designates a member of a Local Union;
  - "Local Union" designates a chartered Union of the National Union;
  - "Council" designates a regrouping of Local Unions;

## ARTICLE 2 Purposes and Aims

- 2.1 Workers need unions to provide them with dignity, a measure of security and a decent standard of living.
- 2.2 This National Union reflects the goals of its membership and allows and encourages full democratic participation for all its members.
- 2.3 This National Union encourages social unionism that recognizes and understands the importance of participation in our society.
- 2.4 This National Union operates under the rule of law according to democratic principles.
- 2.5 The Local Unions and Councils act as a balance to corporate power.
- 2.6 The Local Unions and Councils shall be dedicated to promoting, protecting and championing the legitimate struggles of workers.
- 2.7 In working toward the achievement of these goals, the Local Unions and Councils will strive to bring the benefits of union organization and collective bargaining to all workers.
- 2.8 The Local Unions and Councils shall provide all possible aid, assistance and guidance to their members, to the end that all workers may share in the benefits resulting from employment under the terms of collective bargaining agreements and legislation relating to employment.
- 2.9 The Local Unions and Councils will inform, advise and educate these workers in the principles and policies of this organization and of the benefits and gains which they may achieve through organization and collective bargaining.
- 2.10 Members are guaranteed due process in any dispute with the National Union, Local Unions, Councils, or their representatives.

## ARTICLE 3 Jurisdiction

- 3.1 The National Union, its Local Unions and Councils shall have jurisdiction over all those persons employed in an office, all professional, technical or para-technical employees or representatives, and all those persons working in a related area of work and over all those persons wishing to be represented by a Local Union of the National Union.

## ARTICLE 4 Membership

4.1.1 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 in conflict with those of this National Union as defined in Article 2.

4.1.2 Members hold membership in the National Union through the Local Union.

The signature of a membership application constitutes the undertaking to comply with the constitution of the National Union, Local Union and Council; membership shall be deemed accepted unless denied by the Executive Board of the Local Union for just and sufficient cause. An appeal of this decision is possible under the applicable procedure.

4.1.3 Unless otherwise provided, any person who supports the goals and objectives of the National Union may apply for membership through the Local Union.

4.1.4 A Local Union or Council may by provision in its constitution and bylaws establish membership requirements.

4.1.5 A Local Union or Council may by provision in its constitution and bylaws set out the membership rights and obligations for their employees or representatives.

### 4.2 MEMBERSHIP CLASSIFICATIONS

Membership classifications shall be active, non-active, associate and honorary. No member shall simultaneously hold more than one classification.

No member shall hold right, title or interest in the assets, funds and other property of the Local Union, Council or National Union.

4.2.1 A person is no longer a member when:

- he/she is suspended or expelled by a Local Union;
- he/she no longer meets the requirements to be a member;
- he/she is no longer employed by a Local Union, a Council or the National Union;
- he/she has withdrawn his/her membership.

4.2.2 In the event a decision has been made to remove a person's membership and that decision has been appealed the individual may request a deferral as per the appeal procedures.

### 4.3 ACTIVE MEMBERSHIP

4.3.1 An individual is eligible to become an active member in a Local Union if:

- he/she is employed by an employer covered by a collective agreement; or,
- he/she is employed by an employer who is the subject of an active organizing drive; or,
- he/she is an employee or an officer of a Local Union. If such employee is covered by a collective agreement, the Local Union shall set out the membership rights and obligations for this person; or,
- he/she is on strike or lockout.

4.3.2 An individual who is an employee or an officer of a Council or the National Union shall be eligible for active membership in a Local Union of his/her choice. If said Local Union declines to grant him/her membership, the Council Executive shall decide in which Local Union this individual shall hold membership.

4.3.3 Compliance with reasonable membership requirements uniformly imposed by a Local Union, and receipt of the current dues and any required initiation or reinstatement fee, or any instalment established by the Local Union for payment of such fee, is required for an eligible individual to become an active member.

Notwithstanding the above, a member on strike or lockout shall retain his/her active membership status even if he/she is not paying his/her union dues during the dispute.

4.3.4 An active member who is not actively working due to dismissal, layoff, illness, disability, or a contractually provided leave of absence, and has recall rights, or has filed a grievance under the collective agreement, may continue to pay dues and maintain active membership for the period for which his/her recall rights are valid or his/her grievance is pending, or if eligible, he/she may apply for another classification of membership provided for in this Article.

4.3.5 Active members shall enjoy all rights and privileges of membership in their respective Local Unions and Councils, and in the National Union.

#### 4.4 NON-ACTIVE MEMBERSHIP

4.4.1 A non-active member is a former active member of a Local Union who desires to maintain membership in a Local Union. A non-active member shall pay whatever dues that are required by the Local Union to become a non-active member. He/she shall also pay to the Local Union whatever per capita tax that is required by the National Union.

4.4.2 A non-active member may attend Local Union meetings having neither voice nor vote. He/she shall not be nominated for or hold National Union, Local Union or Council office or National Executive 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 bylaws that such a member has a voice and/or a vote in an election of Local Union officers, such provisions shall govern.

#### 4.5 ASSOCIATE MEMBERSHIP

4.5.1 The National Executive 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 National Executive action concerning an associate membership classification.

#### 4.6 HONORARY MEMBERSHIP

4.6.1 The National Executive shall be empowered to appoint as an honorary member any individual who has rendered meritorious services. Honorary members shall have no rights or privileges of membership.

4.6.2 The title of National Honorary President of the Canadian Office and Professional Employees Union (COPE) is conferred to Sister Jerri New, Brother Serge Cadieux and Brother Simon Berlin, who are delegates with full rights at the National Convention.

## ARTICLE 5 Conventions

- 5.1 The National Convention shall be the governing body of this Union and shall establish its policies in accordance with this Constitution. The National Convention shall be the legitimate source of all authority. Between Conventions the National Executive, as hereinafter provided, shall be the governing body of this National Union.
- 5.2 The Convention of the National Union shall convene every three (3) years in April, May or June in a location designated by the National Executive.
- 5.3 Conventions may not be suspended unless extraordinary circumstances warrant such suspension after having obtained the approval of the National Executive and of at least four (4) Local Unions located in at least two (2) Regions that represent more than thirty-five percent (35%) of the entire Canadian membership.
- 5.4 SPECIAL CONVENTIONS
- 5.4.1 Special Conventions may be called by direction of the National Executive.
- 5.4.2 Special Conventions may be called at the request of Local Unions provided:
- A resolution to this effect has been voted by the Executive Board of these Local Unions;
  - These Local Unions represent more than thirty-five percent (35%) of the total Canadian membership coming from at least four (4) Local Unions and at least two (2) Regions.
- 5.4.3 A request for a special Convention shall clearly indicate the purpose of this special Convention, and shall be forwarded to the National President.
- 5.4.4 Provided requirements are met, the National President will instruct the National Secretary-Treasurer to issue the call for the special Convention with a statement of the purpose to be considered.
- 5.4.5 The order of business of this Convention shall be limited to the consideration of such purpose.
- 5.5 CONVENTION CALL AND CREDENTIAL LETTERS
- 5.5.1 The Convention call and credential letters shall be sent to Local Unions by the Secretary-Treasurer of the National Union at least one hundred and twenty (120) 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.
- 5.5.2 All Local Unions sending delegates shall fill out credentials and return the letters to the National Secretary-Treasurer 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 Convention.
- 5.5.3 Local Union shall list the names of their alternate delegates on the credential letter provided for that purpose and send it to the National Secretary-Treasurer.
- 5.5.4 Delegates whose credential letters are not received within the time limits prescribed may be seated by action of the delegates seated at a Convention.



## 5.6 RESOLUTIONS AND APPEALS

5.6.1 Except as hereinafter specified, all resolutions (up to a maximum of three hundred (300) words) or appeals to be considered by any convention shall be submitted in duplicate written and signed copies to the Secretary-Treasurer of the National Union and received by the Secretary-Treasurer of the National Union not later than sixty (60) days prior to the opening date of the Convention.

Thirty (30) days prior to the opening date of the Convention, all resolutions received within the time limits indicated above will be posted on the website of the National Union.

5.6.2 Resolutions and emergency resolutions may be submitted by the National Executive, Local Unions, Councils, Canadian Equity Council and Convention committees.

5.6.3 The National Executive may submit resolutions and policy statements at any time prior to the adjournment of a Convention.

5.6.4 Resolutions originating with the Convention's Committees must have relevance to the Committees' functions and may be submitted at any time prior to the submission of such Committees' final report.

5.7 A regular Convention shall set:

- the National President's and National Secretary-Treasurer's monetary compensations;
- the Vice-Presidents' compensations;
- the amount of applicable per diems.

5.8 A quorum shall consist of a majority of qualified delegates registered at a convention.

5.9 Questions may be decided based on the voting strength, show of hands with the delegate badge, or by a roll-call vote. A roll call vote will be held if it is demanded by delegates representing one tenth (1/10) of the total voting strength.

5.10 The decisions of the Convention shall be provided to each Local Union.

## ARTICLE 6 Representation at Conventions

### 6.1 VOTE ENTITLEMENT

- 6.1.1 Each Local Union in good standing shall have one (1) vote at 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 (2) months prior to the month of a convention.
- 6.1.2 Any Local Union having less than a major fraction of one hundred (100) shall, nevertheless, be entitled to one (1) vote.
- 6.1.3 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 for which per capita tax was paid during the applicable period.
- 6.2 No Local Union which has been chartered during the two (2) calendar months preceding the month of the Convention, or during the month of such Convention, shall be entitled to representation at such Convention.

### 6.3 DELEGATES AND ALTERNATE DELEGATES

- 6.3.1 Each Local Union shall be entitled to as many delegates as it has votes, except that no Local Union may have more than twenty (20) delegates present at a convention. Notwithstanding this number of twenty (20) delegates as indicated, each region shall be entitled to twelve (12) additional credentials for equity-seeking groups, which are allocated in the following manner:

- a maximum of four (4) members of the Canadian Equity Council shall be given automatic delegate status to participate in the convention;
- four (4) credentials for young workers;
- four (4) credentials for members self-identifying to equity-seeking groups and who are not solely young workers.

The method, the number and the time of selection of the persons other than members of the Canadian Equity Council and members in good standing with their Locals are set by the Regional Vice President. They must have the official backing of their Local.

- 6.3.2 The delegate or delegates from each Local Union may cast the entire vote of the Local Union.
- 6.3.3 A Local Union shall be entitled to an equal number of alternate delegates under the same terms, up to a maximum of ten (10).
- 6.3.4 An alternate delegate substitutes for the delegate when he/she is unable to serve; the alternate delegate becomes a delegate by rights.
- 6.3.5 An alternate delegate may attend the Convention, with no voice or vote.
- 6.4 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.
- 6.5 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.

- 6.6 Each delegate to a convention must be a member in good standing with the Local Union that the delegate represents. Each delegate shall be selected in accordance with the constitution and bylaws of the Local Union, or by a vote of the Local Union.
- 6.7 Except as otherwise specified, all officers of the National Union shall be entitled to participate in all conventions and shall be eligible for election to any office in the National Union to be filled at 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 may vote to break a tie.
- 6.8 CONVENTION COMMITTEES
- 6.8.1 In advance of the Convention, the National Executive shall determine the Convention Committees as necessary to prepare for the Convention. The National President appoints delegates to the Committees and endeavours to achieve broad regional representation in the membership of such Committees.
- 6.8.2 One of the Committees shall be the Credentials Committee. It shall examine all credentials received by the National Secretary-Treasurer and register those that it has approved. It shall report to the Convention on the first day and subsequent days if required. The Convention shall be constituted, and the delegates seated when the report of the Committee is approved by a majority vote of the delegates so reported. Any appeal of the Committee's decision shall be filed to the Convention as constituted.
- 6.8.3 Committees shall meet in advance of the Convention as required.

## ARTICLE 7 Convention Fund and Travel Allowances

### 7.1 CONVENTION FUND

7.1.1 A Convention Fund shall be maintained consisting of all monies paid by the Local Unions to the National Union in conformity with the applicable portion of Article 16 providing for Local Union payments to such Fund.

7.1.2 The Convention Fund shall be used to offset convention costs.

### 7.2 TRAVEL ALLOWANCES

7.2.1 Travel allowances will be paid to eligible Local Unions from the registration fees received.

7.2.2 The National Executive shall set out the eligibility requirements for the travel allowances and the distribution method between Local Unions.

7.2.3 Notwithstanding the above, a Local Union must participate in a convention to be eligible to receive a travel allowance.

7.2.4 Appropriate cheques shall be issued to Local Unions by the National Secretary-Treasurer.

## ARTICLE 8 Officers of the National Union

- 8.1 The officers of the National Union shall be a National President and a National Secretary-Treasurer, who shall be the principal Executive Officers, a Vice-President from each Region and one (1) Vice-President, seat reserved for women. These officers shall constitute the National Executive. All officers shall hold office until their successors are elected and installed, as hereinafter provided.
- 8.2 The National President and National Secretary-Treasurer shall be from different Regions.
- 8.2.1 In addition to the Vice-Presidents selected from Regions, one (1) Vice-President shall be selected from amongst the members of all Local Unions. This seat shall be reserved for women.
- 8.2.2 No person may qualify as an officer of the National Union unless he/she has been active members in continuous good standing of Local Unions of this National Union for twelve (12) months prior to nomination. 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.
- 8.3 Canada shall be divided into four (4) Regions:
- Region 1 shall consist of the Province of Quebec;
  - Region 2 shall consist of the Province of Ontario;
  - Region 3 shall consist of the Provinces of Alberta, Saskatchewan, Manitoba, Nunavut and the Northwest Territories;
  - Region 4 shall consist of the Province of British Columbia and the Yukon Territory.
- 8.3.1 Jurisdiction over provinces or territories not mentioned in Article 8.3 shall be determined by the National Executive which has the power to create an additional Region, as necessary.
- 8.4 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 no vote; provided, however, such officers shall retain and may exercise their rights of participation in the Local Union in which they hold membership.
- 8.5 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 for the remainder of his/her term in office. Upon expiration of his/her term this person must be an active member of a new Local Union to be eligible for nomination to any office in this National Union.

## ARTICLE 9

### Election of Officers of the National Executive

- 9.1 Officers of the National Union shall be nominated, elected in accordance with the voting strength and installed at each regular Convention of the National Union. The officers of the National Union shall pledge by oath the following obligation:

*"I, \_\_\_\_\_, do hereby sincerely pledge my word and honour to perform the duties assigned to me in the National Union Constitution and Bylaws, to the best of my ability and with complete good faith to support, advance and carry out all official policies of the National Union and to promote a harassment and discrimination-free environment. I will at all times devote my efforts to further the aims, objectives and best interests of the Canadian Office and Professional Employees Union. I will also surrender all books, papers, electronic data and other property of the National Union in my possession to my successor in office."*

- 9.2 Elections shall be carried out in the following order:

- National President;
- National Secretary-Treasurer;
- Regional Vice-Presidents;
- Vice-President, seat reserved for women.

- 9.3 The National President, National Secretary-Treasurer and the Vice-President, seat reserved for women shall be elected by all delegates 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.

- 9.4 Regional Vice-Presidents shall each be nominated and elected by the convention delegates from the Local Unions located in their Region. They shall nominate and elect one (1) Vice-President in Region 1; one (1) Vice-President in Region 2; one (1) Vice-President in Region 3; and one (1) Vice-President in Region 4. 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.

## ARTICLE 10 Duties of President of the Union

10.1 It shall be the duty of the National President to preside at all conventions; 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. The National President shall submit to each regular convention a report of acts and doings between conventions.

The National President may delegate their authority to the Secretary-Treasurer of the National Union.

The National President may convene a special meeting of Local Unions, Councils or other subordinate bodies.

10.2 It shall be the duty of the National President to interpret the Constitution. Any interpretation may be appealed to the National Executive. Notice of appeal must be filed in writing with the National Secretary-Treasurer and National President within thirty (30) days of the decision.

10.3 The National President serves part time.

10.4 The National President shall act as principal Executive Officer of the National Executive in all matters wherein authority is not especially conferred upon other officers of the National Union. The National President shall be chairperson of the National Executive and shall have the power to convene meetings at any time.

10.5 The National President may obtain all legal, technical and administrative help together with whatever personnel necessary for the efficient conduct of the National Union, after National Executive approval.

10.6 The National President's approval shall be required for all extraordinary disbursements of the National Union.

10.7 The National President's written approval shall be required on all constitutions and bylaws as well as all constitutional changes adopted by Local Unions and Councils in accordance with this Constitution and all Local Unions and Councils shall submit their constitutions and bylaws governing the Local Union and Council membership to the National President for approval before they are put into effect. Notwithstanding the foregoing, the National President may approve constitutions, bylaws and amendments retroactively. Any decision of the National President may be appealed to the National Executive which shall dispose of the appeal at its earliest convenience.

10.8 The National President shall be responsible for the creation and maintenance of a national website in both official languages of the National Union.

10.9 The National President shall receive monetary compensation and per diem allowances as established by the regular Convention. The National President shall receive reimbursement for transportation and for all necessary expenses incurred on behalf of the National Union.

10.10 The National President shall be a delegate of the National Union to all conventions, including conventions of the Canadian Labour Congress.

10.10.1 The National President is empowered to appoint delegates of the National Union to any convention, and to the convention 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 National President's behalf as a delegate at any such convention.

10.10.2 Any Local Union shall upon request from the National President surrender all unused credentials.

10.11 Whenever any Local Union makes a request in writing to the National President to take over the affairs of the Local Union, the National 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 National 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 National 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 for the membership of the Local Union. The salary of the trustee, which shall be fixed by the National President, and any necessary expenses incurred by the trustee during the period of the assignment shall be paid by the Local Union.



## ARTICLE 11

### Duties of Secretary-Treasurer of the National Union

- 11.1 The National Secretary-Treasurer shall be responsible to maintain a correct record of the proceedings of all conventions and of all meetings of the National Executive. He/she acts on a part-time basis.
- 11.2 The National Secretary-Treasurer shall collect and record all monies paid to the National Union and shall make all proper disbursements by cheque, except that the National Secretary-Treasurer is authorized to maintain a petty cash account of five hundred dollars (\$500.00) from which authorized cash disbursements are made.
  - 11.2.1 No funds of the National Union shall be expended except to accomplish the purposes and aims of the National Union.
  - 11.2.2 The National Secretary-Treasurer must obtain and keep on file signed authorization from the National President for any extraordinary disbursements.
- 11.3 The National Secretary-Treasurer shall properly safeguard the assets of this National Union and shall keep the funds needed to meet current obligations invested in the name of the National Union in a chartered bank or other financial institution.
  - 11.3.1 Whenever possible and feasible, the National Secretary-Treasurer shall endeavour to deposit such funds in unionized financial institutions.
  - 11.3.2 The funds may also be invested in securities issued or guaranteed by the Canadian government, any Provincial or Territory government, not to exceed the insurable amount.
  - 11.3.3 The National Secretary-Treasurer may invest the money of the National Union not needed to meet current obligations in securities in accordance with the terms determined by the National Executive pursuant to Article 13.8.1.
- 11.4 The National Secretary-Treasurer shall be bonded in an amount as may be determined by the National Executive.
- 11.5 The National Secretary-Treasurer shall submit monthly to the National President an itemized statement showing all receipts and expenditures. He/she shall submit a semi-annual financial statement to the National Executive. He/she shall prepare an annual financial statement which shall be audited by a chartered accountant designated by the National Executive. The audited annual financial statement shall be approved by the National Executive and a copy shall be submitted to all Local Unions.
  - 11.5.1 The National Secretary-Treasurer shall ensure that all books and accounts are available for inspection by the National President, the National Executive, or the designated chartered accountant.
- 11.6 The National Secretary-Treasurer shall notify all Local Unions of their past due obligations and of their suspension in the event of such.
- 11.7 The National Secretary-Treasurer shall issue charters to Local Unions as directed by:
  - the National Executive upon recommendation from the Regional Vice-President;or
  - by the Council that has jurisdiction, upon recommendation from the Regional Vice-President.

- 11.7.1 The Regional Vice-President shall consult with and obtain the opinion of existing affected Local Unions in any particular city before an additional charter in such city is issued.
- 11.8 The National Secretary-Treasurer is authorized to inspect the books, records and financial accounts of any Local Union or Council, and their officers shall be obligated to turn over their books, records and financial accounts to the National Secretary-Treasurer or duly designated representative upon such request for the purpose of such inspection.
- 11.9 The National Secretary-Treasurer may obtain all legal, technical and administrative help together with whatever personnel necessary for the efficient conduct of the National Secretary-Treasurer's office and duties, after National Executive approval.
- 11.9.1 Upon National Executive approval and if it becomes necessary, the National Secretary-Treasurer may obtain travelling auditors for the purposes of inspecting Local Union books, records and financial accounts.
- 11.10 The National Secretary-Treasurer shall design and provide uniform forms for Local Unions to make their remittances to the National Union. These forms are to be approved by the National Executive.
- 11.11 The fiscal year of the National Union shall end with the last day of December.
- 11.12 The National Secretary-Treasurer shall receive monetary compensation and per diem allowances as established by the regular Convention. The National Secretary-Treasurer shall receive reimbursement for transportation and for all other necessary expenses incurred on behalf of the National Union.
- 11.13 The National Secretary-Treasurer shall be a delegate of the National Union to all conventions, including the Canadian Labour Congress.
- 11.14 Notwithstanding Article 11.2 in all cases when a new National Secretary-Treasurer is appointed or elected, the National Executive shall be empowered to take the necessary steps to ensure a smooth and efficient transition.

## ARTICLE 12

### Duties of Vice-Presidents of the National Union

- 12.1 Vice-Presidents may perform such duties as may be determined and assigned to them by the National Executive or the National President in carrying out the purposes and aims of the National Union.
- 12.1.1 The Vice-Presidents shall report to the National President on their activities. They shall prepare a report to the National Executive.
- 12.1.2 They shall attend National Executive meetings.
- 12.2 Vice-Presidents shall receive compensation and per diem allowances as established by the regular Convention. Vice-Presidents shall receive reimbursement for transportation and other necessary expenses incurred on behalf of the National Union.

## ARTICLE 13 Duties of National Executive

- 13.1 The National Executive is the highest authority of the National Union between conventions. It carries out the instructions of the Convention. It conducts the affairs of the National Union. With the Constitution as its guide, it shall take all action necessary to carry out the aims and objectives of this National Union.
- 13.1.1 The National Executive is empowered to adopt regulations, policies and necessary procedures to carry out its goals and objectives.
- It may notably adopt:
- An internal discipline procedure applicable to a member's complaint against another member or against an officer of a Local Union, Council or National Executive acting as such.
  - An Appeal Procedure for final decisions of Local Unions and/or Councils;
  - Rules governing the method of election in the event of a vacancy in the offices of the National President or the National Secretary-Treasurer if the convention is more than six (6) months away.
- 13.1.2 Registration fees for National Conventions shall be established by the National Executive.
- 13.2 The National Executive shall meet at least twice a year and shall hold special meetings when necessary.
- 13.2.1 Special meetings of the National Executive may be called by the National President or National Secretary-Treasurer, or requested by three (3) members of the National Executive. Such request shall be addressed to the National President who calls the meeting. In the event the office of National President is vacant the request is addressed to the National Secretary-Treasurer who calls the meeting. In the event the office of National Secretary-Treasurer is vacant, then the request shall be addressed to a Regional Vice-President who calls the meeting.
- 13.2.2 Except when at least five (5) members of the National Executive agree to a shorter timeline, advance notice of at least one (1) week shall be given of National Executive meetings.
- 13.2.3 The National Executive shall meet before and after each Convention, and the members thereof shall be available for meetings during any convention.
- 13.3 A quorum for the transaction of business at any meeting of the National Executive shall consist of a majority of the members.
- 13.4 Actions of the National Executive shall be determined by a majority vote of the members present.
- 13.5 In response to a request by the National President for a decision, the National Executive members shall vote by voice during conference calls, by e-mail, mail, or facsimile; provided, however, that in such cases it shall require a majority vote of the entire National Executive to decide any issue.
- 13.6 The National Executive is authorized upon recommendation of the Regional Vice-President to determine the conditions and terms under which suspended, expelled, dissolved or disbanded Local Unions may be reconstituted or reinstated.
- 13.6.1 If an absolute majority of National Executive members agree, the National Executive may approve bringing another union into the National Union provided the action does not affect the National Union's identity in the labour movement.

- 13.7 Where no Council exists, the National Executive shall determine jurisdiction between Local Unions and settle all controversies respecting jurisdiction between Local Unions.
- 13.8 The National Executive shall act as the Finance Committee.
- 13.8.1 The National Executive shall approve an investment policy for all funds of the National Union.
- 13.8.2 The National Executive shall approve the budget.
- 13.9 The National Executive shall have the power in emergencies to levy special assessments upon Local Unions or members of Local Unions. Such assessments shall be on a per month per member basis.
- 13.10 The National Executive shall be responsible for the National Organizing Fund.
- 13.11 It shall be the duty of the National Executive to ensure that the National Secretary-Treasurer is adequately protected by a fidelity bond.
- 13.12 Whenever the offices of the National President or the National Secretary-Treasurer become vacant due to resignation, suspension, expulsion, death or incapacity, the following procedure shall apply:
- 13.12.1 In the event any such vacancy is expected to be temporary and to exceed thirty (30) days, the successor shall be chosen by and from amongst members of the National Executive during a meeting called for that purpose as soon as possible.
- 13.12.2 In the event of a vacancy expected to be permanent, and the Convention is less than six (6) months away, the successor shall be chosen at a National Executive meeting called for that purpose within thirty (30) days of the vacancy. In this event any member in good standing is eligible for appointment.

In the event the office of the National President or that of the National Secretary-Treasurer becomes permanently vacant and the Convention is more than six (6) months away, a National Executive meeting shall be called within seven (7) days to:

1. Appoint the person from amongst the members of the National Executive who will act as substitute until a successor is elected. In such case, the temporary substitute shall serve with all rights and duties vested in the office.
2. Appoint an Election Chairperson.
3. Set the date of the election which shall fall between the thirtieth (30<sup>th</sup>) and the ninetieth (90<sup>th</sup>) day of the vacancy.

- 13.12.2.1 Article 8 of the Constitution shall apply with the necessary adjustments.

Each Local union in good standing shall have one (1) vote 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 (2) months prior to the month of the vacancy.

The Election Chairperson shall notify each Local President by courier outlining the voting process and voting rights of the Local union. This notification shall also contain the ballots with the vote entitlement of the Local.

The Election Chairperson shall simultaneously forward by courier the notification mentioned in the preceding paragraph to each Local Union Recording Secretary.

Local Union Presidents shall vote in accordance with their voting rights and shall courier their ballot to the Election Chairperson.

In the event the Local President is unable to vote the Local Recording Secretary shall notify the Election Chairperson by courier that the voting power of the President will be exercised by his/her authorized replacement. In this case, the ballot shall be couriered to the Election Chairperson.

A majority of votes cast is required to elect. In case no candidate receives a majority, the candidate receiving the lowest number of votes shall be dropped from subsequent balloting.

If other election terms become necessary, the Election Chairperson shall submit them to the National Executive for approval.

- 13.12.3 No compensation will be paid to any officer while they are being replaced.
- 13.12.4 The successor shall serve until the incumbent resumes his/her position or until his/her successor is appointed and installed in his/her office at the next Convention.
- 13.12.5 Incapacity shall be defined as a medical condition certified by a licensed physician as rendering the National President or the National Secretary-Treasurer unable to perform the duties of his/her office. If such incapacity is non-permanent, the appointment shall end as soon as the National President or National Secretary-Treasurer is certified as able to resume the duties of his/her office.
- 13.13 In the event the office of Regional Vice-President becomes permanently vacant, the following procedure shall apply:
  - 13.13.1 Notice of vacancy shall be sent to all Local Union and Council Presidents within the Region.
  - 13.13.2 Eligible members shall apply within ten (10) days following the notification herein above mentioned by informing the National President.
  - 13.13.3 The office is filled by decision of the National Executive using whatever method the National Executive finds appropriate.
- 13.14 In the event the office of Vice-President seat reserved for women becomes permanently vacant, the position shall be filled in the following manner:
  - 13.14.1 Notice of vacancy shall be sent to all Local Union and Council Presidents across Canada.
  - 13.14.2 Eligible members shall apply within ten (10) days following the notification herein above mentioned by informing the National President.
  - 13.14.3 Regional Vice-Presidents may apply provided they resign their position if elected.
  - 13.14.4 The office is filled by decision of the National Executive using whatever method the National Executive finds appropriate.
- 13.15 In the case of amalgamation of Local Unions, the National Executive shall be empowered to waive that portion of this Constitution restricting election to Local Union office to only those persons who have been in continuous good standing in their Local Union for twelve (12) months.
- 13.16 The National Executive shall designate a certified 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 Secretary-Treasurer of the National Union to each member of the National Executive, and to each Local Union.

## ARTICLE 14 Canadian Equity Council

- 14.1 The Canadian Equity Council is a consultative body that meets before or after the Convention;
- 14.2 The National Executive may call a special meeting of the Canadian Equity Council;
- 14.3 The Canadian Equity Council is a forum to discuss equity-related matters and to make recommendations to the National Executive;
- 14.4 It shall be composed of the National Executive members and of a maximum of four (4) persons per region that are aboriginal, racialized workers, gays, lesbians, bisexuals, transgender and intersex, and workers living with a disability, and young workers;
- 14.5 A young worker must be less than thirty-five (35) years old at the time of the selection. This person may complete her/his term if she/he reaches the age limit during the mandate;
- 14.6 When a seat becomes vacant the region concerned is entitled to fill the seat with an alternate provided they have been chosen under the same conditions;
- 14.7 The method, number and time of selection of these representatives, who are members in good standing of their Locals, are determined by the Regional Vice President; they must receive official support from their own Locals;
- 14.8 Notwithstanding the preceding paragraph and its consultative character, the Canadian Equity Council may elect a Chair person for the term of office as described below. The Chair person shall be elected at the Council's first meeting following convention and the Canadian Equity Council chooses its own Chair person selection process;
- 14.9 The term of office shall commence at the adjournment of a statutory national convention and up to the adjournment of the one that follows immediately;
- 14.10 Locals will cover the expenses and lost wages for these representatives for the duration of their term, in accordance with the rules that govern them.
- 14.11 Regardless of the advisory nature of the Council, delegates from their respective region may, during a meeting of the said Council, vote on a resolution to be submitted to the National Convention subject to the following conditions:
  - A quorum to adopt such a resolution shall consist of a majority of delegates;
  - The resolution shall be in direct relation with an equity issue.

Once carried, the resolution is deemed to have been received by the National Secretary-Treasurer.

## ARTICLE 15 Prohibited Activities

### **A- DISCIPLINARY PROCEDURE APPLICABLE WHEN THE NATIONAL EXECUTIVE IS SEIZED IN FIRST INSTANCE OF A COMPLAINT ALLEGING VIOLATION OF THE NATIONAL UNION'S CONSTITUTION OR ANY ACTIVITY DETRIMENTAL OR CONTRARY TO THE INTERESTS OF THE NATIONAL UNION**

- 15.1 The National Executive shall have the power, within its discretion and in accordance with the procedure hereinafter set forth, to suspend, expel and discipline members of any Local Union, officers of the National Union or of any Council or Local Union or any Local Union or Council itself (hereafter referred to as the accused) for violating the Constitution of the National Union or for engaging in any activity or course of conduct which is deemed by the National Executive to be contrary or detrimental to the welfare or interests of the National Union.

Notwithstanding the above, the National Executive may suspend any Local Union which becomes three (3) months in arrears in its per capita tax payments to a Council or to the National Union. Such suspension shall remain in effect until the amounts owed are paid. This decision is final and is not open to appeal, nor is it subject to the following procedure.

- 15.2 The following people may lodge a complaint:

- A member;
- An officer of a Local Union;
- An officer of a Council;
- The National President;
- The National Executive.

### **A-1 COMPLAINTS LODGED BY A MEMBER OR AN OFFICER OF A LOCAL UNION OR COUNCIL**

- 15.3 A member or an officer of a Local Union or Council may lodge a complaint against a member of any Local Union or an officer of any Local Union, Council or the National Executive (hereafter referred to as the accused member).

- 15.4 The complaint shall be in writing and shall contain the following elements:

- a) The name of the accused member and the number of the Local Union;
- b) The date or dates of each alleged infraction;
- c) The articles of the Constitution of the National Union which are alleged to have been violated;
- d) A brief description of each alleged infraction;
- e) Where possible, the address, the telephone number, the fax number and the email address of each party;
- f) The signature of the person lodging the complaint.

- 15.5 The complaint must be lodged with the National President within ninety (90) days following the date on which the complainant becomes aware or should have become aware of the circumstances or the actions which form the basis of the complaint. Notwithstanding the above, the National President may prolong the aforementioned time limit provided the complainant demonstrates suitable reasons for his or her delay.



- 15.6 The National President shall inform the accused member in writing that a complaint has been lodged by forwarding the accused member a copy of said complaint and by advising that a written response may be forwarded within a period of time determined by the National President.
- 15.7 The National President may:
- a) Designate an investigator who is charged with collecting facts, obtaining copies of all pertinent documents and reporting to the National Executive;
  - b) Designate a mediator to try to settle the complaint;
  - c) Forward the case to the National Executive.
- 15.8 The National Executive decides if the complaint meets the requirements as set out in Article 15. In the event that the complaint is found not to meet those requirements, it shall be dropped and no appeal may be lodged.
- 15.9 In the event that the National Executive finds the complaint meets the requirements as set out in Article 15, the National Executive shall designate a Complaint Committee (hereafter referred to as the Committee) composed of three (3) people, at least one (1) of which shall be a member of the National Executive.
- 15.10 These three (3) people must not have any conflict of interest.
- 15.11 The Committee must allow all parties to present their respective points of view in accordance with the manner and format that the Committee deems to be appropriate.
- 15.12 The Committee may:
- a) Accept all written testimony or other documents or information which it deems appropriate;
  - b) Require any person to present written testimony, or other documents or information which it deems appropriate.
- 15.13 The Committee may render its decisions or rule on any matter with which it has been charged without holding a hearing. The Committee may convene a hearing of the parties if it deems it to be necessary.
- 15.14 In the event that the Committee decides to hold a hearing, it shall inform the concerned parties in writing of the date, time and location of the hearing at least fifteen (15) days prior to the date of such hearing being held. The hearing shall be held in a location deemed to be suitable by the Committee.
- 15.15 If a duly advised party is not present at the time chosen for the hearing and did not make known valid reasons justifying his or her absence or refusal to be heard, the Committee may proceed with the hearing.
- 15.16 The Committee shall proceed in an orderly, fair and impartial manner, in accordance with the hearing proceedings and introduction of evidence it finds appropriate.
- 15.17 The Committee shall give its written findings based upon equity and the merits of the case. In the event that a penalty is to be imposed, it shall be chosen by the Committee from amongst the following:
- a) A written reprimand;
  - b) A fine;
  - c) Reimbursement of any lost monies;
  - d) Suspension of membership rights for a specified period of time;

- e) Suspension of the rights to hold office for a specified period of time thereby invoking Article 15.43;
  - f) Expulsion of a member or an Officer thereby invoking Article 15.43;
  - g) A combination of any of the preceding elements.
- 15.18 The Committee shall forward its findings in writing to the National Executive and shall forward copies of the findings to the parties involved.
- 15.19 The National Executive is bound by the written findings of the Committee and shall render its decision accordingly.
- 15.20 Any party who believes themselves to be aggrieved by the decision issued by the National Executive may lodge an appeal to the regular Convention of the National Union within thirty (30) days of being notified of the decision.
- 15.21 The declaration of appeal shall contain the following elements:
- a) The name, address, telephone number, fax number, email address, and signature of the party lodging the appeal, as well as the number of the Local Union involved in the matter;
  - b) A copy of the decision;
  - c) Detailed reasons for appeal;
  - d) The corrective measures sought.
- 15.22 The declaration of appeal is forwarded to the National President and the respondent.
- 15.23 The respondent may, within thirty (30) days following receipt of the declaration of appeal, file written arguments and the corrective outcome sought in response to the appeal, by forwarding it to the National President and the appellant.
- 15.24 The National President shall forward the appeal case to the regular Convention of the National Union.
- 15.25 A party has the right to present themselves before any committee set up by the Convention, but cannot come before the Convention itself, unless the Convention gives its consent. The committee shall report to the Convention who shall render any decisions that it believes to be just and equitable under the circumstances.
- 15.26 The decision of the Convention is final.

**A-2 COMPLAINTS LODGED BY THE NATIONAL PRESIDENT OR BY THE NATIONAL EXECUTIVE**

- 15.27 The National President or the National Executive may lodge a complaint against a member of any Local Union, an officer of any Council or Local Union or of the National Union, or against a Local Union or a Council itself (hereafter referred to as the accused).
- 15.28 The complaint shall be in writing and shall contain the following elements:
- a) The name of the accused;
  - b) The date or dates of each alleged infraction;
  - c) The articles of the Constitution of the National Union which are alleged to have been violated;
  - d) A brief statement describing each alleged infraction.

- 15.29 In cases of urgency where the reasonable interests of the National Union require immediate action, the National President may suspend any member or any officer of the National Union or of any Local Union or Council, or any Local Union or Council itself.
- 15.30 Such a suspension shall be followed by a written complaint forwarded to the person suspended, within a reasonable time frame, and is immediately referred to the National Executive who shall deal with it in accordance with the following procedure.
- 15.31 The National Executive shall designate a Complaint Committee (hereafter referred to as the Committee) composed of three (3) people. No member of the National Executive may sit on the Committee.
- 15.32 These three (3) people must not have any conflict of interest.
- 15.33 The procedure provided for in Articles 15.11 to 15.19 shall apply.
- 15.34 The appeal process provided for in Articles 15.20 to 15.26 shall apply with all appropriate adaptations being made.
- 15.35 Any of the following penalties may be imposed on a Local Union or Council:
- a) A written reprimand;
  - b) A fine;
  - c) Suspension of rights for a specified period of time;
  - d) Expulsion;
  - e) A combination of any of the preceding elements.
- 15.36 In the case of expulsion of a Local Union, all properties and assets including all funds, books and records shall become the property of the Council or the National Union in cases where no Council exists. All funds shall be deposited into the General Fund.
- In the case of expulsion of a Council, all properties and assets including all funds, books and records shall become the property of the National Union. All funds shall be deposited into the General Fund.

**B- TRUSTEESHIP OR SUPERVISION OF A LOCAL UNION OR COUNCIL**

- 15.37 The National Executive shall be empowered to place a Local Union or Council under trusteeship or supervision, in whole or in part, to suspend one or more officers, notably on one of the following grounds:
- Because constitutional requirements are not upheld;
  - To ensure that their course of conduct or activities are compliant to the principles or course of conduct of the National Union;
  - To prevent or rectify corrupt practices;
  - To restore democracy.

In this respect, the National Executive or its designated representative shall be empowered to investigate.

15.38 At the end of such an investigation, the National Executive must, unless circumstances prevent it, hold a hearing upon request of an officer of the Local Union or Council before taking any measure deemed appropriate.

The National Executive is empowered, conditional upon a two thirds (2/3) vote, to take either one of the following measures:

- Place the Local or Council, in whole or in part, under the trusteeship of a trustee, who will immediately exert authority and carry out the duties below mentioned. The National Executive shall also be empowered to suspend officers.
- Take all necessary supervision measures which may or may not include the suspension of officers.

A trusteeship should not continue for more than one year from when it is imposed unless extraordinary circumstances endorsed by a two thirds (2/3) vote of the National Executive.

Any measures taken by the National Executive may be subject to appeal at the next convention.

15.39 In cases of urgency where the reasonable interests of the National Union require immediate action, the National President may place any Local Union or Council, in whole or in part, under trusteeship of a trustee who shall immediately be empowered and assume the functions as described hereafter.

15.39.1 Such a decision by the National President is immediately forwarded to the National Executive. The National Executive has the power to maintain or overturn the decision made by the National President after having followed the aforementioned procedure.

15.40 The trustee shall assume the direction and administration of the affairs of the Local Union or Council. All monies, properties, books and assets shall be turned over to the trustee.

15.41 The trusteeship or the supervision may be removed at the discretion of the National Executive.

**C- REORGANIZATION IN ORDER TO COMPLY WITH THE CONSTITUTIONAL REQUIREMENTS**

15.42 Rather than imposing a trusteeship or supervision, the National Executive may, conditional upon a two thirds (2/3) vote, take all measures deemed appropriate in order for the statutory obligations to be upheld, such as the appointment of an interim Executive Board. Any measure taken by the National Executive may be subject to an appeal at the next convention.

**GENERAL PROVISIONS**

15.43 In cases where an officer of a Local Union or Council or of the National Union has been suspended or expelled, all monies, properties, books and assets of the Local Union, Council or of the National Union held by such officer shall be turned over to a person designated by the National President who shall administer them until a successor has been designated or elected.

15.44 Each party shall assume their own expenses and/or fees incurred.

15.45 In any case no recourse to a court of law shall be authorized until all the procedures provided for under the Constitution of the National Union have been exhausted.

15.46 The National Union shall cover the expenses of the Committee.

## ARTICLE 16

### Finances

16.1 The revenue of the National Union shall be obtained as follows:

- A per capita tax collected by the Local Union, in the amount of \$3.75 per person, per month; effective January 1<sup>st</sup>, 2019 and payable in February 2019;

Effective January 1<sup>st</sup>, 2020, and for the subsequent years, the amount mentioned in the above paragraph will be increased to the rate of inflation. The Canadian Consumer Price Index will be used as the reference. The year-over-year reference period will go from September 1<sup>st</sup> of a year to August 31<sup>st</sup> of the year preceding the said January 1<sup>st</sup>.

- \$3.25 per person, per month to be paid to the Strike and Lockout Benefit and Defence Fund;
- Seventy-five dollars (\$75.00) per Local Union per month to be paid to the Convention Fund;

Effective January 1<sup>st</sup>, 2020, and for the subsequent years, the amount mentioned in the above paragraph will be increased to the rate of inflation. The Canadian Consumer Price Index will be used as the reference. The year-over-year reference period will go from September 1<sup>st</sup> of a year to August 31<sup>st</sup> of the year preceding the said January 1<sup>st</sup>.

- A special assessment when required in accordance with this Constitution.

16.2 NATIONAL ORGANIZING FUND:

An amount of ninety cents (90¢) per member per month shall be transferred from the per capita tax received to the National Organizing Fund.

For the purposes of managing this fund, the National Executive shall have a National Organizing Program.

The National Secretary-Treasurer shall be empowered to direct the transfer of additional funds from the General Fund into the National Organizing Fund as may be required from time to time and shall submit to the National President, on a quarterly basis, a report of all transactions.

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

## ARTICLE 17

### Councils

- 17.1 A Council is a grouping of Local Unions within a Region. It may be designated under another name.
- 17.2 Where mutual interests require cooperative action by Local Unions and their membership in advancing the purposes and aims of the National Union, the National Executive in consultation with the Regional Vice-President 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 National Executive, 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 National Executive.
- 17.3 Affiliation with an established Council by each Local Union within the jurisdiction of such Council shall be mandatory, except when exempted by the National Executive. This exemption shall be subject to review.
- 17.4 The constitution and bylaws of all Councils, or amendments thereto must be approved by the convention by at least a two thirds (2/3) vote except in the case of dues, per capita tax, and individual member assessments which shall require a simple majority vote.
- 17.4.1 Each Council must have an approved constitution and bylaws. It is the obligation of the Councils to update their constitutions in accordance with the actions taken at each convention.
- 17.5 All provisions of the constitution of the National Union relating to Local Unions, their officers and members shall apply to all Councils of the National Union.
- The Treasurer of a Council shall pay on behalf of each affiliated Local Union their financial obligations owing to the National Union.
- Notwithstanding the above, a Council may decide to make provision in its constitution to allow for an affiliated Local Union to directly pay its financial obligations to the National Union. The Treasurer of the Local Union shall then notify the Secretary-Treasurer of the National Union in writing with a copy to the Treasurer of the Council.
- 17.6 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.
- 17.7 Each Council may decide to secure a bond by a bonding company and under a bond of the National Union to cover the Treasurer of the Council.
- 17.8 The Treasurer of each Council shall render a quarterly statement of receipts and disbursements to each affiliated Local Union within its jurisdiction and to the Secretary-Treasurer of the National Union.
- 17.9 The constitution and bylaws of each Council shall specify the extent of its functions in relation to its affiliated Local Unions.
- 17.10 No special assessment shall be levied by a Council unless such assessment has been first approved by secret ballot by a majority vote at a convention or special convention. This special assessment, however, shall be subject to the approval of the President of the National Union before it is levied.

17.11 A Council may discipline its officers acting in this capacity for violation of the National Constitution or the Council Constitution, or 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 Council. The National Executive shall establish uniform procedures, including rights of appeal, to insure full compliance with applicable law in order to afford the fullest protection for all parties involved.

None of the foregoing is applicable to any matter involving delinquency or failure to pay dues. A Council may provide in its constitution and bylaws for automatic suspension of any Local Union which is delinquent in its obligations.

17.12 A Council shall act as an appeal board for final decisions rendered by Local Unions in the following instances:

- Election of a Local Union officer;
- Membership status of any individual;
- Any other case stipulated in the Council Constitution.

The National Executive shall establish an appeal procedures. Notwithstanding the preceding, a Council may establish an appeal procedures which will have been approved by the President of the National Union.

## ARTICLE 18 Local Unions

- 18.1 A charter will be issued to a new Local Union provided it has at least two hundred and fifty (250) members. However, under exceptional circumstances and if financially viable a new Local Union having less than two hundred and fifty (250) members may be granted a charter upon approval of the National Executive.

Applications for a charter shall be filed by the Regional Vice-President to the National Secretary-Treasurer.

If granted, the charter shall thereafter be installed by the National Secretary-Treasurer.

- 18.2 The National Executive will work with Local Unions to examine their financial viability having regard to the legal responsibilities of union representation. This will include examination of mergers and, under extraordinary circumstances, dissolution. When any Local Union ceases to represent employees of any employer in such a way that it affects its viability, the National Executive 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 Council or if no Council exists, of the National Union, to be held 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 Council or if no Council exists, of the National Union and the funds placed in the National Treasury to be used by the National Union for its general purposes.

- 18.2.1 The funds of any unit that ceases its activities cannot be divided among individual members and can be utilized only for valid union purposes. Upon the cessation of activities by any unit, all properties and assets, including its funds, books and records, shall become the property of the Local Union, to be held in trust for a period of one (1) year, during which time such property shall be returned to the unit if it resumes its activities. After such one-year period, such properties and assets shall become the property of the Local Union and the funds deposited in its general fund.

- 18.3 All Local Unions shall have the following minimum number of officers: President, Vice-President, Treasurer, Recording Secretary, except that a Local Union may combine the office and duties of the Recording Secretary with the office and duties of the Treasurer to create a position of Secretary-Treasurer. Each Local Union may provide in its constitution and bylaws for such additional officers as it deems necessary for the conduct of its business. 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 the aforementioned officers. Trustees shall not sit on the Local Union Executive Board. Local Unions may decide to have three (3) trustees to verify the Local Union's books or retain the services of a chartered accountant. In the event a Local Union cannot meet those requirements it may by exception obtain the authorization of the National Executive to have the Local Union's books verified in another fashion.

- 18.3.1 A Local Union shall by provision in its constitution and bylaws provide for the election of all of its Executive Board members.

- 18.3.2 Only a member in good standing who has met the requirements set out in the Local Union Constitution may be elected or appointed to a Local Union office or to the Executive Board.



- 18.3.3 For composite Local Unions, when an employer definitely shuts down operations governed by a certified bargaining unit held by a Local Union, or if the certificate is revoked while an officer is in its employ, this officer may continue to pay the regular monthly union dues until the end of his/her term. Once his/her term has expired, this person may not be nominated to any office of the Local Union.
- 18.3.4 The Local Union is authorized to compensate its officers and representatives as it sees fit.
- 18.4 Applicants for membership in any Local Union shall be required to fill out an application or authorization card.
- 18.5 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 President of the National Union may authorize mail balloting, or by electronic voting provided the secrecy of the vote is ensured. 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.

All Local union officers shall pledge by oath the following obligation:

*"I, \_\_\_\_\_, do hereby sincerely pledge my word and honour to perform the duties assigned to me in the Local Union Constitution and Bylaws, to the best of my ability and with complete good faith to support, advance and carry out all official policies of the Local Union and to promote a harassment and discrimination-free environment. I will at all times devote my efforts to further the aims, objectives and best interests of the Canadian Office and Professional Employees Union. I will also surrender all books, papers, electronic data and other property of the Local Union in my possession to my successor in office."*

- 18.6 The duties of officers of Local Unions shall include the following:
- 18.6.1 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 required by the Local Union; to appoint all committees not otherwise required; 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.
- The President or designate shall be the main spokesperson and officer of the Local Union; it shall be the duty of the President to protect and promote its interests.
- 18.6.2 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.

18.6.3 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.

The Recording Secretary will provide the National President and the National Secretary-Treasurer with the names and contact information of all the Local Union officers as well as any changes to that information.

18.6.4 The Treasurer shall perform the following duties:

18.6.4.1 The 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 Article 18.12; 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.

18.6.4.2 Each Local Union may decide to secure a bond by a bonding company and under a bond approved by the Local Treasurer. The Treasurer shall deposit all funds of the Local Union in a financial institution, may it be a bank or a credit union and shall submit to the National Secretary-Treasurer all relevant information pertaining to those bank accounts (name of the institution, full address, account number, ...). The Treasurer shall endeavour to deposit such funds in unionized financial institutions. Where there are trustees, the Treasurer shall, upon request, submit to the trustees all books and records including financial documents, invoices, original bank statements and other supporting documents for verification and approval 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. The 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.

18.6.4.3 The Treasurer shall transmit monthly to the Secretary-Treasurer of the National Union all financial obligations owing to the National Union no later than by the 15<sup>th</sup> day of the following month. The Treasurer shall follow proper accounting procedure. The 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.

18.6.5 Where there are trustees, they shall verify the books and records of the Treasurer at least semiannually and at the close of each fiscal year and shall report each such verification 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 verification conducted annually by a certified or chartered accountant, and have such verifications reported to the Local Union and to the Secretary-Treasurer of the National Union.

18.7 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.

18.8 The Executive Board shall meet at least every four (4) months.

18.9 Local Unions may charge an initiation fee of not more than one hundred dollars (\$100). Effective January 1<sup>st</sup>, 2011, subject to the provisions for non-active members, all Local Unions dues shall be a minimum of one point five percent (1.5%) of remuneration or its equivalent per person per month, from which the per capita tax collected by the Local Union for the benefit of the National Union shall be paid. Under exceptional circumstances a Local Union can seek approval from the National Executive for a lower minimum dues structure if the Local Union can demonstrate that it is financially viable.

- 18.10 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 Constitution and Bylaws.
- 18.11 Local Unions may discipline their members or officers for violation of the National Constitution or the Local Union Constitution and/or Bylaws or 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 National Executive shall establish uniform procedures, including rights of appeal, to insure full compliance with applicable law in order to afford the fullest protection for all parties involved.
- 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 in his/her obligations.
- 18.12 Any Local Union which becomes three (3) months in arrears in its per capita tax obligations to the National Union may be suspended.
- 18.13 Expenditures of the Local Union shall be only for purposes of the Local Union, and shall be made by cheque signed by the Treasurer and counter-signed by the President or Vice-President. They may also be made by electronic payment as long as it is secured and approved as if it were a cheque; 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.
- 18.14 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.
- 18.15 Amendments to Local Union constitutions may be made only by a two thirds (2/3) vote of those eligible members voting on such matters under the Local Union 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 19

### Strike and Lockout Benefit and Defence Fund

- 19.1 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 authorized by secret ballot. Commencing a strike 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. The role of the National President shall be to ensure that strike voting procedures are in conformity with the constitution and applicable laws.
- 19.2 The President of the National Union shall be informed of all strikes by any Local Union before they are called.
- 19.3 Strikes against any employer, or employers, may be terminated if a majority of the members of the Local Union affected present at a meeting so decide by secret ballot.
- 19.4 The National Union shall maintain a fund known as the Strike and Lockout Benefit and Defence Fund consisting of all monies paid by the Local Unions to the National Union in conformance with the applicable portion of Article 16 providing for Local Union payments to such fund, which payment shall be in addition to the other payments required in Article 16. Payments to the Strike and Lockout Benefit and Defence 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.
- 19.5 Any Local Union involved in a strike or lockout shall make application to the National President for strike benefits to be drawn from the Strike and Lockout Benefit and Defence Fund. The Convention shall adopt procedures, rules and regulations for the administration of the Strike and Lockout Benefit and Defence Fund. The National Executive shall make all determinations concerning the issuance of funds in accordance with the procedures, rules and regulations adopted by the Convention. Payments of benefits from the Fund 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.
- 19.6 The Strike and Lockout Benefit and Defence Fund may also be used as determined by the National Executive for the defence of the National Union, Local Unions, the Councils and their members in accordance with the procedures, rules and regulations adopted by the Convention.

## ARTICLE 20

### General Provisions

- 20.1 Copies of all collective bargaining agreements entered into by Local Unions shall be filed at National headquarters upon request, 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.
- 20.2 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.
- 20.3 The English and French versions of this Constitution are official. In the event of ambiguity, the National Executive shall have authority to interpret the Constitution.
- 20.4 The singular number shall extend to more than one person or more than one thing of the same sort, whenever the context admits of such extension. The plural number can apply to one person only or to one thing only if the context so permits.

## ARTICLE 21

### Rules

- 21.1 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 *Bourinot* shall be followed. Except as otherwise provided in Local Union or Council rules or bylaws approved by the President of the National Union, the latest edition of *Bourinot* shall apply to all meetings of Local Unions.

## ARTICLE 22

### Constitution is Paramount Law

22.1 The Constitution of the National Union shall be the paramount law governing the affairs of all Councils and Local Unions of the National Union. Any provision contained in the constitution and bylaws of a Local Union or Council 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.

If any provision of this constitution shall be held unlawful, invalid, void or unenforceable, it shall not invalidate the other provisions of the constitution.

22.2 Any amendment to this Constitution affecting a Local Union or a Council shall automatically be included in the constitutions and bylaws of the Local Union or Council unless the National President approves otherwise.

## ARTICLE 23

### Amendments to Constitution

- 23.1 Amendments to this Constitution shall require a two thirds (2/3) vote of a Convention. Unless otherwise provided for, amendments shall become effective upon adoption.



## APPENDIX A

1. At the closing of the November 2004 Convention, all Local Unions and Councils shall adapt their constitutions and bylaws and have them submitted to the National President for approval.
- 1.1 Until the approval of the new Local Union and Councils constitution and bylaws after the 2004 Convention, the following measures will apply:
  - The name OPEIU, Office and Professional Employees International Union shall be replaced by COPE, Canadian Office and Professional Employees Union;
  - The name SIEPB, Syndicat international des employées et employés professionnels-les et de bureau shall be replaced by SEPB, Syndicat canadien des employées et employés professionnels et de bureau.
  - The COPE Constitution shall become part of the Local Unions and Councils constitution and bylaws by reference.
2. Any proceedings that have been initiated by virtue of old Article 15 – Prohibited Activities – of the Constitution shall continue to be governed by this old Article and, as of June 14, 2010, any new proceedings shall be initiated in conformity with Article 15 as amended by the 2010 Convention, renumbered Article 16 by the 2016 Convention.
3. The following principle conveyed in Article 18.3 of the National Constitution:

“No Trustee shall sit on the Local Executive Board.”

enters into effect on either one of the following dates whichever comes sooner:
  - January 1<sup>st</sup>, 2017;
  - the end of the term of the current Trustee.