

CONSTITUTION

Adopted June 3rd, 2003

CHAPTER I - GENERAL DISPOSITIONS

***Article 1 Definition of terms**

- 1.1 Union: refers to the Service Employees Union, Local 800.
- 1.2 International Union: refers to The Service Employees International Union, « FAT - COI - CTC ».

AWF (FAT): American Workers Federation
IWC (COI): International Workers Council
CLC (CTC): Canadian Labour Council

- 1.3 Constitution: text setting the functioning rules of an association or society.
- * 1.4 Vacancy:
 - 1) Resignation of an incumbent
 - 2) Death of an incumbent
 - 3) Voluntary departure of an incumbent
 - 4) The incumbent works in a division other than the one he was elected for
 - 5) Dismissal of the incumbent

Article 2 Name and judicial foundation

- 2.1 The Union is a group of salaried employees formed in a union for the purpose of evaluating, protecting and developing the economic, social and educational interests of its members and particularly negotiates and implements the collective agreements.
- 2.2 The Union acts and is known as the Service Employees Union, Local 800 and in French as L'Union des employés et employées de service, section locale 800.

Article 3 Affiliation

- 3.1 The Union is affiliated to the Quebec Workers Federation (FTQ).
- 3.2 The affiliation of the Union and the Labour Council of the different areas where it represents any group of members and any other workers group is decided by the Union General Council.
- 3.3 The merger of a union with the Union is decided in conformity to the present constitution.

Article 4 Jurisdiction

The Union has jurisdiction over all salaried employees working in Quebec, particularly those working in schools, high schools, universities, cities, counties, institutions or agencies, hospitals, retirement homes and other

health services, factories, financial institutions, insurance companies or societies, commercial establishments, hotels, restaurants, gathering places, amusement, leisure, recreation, sport centres, federal agencies, private and public development services and on all grounds, buildings and surroundings as well as every field determined by the Union.

Article 5 Purpose

The Union proposes the following means and actions to:

- a) Promote its members' professional interests and work towards their social, economic, cultural and political promotion.
- b) Defend the free Union principle.
- c) Work towards the expansion of the Union to benefit an increasing number of workers through either recruiting, raiding, or merging.
- d) Combat all discrimination related to race, colour, sex, pregnancy, sexual orientation, civil status, age, religion, political beliefs, language, ethnic background or nationality, social condition, disability or the use of any means to compensate for it.
- e) Work towards implementing a social justice system, human dignity and democratic freedom in Quebec.
- f) Defend freedom of information and encourage Union press as well as any other means to ensure its members' information and education.
- g) Practice Union activities that assert and adopt the particularities and aspirations of Quebec workers while remaining implacably attached to the workers' international solidarity principle.
- h) Encourage its members participation in political life in any form and ensure their dominating presence everywhere decisions are made in their name by perfecting, on one hand, their social, political and economical development and by encouraging them, on the other hand, to participate in popular gatherings or even political parties that may create, by their action, a radical change in our society's organisation in the interest of the workers.
- I) Because its member's political opinions vary greatly and because of its multiculturalism in provincial, federal elections or referendums, the Union will not pronounce itself.

Article 6 Head office

The Union head office is located in the city or in the Montreal area, at the civic address determined by the Union Executive Committee.

Chapter II - Union structures

Section 1 - General dispositions

***Article 7 Union groups**

- 7.1 The Union consists of Base Units, Divisions, a General Council and an Executive Committee.
- * 7.2 The meeting of the members for these groups must be done by way of a notice in writing seven (7) days prior stating the date, hour and place of the meeting.
- 7.3 The adopted resolutions of these groups must be voted by the majority of members present at the meetings according to the dispositions regarding Quorum, applicable to each of these groups.
- 7.4 When a replacement or a vacancy is filled according to the present Constitution, it is substituted to the rights and obligations of the person holding this title.

Article 8 Member status

8.1 Eligibility

To be a member of the Union, a person must be a salaried employee exercising an activity part of the jurisdiction mentioned in article 4 of the present Constitution.

*8.2 Membership

- A) Membership during a recruiting campaign, a raiding period or a merger:
- a) An eligible salaried employee wishing to become a member of the Union must sign the membership request form and, if need be, pay the Union dues according to the amount fixed by law or the pertaining rule.
 - b) This person becomes a Union member as soon as the Union Executive Committee accepts he/she in this title.
 - c) In general, these Union dues are the only amount a salaried employee must pay the Union during the period between the signing of his/her request and the issuance of the Union certification towards the salaried employees group he/she is part of.
 - d) The Union Executive Committee can suspend the obligation of the Base Unit members to pay the Union dues during the period between the Union certification issuance and the implementation of the collective agreement.

B) Membership at another time

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- a) An eligible salaried employee wishing to become a Union member at another time must sign his/her membership form and pay the Union initiation fees according to the amount fixed by the Union Executive Committee. This person becomes a member of the Union as soon the Union Executive Committee accepts him/her as such.

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- b) The President, the Vice President of administration and the Executive Vice President are full Union members while exercising their mandate.

8.3 Denunciation

- a) A Union member guilty of the actions mentioned hereafter, in a non-restrictive way, may be denounced in front of the Union Executive Committee by this group or a member of the Union:

1. Violation of the present Constitution.
2. Violation of the agreement taken according to article 27.8.
3. Conduct unworthy of a Union member.
4. Gross negligence or ineffectiveness endangering the Union interests.
5. Negligence in administrating the Union or the Base Unit funds.
6. Corruption schemes or practices contrary to Union ethics.
7. Activities aiming to prejudice the Union or a change of Union allegiance.
8. Damaging in any way Union goods or assets.
9. Strike breaking.
10. Denunciation of a Union member without reasonable cause and in a malicious manner.

- b) In the event a Union member would wish to denounce another member, he/she shall send a written notice to this effect stating the reasons he/she bases this procedure to the Union Executive Committee.

- c) Upon receiving this notice, the Union Executive Committee must send without delay a copy of the formulated denunciation against the Union member concerned (unless denunciation seems trivial and without serious grounds) to him/her and to the General Council members and call him/her to the next Executive Committee's meeting for the hearing of the parties and other witnesses involved. The same notice must be sent to the Union member concerned where the Union Executive Committee intends to formulate the denunciation itself.

- d) The Union Executive Committee has the power to suspend, exclude, and impose any disciplinary measure or other sanction.
- e) The Union Executive Committee's decision must be communicated to the parties concerned within ten (10) days of the hearing or any necessary postponements and include the reasons on which it is founded.
- f) A person having been suspended, excluded from the Union ranks, subjected to any disciplinary measure or sanction without sufficient cause, may appeal this decision to the General Council by sending the Union President a written notice to this effect within ten (10) days of the date he/she was informed of the decision.

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- g) The General Council members must hear the representations of the person in question and render a motivated and written decision within ten (10) days of the hearing.

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- h) A request for revision of a decision requiring a sanction may be presented to the General Council twelve (12) months after it takes effect. The General Council will study the request and submit a written decision.

8.4 Honorary member

The General Council may nominate as « honorary member » a person who was useful in any way to the Union. The honorary member has no voting right in any proceedings provided in the present Constitution and is not eligible for any function.

Article 9 Union dues

9.1 Modification of Union dues

A modification of Union dues must be approved by the majority of the Union Convention delegates having voted on a Union Executive Committee proposal previously submitted to the Union General Council.

9.2 Payment of Union dues

Union dues must be paid to the Union within fifteen (15) days following the expiry month in which it is owed. Payment of the mentioned dues is the individual responsibility of the Union members. The Union member must notify of any change of address or civil status. A member not paying the Union dues at term leads to his suspension as a member and the loss of the rights provided in the present Constitution. Payment of the owed Union dues lifts the suspension.

9.3 Retired member

Exceptionally, a retired member may remain a Union member by paying an amount of \$ 1.50 per week. However, he has no right to vote in any proceedings provided for in the present Constitution and is not eligible for any function.

Section 2 - Base Units

***Article 10 Definition and responsibilities**

- 10.1 The Base Unit designates a group of salaried employees working for a given employer inside a territorial area fixed by the Union Executive Committee.
- 10.2 The amounts returned by the Union to the Base Unit or that are part, on its request, of the amounts of which the Union requires the deduction by the employer on the salary of the persons that compose it, belong exclusively to the Base Unit.
- 10.3 The Base Unit fully, entirely and exclusively controls the amounts of money and by its general meeting's decision, adopts functioning rules for managing, administrating and the use of these amounts by the Base Unit Executive Committee.
- 10.4 The Base Unit Executive Committee must report during a regular general assembly of its members how the monies that are received by way of the union adjustments or the welfare fund is spent.
- 10.5 The Executive Committee of a Base Unit must submit in writing, at least once a year, a financial statement which must be approved during a general assembly.
- *10.6 The rules of functioning may be adopted by each of the base units as long as they are compatible and in conformity with the present constitution. Failing this, the rules are null and the constitution prevails.

Article 11 Executive Council

11.1 Composition

The Base Unit Executive Committee is composed of five (5) members at the most and normally includes one President, one Vice-President, a Secretary Treasurer, a Corresponding Secretary and a Counsellor. If the Base Unit members wish to add one or two Counsellors, they make a resolution to this effect, adopt it during a meeting duly called and send it to the Executive Committee.

11.2 Election

- a) The salaried employees, members of the Union, part of the Base Unit, elect the members of the Base Unit Executive Committee.
- b) The procedure of this election is determined in chapter 4 of the present Constitution.
- c) During a merger, the procedure stipulated in article 11.2 a) and b) does not apply to the union being merged once the mandate of their executive committee has terminated.

*11.3 Eligibility

The eligibility requirements for office application in the Base Unit Executive Committee are as follows. The salaried employee must:

1. Must be a continuous member of the Union during the twelve- (12) months which precede the election date. However, if a salaried employee has been part of a group of salaried employees members of the Union for less than twelve (12) months, he/she must have been a member of the Union on a continuous basis for at least half the time period between the deposit of the request for accreditation and the date of the election;
2. Be a Canadian citizen or received immigrant;
3. Be free of any conviction for a criminal act incompatible with his/her office and for which pardon was not granted;
4. Be employed by an employer exercising activities covered by Union jurisdiction as described in article 4 at the time of nomination.

However, the salaried employee dismissed and for whom the dismissal is subjected to a grievance for which a final decision has not been rendered, remains eligible.

*11.4 Duration of the mandate

The length of the mandate of the Executive Committee from a base unit is three (3) years. At the end of their mandate, they continue to sit with all rights until an election is held, which must be done within the 45 days following the end of the mandate.

Exceptionally, this mandate may be extended, by majority vote to this effect during a general assembly of the Base Unit, until the date of the signing of a new labour collective agreement.

During his/her mandate, the elected member of a Base Unit Executive Committee must retain the eligibility requirements described in paragraph 11.3. If this is not the case, his/her replacement proceeds according to the procedure provided in article 26.2 of the present Constitution.

If for any reason, a vacancy is created within a Base Unit Executive Committee, the Union representative or any other person mandated by the Union Executive Committee must implement the election procedure mentioned in Chapter IV in order to ensure succession to the position in question without delay for the remaining length of the mandate.

11.5 Powers and responsibilities

- a) In general, the functions and responsibilities of the Base Unit Executive Committee consist of asserting the intentions and requirements of the members it represents to the other levels or authorities of the Union, sending the decisions taken by these groups to the members and, if the case arises, participating in implementing these decisions.

Likewise, the Base Unit Executive Committee must assert the intentions and interests of the members it represents to the employer and see to the respect of the collective agreement.

- b) In particular, the Base Unit Executive Committee has the responsibility to submit for approval by the members it represents, in collaboration with the Union representative designated by the Union or, in his/her absence, with a person duly mandated by the Union Executive Committee, the drafting's of collective agreements settling their working conditions. It must also see to the respect of the frequency of the general meetings of the Base Unit members decreed in the present Constitution.

Likewise, the Base Unit Executive Committee must encourage the greatest participation possible of the members it represents in activities and decisions of the Union different groups by regularly providing them with the pertinent information.

To this end, the Executive Committee of a base unit, may elect members as delegates for a mandate of three (3) years who's role consists of asserting the rights of the members in their base unit, ensure the collective agreement is respected or to participate on the different committees.

- c) The Base Unit Executive Committee must manage, administer and use the amounts of money belonging to the Base Unit according to the functioning rules agreed on by the general assembly.
- d) Upon the expiration of their mandate, the Base Unit Executive Committee members must send the amounts and assets in their possession to the persons elected to succeed them.

11.6 Frequency of the meetings

The Base Unit Executive Committee may hold, once a month, a meeting of the members it represents in order to inform them of the various activities and decisions of the Union and make, if needed, the necessary decisions to safeguard their interests. However, it must call and hold such a meeting at least once a year. Furthermore, it must hold such a meeting at the request of

members in a number respecting the Quorum rules and this, in a reasonable delay.

11.7 Quorum

- a) In the case of a Base Unit of seven (7) members and less, the presence of the majority of the members constitutes Quorum.
- b) In the case of a Base Unit of more than seven (7) members and less than fifty (50), the presence of five (5) members constitutes Quorum.
- c) In the case of a Base Unit of fifty (50) members and more, the presence of ten percent (10%) of the members constitutes Quorum.
- d) If quorum has not been attained and the notice of general assembly contained all the propositions to be debated and voted on, the people present thirty (30) minutes following the official start of the meeting constitutes a quorum and the decisions taken are validly decided.

Section 3 - Divisions

Article 12 Definition

A Division designates the group of salaried employees part of Base Units and that work for given employers in one or many activity areas.

***Article 13 Number of Divisions**

The General Council establishes the number of Divisions and the composition of each one.

If the General Council modifies the number of divisions, the members of the Executive Committee of a division, elected at the Convention of the Union, must remain in function and that other members may be nominated, if necessary, up to a concurrence of the number of positions foreseen in article 14.1 of the Constitution. The members of the Executive Committee of a division named by the General Council remain in function until the Convention of the Union is held following their nomination.

The merger of a union with the Union may cause the creation of a new division following a resolution from the General Council. Such a division can only be created if the merged union to the Union has more than one accreditation or is merged with other base units from the same sector of activity.

When a new division is thereby created by the General Council following a merger, the General Council names the Executive Committee of that division, the members of the Executive Committee from the merged union and this, up to a concurrence of the number of positions foreseen in article 14.1 of the Constitution.

Article 14 Division Executive Council

14.1 Composition and election

The Division Executive Council includes a President, Vice-President, secretary and two (2) directors. It is elected during the Union Convention according to the procedure established in chapter 4 of the present Constitution.

*14.2 Eligibility

The eligibility requirements regarding a candidacy to a position in the Executive Council of a Division are as follows. The salaried employee must:

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1. Be a member of the Union on a continuous basis during the twelve (12) months that precede the election date;
2. Be a Canadian citizen or a received immigrant;
3. Be free of any conviction for a criminal act incompatible with his/her office and for which pardon was not granted;
4. Be employed by an employer exercising activities covered by Union jurisdiction as described in article 4 at the time of nomination.

However, the salaried employee dismissed and for whom the dismissal is subjected to a grievance for which a final decision has not been rendered remains eligible.

5. Be a delegate at the Union Convention.

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6. During a merger, the respect in regards to the delay foreseen in paragraph 1 is verified in regards to the situation that existed before the merger.

*14.3 Duration of the mandate

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The duration of the mandate of a Division Executive Council is four (4) years. At the term of its mandate, it continues to rightfully sit until the next Convention.

During his/her mandate, the elected member of a Division Executive Council must retain the eligibility requirements described in paragraphs 1 and 4 of article 14.2. If this is not the case, he/she is dismissed of his/her functions and his/her replacement must proceed, in which case the procedure provided for in paragraph e) of the present Constitution applies.

When a member occupies an elected position on the Division Executive Council and effects a temporary replacement within the base personnel and the office personnel, he cannot occupy an elective function. The position is

considered as being absent of its incumbent and paragraph g) or i) of the article 18.3 applies. At the end of the temporary replacement, he returns to his elected position within the Union.

14.4 Powers and responsibilities

- a) In general, the functions and responsibilities of a Division Executive Council consist of asserting the intentions and requirements of the members of the Division it represents to the Union General Council and Executive Council and to send the decisions made by these groups to its members.

Likewise, it must collaborate with the Base Units of the Executive Councils in achieving of the functions and responsibilities entrusted to this Council.

- b) In particular, it must collaborate to implement the Union General Council and Executive Council's rules and decisions.

14.5 Meetings of the members of a Division's Base Unit Executive Council.

- a) The Division Executive Council, accompanied, if it wishes, of one or more Union representatives working in this Division, may hold, if it is required in the best interest of its members, a meeting of the Base Unit Executive Councils' members part of the Division in question in order to inform them of Union activities and decisions regarding their activity area and to make, if needed, the necessary decisions to safeguard the interest of the Division members.
- b) Because of the relative lack of concentration of the members of a Division on the territory, the Union Executive Council may divide into sections the territory of this Division and consider the general meetings of the members constituted at the level of these sections in accordance to the present Constitution's requirements.

Section 4 - General Council

***Article 15 Composition and duration of the mandate**

15.1 The General Council is composed of the members of the Union Executive Council and of members of the Executive Council different Divisions.

15.2 The General Council is the group that governs the Union in between the Union Conventions.

*15.3 The mandate of the General Council's members is four (4) years. At the term of their mandate, they continue to rightfully sit until the next Convention.

Article 16 Powers and responsibilities

*16.1 Powers and responsibilities

- a) In general, the functions and responsibilities of the General Council consist of establishing the action principles and the general orientation of the Union activity.

Likewise, this group acts in the cases provided for in the present Constitution, as the appeal instances of the decisions taken by the Union Executive Council.

- b) In particular, the General Council approves the Union budget before the beginning of the fiscal year. The important amendments that become necessary during the fiscal year must in the same way be subjected to approval.
- c) The General Council may also submit to the direct approval of the Union members any question judge sufficiently important.
- d) The General Council has the power to undertake all projects regarding merging one union with the Union and this, upon recommendation of the Executive Committee of the Union.
- *e) If, for any reason, a vacancy is created in the Union offices of President, Vice President of administration, Executive Vice President or Controller, the General Council nominates a replacement that will fill this office until the end of the mandate. This replacement must meet the conditions of eligibility described in paragraphs 1 to 4 of article 14.2, 18.1 or in paragraphs 1 to 4 of article 20.2 of the Constitution.
- *f) If, for any reason, a vacancy is created in a Division of the Executive Council's members, the Executive Council of this Division chooses a candidate to fill the vacancy until the term of the mandate and then submits the candidate to the Union General Council for approval. This replacement must meet the conditions of eligibility described in paragraphs 1 to 4 of article 14.2 of the Constitution.

16.2 Frequency of the meetings

- a) Upon the Executive Council's convocation, the General Council must meet regularly, at least once every three (3) months.
- b) The Union Executive Council may with reason convene a special meeting of the General Council. The Unions Executive Committee must following a written request of seven (7) members from the General Council call a special meeting of the General Council.

16.3 Quorum

The presence of seven (7) members of the General Council, from at least one person representing each of the Divisions, constitutes Quorum.

Section 5 - Union Executive Council

***Article 17 Composition and duration of the mandate**

*17.1 The Union Executive Committee includes a President, Vice President of administration, Executive Vice President and a number of Vice-Presidents equal to the number of Divisions.

17.2 The Union Executive Committee is the group that governs the Union in between the General Council meetings.

*17.3 The duration of the mandate of the members of a Union Executive Committee is four (4) years. At the term of their mandate, they continue to rightfully sit until the next Convention.

During their mandate, these persons must retain the eligibility requirements described in paragraphs 1 to 4 of article 14.2. If they are dismissed of their functions, their replacement must proceed according to the procedure provided for, according to the case, in paragraph e) or f) of article 16.1 of the present Constitution.

Article 18

***18.1 Eligibility**

Notwithstanding paragraphs 1 and 4 of article 14.2, a person part of the basic personnel of the Union may, if having completed two (2) years of service, position his/her candidacy for President, Vice President of administration and Executive Vice President.

***18.2 Election**

*a) The candidates for President, Vice President of administration and Executive Vice President are elected at the Union Convention according to the procedure established in chapter 4 of the present Constitution.

b) As for the candidates for Vice-Presidents, those elected as President of each of the Divisions rightfully act as Union Vice-Presidents.

***18.3 Powers and responsibilities**

The Union Executive Committee must notably fulfil the following responsibilities:

a) It must see to the respect of the present Constitution.

b) It must see to the interpretation of the present Constitution.

c) It must authorise every Union expense, and such expense must necessarily appear in the budget that was approved by the General Council.

- d) Notwithstanding the preceding paragraph, it must decide of a supplementary credit request related to a budget item already approved by the General Council but must submit such decision for approval by this group at its next meeting.
- e) It must manage and administer the buildings and other assets of the Union.
- *f) It must see, in case of absence or incapacity to act of the President, Vice President of administration or Executive Vice President that the replacement is made as follows:
 - the President is replaced by the Vice President of administration;
 - the Vice President of administration is replaced by the Executive Vice President;
 - the Executive Vice President is replaced by the person then nominated by the Executive Council.
- g) It must see, in case of absence or incapacity to act of the Union Vice-President that he/she is replaced through official channels in the concerned Division.
- h) It must decide, in case of absence or incapacity to act of the Controller, of the choice of the replacement during the period in question.
- i) It must decide, in case of absence or incapacity to act of the Division Vice-President, Secretary, Director, to nominate or not a replacement during the period in question.
- j) It must approve the hiring of basic and office personnel.
- *k) It determines the Conventions, symposiums or demonstrations of the workers movement to which the delegates from the Union will participate; if the case arises, it must constitute the Union respecting as much as possible the repartition of the members from within each of the Divisions.
- l) It can create any committee judged necessary for the good fulfilment of its entrusted responsibilities, or pursue the Union ends, according to the present Constitution.
- m) It must see to the execution of any mandate that may be entrusted to it by the General Council or the majority of the members it represents.

*18.4 Frequency of the meetings

The Union Executive Council meets at least once a month. The President may, for cause, and must, upon written request from two (2) Union Executive Council members, call a special meeting of the Council.

In an emergency, notably in the following cases,

- i) for the admission of new members;
- ii) to authorise the registration of a certification request and all related procedures.

The Union Executive Committee can adopt resolutions without calling a formal meeting. However, for such a resolution to be valid, it must be sent verbally or otherwise to each Executive Committee member that may be reasonably reached and must receive the approval of the majority of the members.

The Union Executive Committee may with reason convene a special meeting of the General Council. The Union Executive Committee must following a written notice from seven (7) members from the General Council, convene a special meeting of the General Council.

18.5 Quorum

The presence of the majority of the Executive Committee members constitutes Quorum.

Article 19 Functions of the members of the Union Executive Committee

*19.1 President

- * In general, the incumbent of the position of Union President is the principal leader of the Union representing said and spokesperson of policies decided by the Union. This person has the responsibility of the good running of Union activities. He/she holds the authority and power from the whole of the members and the Union Executive Committee, and must regularly report his/her activities to this organism. In particular, the Union President must fulfil the following functions:
 - a) He/She presides the Union General Council and Executive Committee meetings and has in such circumstances a casting vote in case of equality of votes concerning a proposal.
 - b) He/She authenticates the documents that officially bind the Union by his/her signature.
 - c) He/She signs, jointly with the Union Vice President of administration, or in the absence or incapacity to act of the latter, with the Executive Vice President, the Union cheques as payment for expenses already authorised by the Union Executive Committee and provided for in the approved budget by the General Council.
 - d) He/She is rightfully part of every Council created by the Executive Committee.

- e) He/She submits to the Executive Committee of the Union for approval, the hiring of personnel under his responsibility and must assume their supervision.
- f) He/She submits to the Vice President of administration or the Executive Vice President of the Union the mandates he judges appropriate for the good running of the activities of the Union and resolves all controversies relative to the hiring or to the supervision of the personnel under their responsibility.
- g) He/She devotes all his/her working time to exercise his/her functions of President.
- h) He/She must send the Union monies and assets in his/her possession to the person elected to succeed him/her at the end of his/her mandate.

***19.2 The Vice President of administration**

Under the authority of the President, the incumbent of the position of Vice President of administration of the Union constitutes the principal person in charge of the execution of the different administrative tasks coming from the activities of the Union and must report regularly to the Executive Committee of the Union. In particular the Vice President of administration must fulfil the following functions:

- a) He/She must regularly keep up to date the financial statements determined by the Union Executive Committee in order to be able to provide the Union members with the information they might require.
- b) He/She is responsible for the collection and deposit of all Union monies in an account in the Union name in a financial institution designated by the Union Executive Committee.
- c) He/She must fully collaborate with the Controller for the execution of the functions entrusted to the latter in accordance with the present Constitution.
- *d) He/She must see to the preparation of the Union yearly budget, which must be presented to the General Council during the last month of the current fiscal year.
- e) He/She must see to the full respect of the budget approved by the General Council and prepare, at the end of the fiscal year, the different documents or financial statements required by the Union, along with relevant documents.
- *f) He/She must also submit to the Executive Committee of the Union the hiring of personnel under his responsibility for whom he assumes their supervision.
- g) At the end of his/her mandate, he/she must send the Union monies and assets in his/her possession to the person elected to succeed him/her.

- h) He/She jointly signs with the Union President, and in case of his/her absence or incapacity to act of the latter, with the Executive Vice President, the Union cheques for payment of expenses already authorised by the Union Executive Committee and provided for in the budget approved by the General Council.
- *i) He/She must assist the Union President in the execution of the functions entrusted to the latter within the Constitution and executes all mandates that the President, the Union Executive Committee or General Council might entrust to him/her.
- j) He/She devotes all his/her working time to exercise his/her functions of Vice President of administration.
- k) He/She sends the Union financial statements yearly to all Union members.
- l) He/She sees to the update of the entire list of the Union members.

*19.3 **Executive Vice President**

Under the authority of the President, in general, the Executive Vice President of the Union constitutes the principal person responsible for the execution of various tasks related to assemblies of the Executive Committee of the Union and the General Council of the Union and to the conservation of the documents of the Union and must report regularly his activities to the Executive Committee of the Union. In particular, the Executive Vice President must fulfil the following functions:

- a) He/She sees to the notification of the Union Executive Committee and General Council's meetings as requested by the Union President and he/she must join to this notification an agenda of the meeting.
- b) He/She is responsible for keeping the minutes of Union Executive Committee and General Council meetings up to date.
- c) He/She safeguards records, books of accounts and all other assets that belong to the Union and notably, he/she must ensure that records and relevant documents are kept regarding the income and expenses of the Union for a period of six (6) years.
- *d) He/She jointly signs with the President Union cheques for payment of expenses already authorised by the Union Executive Committee and provided for in the budget approved by the General Council, in case of the absence or incapacity to act of the Vice President of administration. He/She does the same with the Vice President of administration in case of the absence of the incapacity to act of the President.
- e) He/She must assist the President in executing his/her functions entrusted by the present Constitution and execute every mandate the Union President, Executive Committee or General Council might entrust to him/her.

- *f) He/She submits to the Executive Committee of the Union, for approval, the hiring of personnel under his/her responsibility and for whom he/she assumes their supervision.
- *g) He/She devotes all his/her working time to exercise his/her functions of the Executive Vice President.
- h) At the end of his/her mandate, he/she must send Union monies and assets in his/her possession to the person elected to succeed him/her.

19.4 Vice-Presidents

- a) In general, Union Vice-Presidents must assist the President in the execution of his/her functions entrusted according to the present Constitution and this, upon his/her request.
- b) In particular, Union Vice-Presidents must fulfil all the functions entrusted to them by the Union Executive Committee or the General Council.

Section 6 Controller of the Union

Article 20

*20.1 Duration of the mandate

- * The duration of the mandate of the Controller is four (4) years. At the term of his/her mandate, he/she remains in function until the next Convention.
- * During his/her functions, the Controller must retain the eligibility requirements described in paragraphs 1 to 4 of article 20.2. If such is not the case, his/her replacement proceeds according to the procedure provided for in paragraph e) of article 16.1 of the present Constitution.

When a member occupies the elected position of Controller effects a temporary replacement within the base personnel and the office personnel, he/she cannot occupy an elective function. The position is considered as being absent of its incumbent and paragraph h) of article 18.3 applies. At the end of the temporary replacement, he returns to his/her elected position within the Union.

*20.2 Eligibility

- * Eligibility requirements concerning the candidacy for Controller are the following:
 1. Be a member of the Union on a continuous basis during the twelve (12) months that precede the election date;
 2. To be a Canadian citizen or received immigrant;

3. Be free of any conviction for a criminal act incompatible with his/her office and for which pardon was not granted;
4. Be employed by an employer exercising activities covered by Union jurisdiction as described in article 4 at the time of nomination.

However, the salaried employee dismissed and for whom the dismissal is subjected to a grievance for which a final decision has not been rendered remains eligible.

5. Be a delegate at the Union Convention.

20.3 Election

- * The Controller is elected during a Union Convention according to the procedure determined in chapter IV of the present Constitution.

*20.4 Powers and responsibilities

- * In general, the Controller has the following responsibilities:
 - a) He/She must regularly examine, at least once a month, Union books and records in the responsibility of the Union Vice President of administration and submit a written report of his/her observations at the following meeting of the Union Executive Committee and General Council.
 - b) He/She must see to the preparation by the Union Vice President of administration of the different usual financial statements at the end of a fiscal year in order to properly inform the Union members interested in such a matter.
 - c) He/She attends the General Council meetings with the right of speech but without the right of vote.

Section 7 - Union Convention

Article 21

21.1 Definition

The Union Convention is the ultimate decision group within the Union. The decisions made are according to the majority of votes unless provided for otherwise by the present Constitution.

*21.2 Date

- a) The Union Convention occurs at a date determined by the Union Executive Committee during the year in which the mandates of the Union elected officers mentioned in article 27.4 expire.
- b) Likewise, the General Council may call, at its chosen date, any Union special Convention it judges necessary.

*21.3 Number of delegates

- a) The Base Unit consisting of twenty-five (25) members and more have the right to a number of delegates in the Union Convention, according to the following scale:

25 to 99 members	1 delegate
100 to 199 members	2 delegates
200 to 299 members	3 delegates
300 to 399 members	4 delegates
400 to 499 members	5 delegates
500 to 599 members	6 delegates
600 to 699 members	7 delegates
700 to 799 members	8 delegates

And so on.

- b) The Base Units consisting of twenty-four (24) members or less must be regrouped geographically in divisions in the manner resolved by the Union Executive Committee in order to determine the number of delegates who will represent the members, so regrouped at the Union Convention, on the basis of the terms of the preceding paragraph.
- * c) The number of members of the Base Unit is determined by the average number of members on its list of Union dues, during the year preceding the Convention. The number of members from the base units for which the Union is accredited during the year of the Convention is determined by the average number of members for the months during which the union dues were deducted at least thirty (30) days prior to the opening of the Convention. The Union Executive Committee may determine a particular rule, at a Base Unit's written request if:

1. the motives invoked to support the request justify it;
2. the delay in which the request is made does not harm the good running of the organization of the Convention to come.

Notwithstanding the preceding, the months of June and July preceding the Convention are used to determine the average number of members in a unit whose operations take place during the summer period. The months of December and January preceding the Convention are used for those whose operations are done during the winter season.

- * A base unit on strike or in a lock-out have the right to one delegate or more depending on the average number of members appearing on the list of union dues during the last two months preceding the start of the strike or the lock-out.
- * d) All the new Units who have the right to one delegate or more are eligible if union dues have been deducted according to the policy of the Union at least thirty (30) days prior to the opening of the Convention received this Base Unit's Union dues prior to the Convention.
- e) All the new Units who, according to the number of contributors, have the right to be part of a grouping must meet the following conditions:
 - 1) that the Union dues are received before the Convention holding;
 - 2) that the assembly of the Units, part of the grouping, did not take place.

*21.4 Credentials

At least fifteen (15) days prior to the opening of the Convention, the Union Executive Committee must send each elected delegate or appointed delegate credentials attesting his/her status of delegate at the Convention, with copy of the proposals received by the Executive Vice President of the Union in accordance with paragraph 2 of article 21.6 and paragraph 2 of article 21.7 of the Constitution.

21.5 Election President

- a) The General Council at the last assembly of this group, preceding the Union Convention nominates the Election President.
- b) He/She is responsible for applying the election procedure provided for in the present Constitution, in regards to the Union Executive Committee, a Division Executive Council and the Controller.
- c) He/She holds all the necessary power to solve any problem or question that may be submitted at the Union Convention within the mandate entrusted to him/her.

- d) He/She may appoint as many official representatives he/she judges necessary for the orderly course of the elections. The Union Executive Committee and General Council retiring from office must however approve the choice of these representatives.
- e) He/She has, towards his/her official representatives, an exclusive authority, sufficient to ensure the orderly course of the elections.
- f) The Election President and his/her representatives and official representatives are not eligible for any of the offices for which they must supervise the election.
- g) He/She has no right of vote.
- h) In case of incapacity to act of the Election President, the Union Executive Committee and the General Council retiring from office then choose the replacing person.

*21.6 Union Convention proposal

A proposal not aiming to amend the Union Constitution must follow these steps in order to be submitted to the Union Convention:

1. It must be submitted for resolution and adopted during a meeting according to the present Constitution by the Union Executive Committee, General Council, the Executive Committee of a Division or a general assembly of members of a Union Base Unit.
2. In the case of a resolution adopted by a general assembly of members of a Union Base Unit or by an Executive Committee of a Division, copy of the resolution in question must be sent to the Executive Vice President at least sixty (60) days before the Union Convention opening date.
3. The resolution from one of the specified instances is submitted to the appreciation of the delegates at the Convention in accordance with the agenda. To be adopted it must receive approval of a simple majority of the expressed votes.

*21.7 Constitution amendments proposal

All proposals aiming to amend an article of the present Constitution must follow these steps:

- *1. It must be submitted for resolution and adopted during a meeting according to the present Constitution by the Union Executive Committee, General Council, the Executive Committee of a division or a general assembly of members of a Union Base Unit.
2. In the case of a resolution adopted by a general assembly of members of a Union Base Unit or by an Executive Committee of a division, copy of the resolution in question must be sent to the Executive Vice President at least sixty (60) days before the Union Convention opening date.

3. The Convention delegates submit resolution of one of the pre-mentioned instances for assessment according to the agenda. In order to be adopted, it must be approved by the majority in a proportion of two thirds (2/3) of the expressed votes. When adopted, it is immediately in force unless otherwise stipulated.

Chapter III - Union Operations

Section 1 – Personnel

Article 22 Basic Personnel

22.1 Definition

- a) Any person the Union Executive Committee judges necessary for carrying out the Union activities, notably the different phases of recruiting new members, negotiating, concluding and implementing collective agreements as well as any function the Union Executive Committee may determine.
- b) The basic personnel includes an organiser, a Union representative, a judicial Counsellor and any other position the Union Executive Committee may determine.

*22.2 Powers and responsibilities

In particular, the Union representatives must sign, in the Union's name, in conjunction with the members of the Base Unit mandated to this effect, the labour collective agreements approved by the members concerned. In the absence of the Union representative, a Union Executive Committee member or any other person mandated by this Council may, in the same way, sign these documents. The Union representatives, along with the members of the base units mandate to that effect, must also see to the settlement, in the best interest of members, of the grievance said members submit to them.

22.3 Elective mandate

Every person, member of the basic personnel having been elected or is elected to an elective position within the Union and who is no longer part of the basic personnel after this election, is reintegrated to his/her functions within the Union basic personnel as soon as his elective mandate comes to term.

Article 23 Office personnel

A person whose tasks the Executive Committee judges necessary for the proper operation of the Union.

Section 2 - Income and expenses

Article 24 Income

In general, the Union receives income from members' dues. In particular, its income derives from member initiation fees, monthly dues paid by members and those who are otherwise held to it, statutory or occasional contributions from union groups and other amounts of money received freely or otherwise.

***Article 25 Expenses**

- *25.1 In general, any Union expense must first appear as an item of the budget approved by the General Council, reservation being made for the special powers given to the Union Executive Council according to the Constitution under paragraph d) of article 18.3.
- 25.2 Union monies must be spent for necessary and useful activities according to the requirements stated in the present Constitution.

Chapter IV - Election procedure

Article 26 Base Unit Executive Committee's election

- 26.1 Within the briefest delays of the certification request regarding a Base Unit, members of this unit must elect their Executive Committee.
- 26.2 Election methods

The election of one or more members of a Base Unit Executive Committee must proceed according to one of the two following methods:

- a) During a general assembly;
- b) By voting poll(s);
- c) By mail.

The election method by way of a general assembly must remain privileged when the characteristics of the base unit allows it and it is the only method in which placing a nomination on more than one position is possible.

The choice of method is determined by the Union representative and with the consent of the Base Unit Executive Committee, if any.

*26.3 Election during a general assembly

The Union representative or this Unit's Executive Committee President must send a written notice to the salaried employees concerned at least seven (7) days prior to the date, time and place of the general assembly.

The nomination of the candidates to different positions of the Base Unit of the Executive Committee occurs during the aforementioned general assembly; if only one candidate is nominated for any position and he/she accepts, he/she is then formally declared elected to this position.

If more than one candidate is nominated to any position, and they are in agreement, the election then occurs by secret vote under the presidency of the Union representative or any other person mandated by the Union Executive Committee. After compiling the voting results, in the presence of the candidates or representatives, the election President proclaims the candidates elected to the positions in question.

When the election of a person to a position on the Base Unit Executive Committee creates a vacancy in another position of this committee, the election of this position is done at the same meeting as long as it has been mentioned on the notice of meeting and the agenda.

26.4 Election by voting polls

The Union representative or any other person mandated by the Union Executive Committee of this unit must send a written notice to the salaried employees concerned at least thirty (30) days prior to the date, time and place of the vote and candidacy submittals.

The written nomination(s) of the candidates to different positions of the Union Base Unit Executive Committee must be received by the Union representative or the person mandated by the Executive Council at least fifteen (15) days prior to the date of vote. If only one person is nominated for any position and he/she is in agreement, he/she is then formally declared elected to this position.

If more than one candidate is nominated to any position, and if they are in agreement, these names are written down on the ballots and the election then proceeds by secret vote under the presidency of the Union representative or any other person mandated by the Union Executive Committee. After compiling the voting results, in the presence of the candidates or representatives, the election President proclaims the candidates elected to the positions in question.

26.5 Election by mail

The Union representative or any other person mandated by the Union's Executive Committee or the President of the Base Unit Executive Committee must transmit a written notice to the concerned salaried employees at least forty-five (45) days prior to the date, hour and place where the ballots will be opened and the delay in which to submit candidatures.

The written nominations of the candidates to the different positions of the Base Unit Executive Committee must be received by the Union representative or the person mandated by the Union Executive Committee at least twenty-one (21) days before the date foreseen for the counting of the voting ballots.

If only one person places their candidature to any given position and if they accept this fact, they are formally declared as having been elected to the position.

If more than one person places their candidature to any given position, and if they accept this fact, the names of the candidates are inscribed on the voting ballot next to the position. The ballots are then mailed to all the members of the base unit, who then must return them to the Union no later than the day before the date foreseen for counting the ballots. After compiling the results of the vote, in the presence of the candidates or their representatives, the president of the election then proclaims the candidates elected to the positions in question.

Article 27 Election of Union Convention delegates

27.1 Election of the delegates

- a) Election of Union Convention delegates must be done according to the methods prescribed in article 26.2.
- b) Election of delegates within a grouping of Base Units is the responsibility of the Union representative or any other person mandated by the Union Executive Committee.

*27.2 Appointed delegates

- a) For purposes of article 18.1, Union basic personnel members are appointed Convention delegates in order to allow them to exercise the tasks the Union Executive Committee might grant.
- b) Members retiring from the Union Executive Committee and a Division Executive Council, as well as the retiring Controller, are appointed delegates in full right for the duration of the Union Convention.

In the case of the replacement of a member of a Divisions Executive Committee for absence with reason or incapacity to act, the appointed delegate or elected delegate will be the one who was present and assisted at the last regular General Council of the Union preceding the convention

- *c) The retiring President, Vice President of administration as well as the Executive Vice President are qualified by this fact only to the positions of Union President, Vice President of administration or Executive Vice President despite article 27.5 of the present Constitution.

*27.3 Electoral qualifications

- a) Candidates for Union President, Vice President of administration or Executive Vice President are elected by way of absolute majority of votes. The candidates for Division President are elected by absolute majority of votes in the Division concerned during the Convention.
- b) The candidates for Division Vice-President, Secretary and directors are elected by way of a simple majority of votes of the Division concerned during the Convention.
- c) The candidate for Controller is elected by way of a simple majority of votes during the Union Convention.

*27.4 Order of elections to different positions

On the day indicated in the Union Convention Agenda, the election President proceeds to the election amongst candidates whose names have been submitted to the Union Executive Committee, one position at the time.

He/She must supervise the election for the positions of:

1. Union President.
- *2. Union Vice President of administration.
- *3. Union Executive Vice President.
4. Controller.
5. Each Division President.
6. Each Division Vice-President.
7. Each Division Secretary.
8. Each Division First Director.
9. Each Division Second Director.

Once a position is completed, he/she then proceeds to the next election on the list.

27.5 Candidacy

An elected or appointed Convention delegate may recommend the candidacy of another elected or appointed delegate.

A candidacy, with mandatory written approval of the candidate, is submitted by written notice sent at midnight at the latest to the Union Executive Committee President on the day of the Convention.

As soon as the Union Executive Committee receives the candidacy, it becomes public. The Union Executive Committee must send all received candidacies to the Election President nominated by the General Council.

Notwithstanding the preceding paragraphs, a defeated candidate may become a candidate to another position if the election for this other position has not occurred.

27.6 Candidacy acceptance

Before proceeding to the election for a given position, the Election President verifies if the candidates maintain their candidacy.

27.7 Election

- a) If only one person is duly nominated to a position, this person is formally declared elected by the Election President and the election becomes effective the same day.
- b) If many candidates are duly nominated to a position, the Election President then proceeds to a secret vote amongst the concerned delegates during the Union Convention.
- c) Once the specific voting period granted by the Election President is over, the official representatives of the latter gather the ballots in such a way as to respect the secrecy of the vote.
- d) The Election President then personally proceeds to the compilation of votes.
- e) Each candidate may delegate a representative to the Election President to witness the compilation of votes.
- f) Once the votes counted, the Election President proceeds:
 - Either, by formally declaring elected to the position in question the candidate who received the majority of the required votes according to the present Constitution.
 - Or, by inviting the Convention delegates to start the election over, after having officially declared excluded from the next poll the candidate who obtained the least votes in this last poll.

27.8 Oath for the delegates elected during the Convention

After being elected, the candidates will take the following oath:

"I solemnly promise to observe faithfully the Union Constitution;

I accept to defend to the best of my abilities the principles of unionism and I promise not to knowingly harm a member or accept they be wronged if I can prevent it;

I promise to do everything in my power to duly represent the members, including the organisation of non unionised workers in my responsibility;

I accept to work towards improving the lives and working conditions of the workers within my group;

I promise and declare that I will be faithful to the duties that are my responsibilities. I will attend all duly called assemblies. At the end of my mandate, I will remit all Union assets or funds in my possession to the Union.

Chapter V - Procedure rules and final provisions

Article 28 Procedure rules

***28.1 Deliberating assemblies**

The various Union group meetings occur following the order defined by Victor Morin's deliberative assembly procedure rules, unless dispositions are contrary to the present Constitution. The rules of deliberation for the Convention at Appendix 1 are an integral part of the present Constitution.

28.2 Agenda

1. Opening of the assembly by the President.
2. Adoption of the agenda.
3. Verification of attendance right.
4. Reading and adoption of the minutes of the preceding assembly.
5. Reading of the correspondence.
6. Treasurer report.
7. Councils' reports.
8. Current affairs.
9. Election of the Executive Council.
10. Other subjects.
11. Adjournment of the assembly.

A Base Unit Executive Committee may modify the pre-mentioned agenda according to its needs.

28.3 Minutes of meetings

Minutes must be taken and conserved for each of the meetings foreseen in the Constitution and this, for a minimum period of five (5) years.

Article 29 French predominance

The present Constitution's French text is the official text.

Appendix 1 Rules of deliberation

1. The delegates at the Convention sit within plenary assembly or within workshops. Only the propositions voted on in plenary assembly bind the Union.
2. The President of the Union presides the séances of the Convention. In his absence, he must designate another person to replace him.
3. The President gives the right to speak alternatively to the delegates who present themselves at the microphones installed within the room. Invited to speak by the President, the delegate says their name and identifies the base unit they represent.
4. The intervention of the delegate is focused on the subject being studied and lasts no more than three minutes.
5. A delegate may not intervene a second time on the same subject before those delegates who wish to do so have had the chance to intervene a first time.
6. It is not permitted to interrupt the intervention of a delegate unless it is to raise an infraction with regards to the rules of deliberation.
7. In the case where the intervention of a delegate is interrupted, he/she must suspend his/her intervention until the President has given a ruling on the presumed infraction and has given him/her the right to continue.
8. In the cas where a delegate persists on contravening the rules of deliberation, the President withdraws his/her right to speak and submits his/her actions for judgment to the congress. The delegate is then invited to explain and to then remove himself/herself while the congress deliberates and rules on his/her case.
9. When the plenary assembly has read a proposal, the President asks; “Are there any discussions?” If there are none, or if the discussions are over, the proposal is then put to a vote.
10. Each delegate with full right has the right to vote. A vote is held by a show of hands. The majority of those delegates may demand another means of voting. Appointed delegates, observers or guests do not have the right to vote.
11. Two delegates may appeal a decision of the President who then asks the assembly “Do the delegates maintain the decision of the presidency?” This vote is held without preliminary debate, but the President may explain his decision.
12. To be adopted, a proposal must obtain a simple majority of votes. Although, in the case of a proposal to amend the Constitution of the Union, it must receive a majority of 2/3 of the votes expressed.

13. As delegate, the President may vote on all the proposals. In the case of an even vote, his/her vote dominates.
14. When a delegate asks the preliminary question, (he must not have intervened on the subject in discussion) all discussions automatically cease if the preliminary question is adopted; the proposition debated is also put to a vote. If the preliminary question is rejected, the debate continues on the proposition being studied.
15. The committees of the Convention submit the propositions to delegates under the form of a report containing one or more recommendations. The propositions are not subject to amendment on the part of the delegates. The delegates may adopt, reject or send all parts of a committee report back to be reexamined by the committee.
16. A proposition to be sent back or the preliminary question is not subject to discussion, it is immediately put to a vote.
17. No proposition other than the one to send back to a committee, the preliminary question or the adjournment is admissible during the debate on a proposition. In the case of a rejection of such a proposition, we cannot propose a second one of the same nature without justification of the new facts.
18. A proposition that demands a reexamination of a question decided by the assembly can only be done by a delegate who had voted on the winning side. Furthermore, it must be presented the same day.
19. The presence of the majority of the number of delegates registered at the Convention constitutes the quorum of the plenary assembly.
20. In all cases not provided for by the present rules of deliberation or by constitution of the Union in place, the rules foreseen by the Code for assembly procedures deliberating from Victor Morin apply.
21. Subject to rule 15, the recommendations contained in the different reports can be the subject of a proposition of:
 - reception and deposit of the report
 - adoption of the report
 - rejection of the report
 - sending back of the report

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