



# **Constitution**

**of the**

**Communications,  
Energy and  
Paperworkers  
Union of Canada**

**Adopted November 28, 1992 at the  
Founding Convention in Montreal  
Amended in 1994, 1996, 1998, 2000, 2002, 2004, 2006,  
2008 and 2010**

# INDEX

PREAMBLE .....	1
1 - NAME .....	1
2 - OBJECTS .....	1
3 - JURISDICTION.....	2
4 - AFFILIATIONS.....	3
5 - MEMBERSHIP .....	3
6 - REVENUE .....	7
7 - GOVERNING AUTHORITY .....	10
8 - CONVENTION .....	11
9 - NATIONAL EXECUTIVE BOARD .....	17
10 - DUTIES OF MEMBERS OF THE NATIONAL EXECUTIVE BOARD.....	21
11 - REGIONS.....	30
12 - LOCAL UNIONS .....	31
13 - REGIONAL COUNCILS.....	37
14 - ELECTIONS.....	38
15 - COLLECTIVE BARGAINING .....	42
16 - STRIKES AND DEFENCE FUND .....	43
17 - CHARGES, TRIALS AND APPEALS.....	45
18 - MERGERS .....	63
19 - AMENDMENTS .....	64
20 - OFFICIAL LANGUAGES .....	64
21 - OATH OF OFFICE.....	64
22 - EFFECTIVE DATE.....	64
 APPENDIX 1 - Rules of Order at Convention.....	 65

## **PREAMBLE**

Believing that all persons have a natural right to the full enjoyment of the wealth created by their labour and believing that such cannot be fully realized except through the united, free and democratic organization of working men and women, we do hereby unite ourselves to create the Communications, Energy and Paperworkers Union of Canada, which shall operate as an independent and autonomous labour union.

It shall be the object of this Union to establish and maintain collective bargaining for the benefit of the workers within its jurisdiction and to conduct a never-ceasing effort to secure just compensation for the workers, reasonable hours of work and working conditions conducive to safety, good health and full enjoyment of life.

It shall be the further object of this Union to secure legislation safeguarding and promoting economic security and the social welfare of all workers, and to remain vigilant in the interest of preserving and extending civil rights and liberties within a free and democratic society.

This preamble shall be and form part of the Constitution of the Union.

## **ARTICLE 1**

### **NAME**

#### **1.01**

This organization, hereinafter referred to as the Union, shall be known as the Communications, Energy and Paperworkers Union of Canada, or CEP in abbreviated form.

All Local Unions falling under the jurisdiction of the CEP shall identify themselves as Communications, Energy and Paperworkers Union of Canada, or CEP in abbreviated form. Any exception must have prior approval of the National Executive Board.

## **ARTICLE 2**

### **OBJECTS**

#### **2.01**

The objects of the Communications, Energy and Paperworkers Union of Canada shall be:

##### **2.01.01**

To organize persons engaged within the jurisdiction of the Union and assist in the organization of all working people.

**2.01.02**

To improve wages, hours of work, employment security and other conditions of employment through collective bargaining.

**2.01.03**

To strive for equality regardless of race, creed, colour, age, marital status, family status, ancestry, place of origin, ethnic origin, citizenship, language, religious beliefs, sex, sexual orientation, disability, records of offence or political affiliation.

**2.01.04**

To assist in advancing the social, economic and general welfare of working people through political, educational, civic and other activities.

**2.01.05**

To safeguard, protect and extend freedom, civil liberties, democracy and democratic trade unionism.

**2.01.06**

To engage in political activities to secure beneficial legislation and obtain the defeat and repeal of harmful legislation.

**2.01.07**

To aid and co-operate with other trade unions and other organizations whose purposes are in accord with the purposes of this union, and to affiliate with organizations which meet our goals and to participate in such organizations.

**ARTICLE 3****JURISDICTION****3.01**

The jurisdiction of the Communications, Energy and Paperworkers Union of Canada shall include persons engaged in the communications, electrical, electronic, energy, atomic, petroleum, gas, coke, chemical, service, pharmaceutical, petro-chemical, pulp, paper, forest products and all allied, related and similar industries in Canada, as well as any other fields of endeavour.

## **ARTICLE 4**

### **AFFILIATIONS**

#### **4.01**

The Communications, Energy and Paperworkers Union of Canada shall be affiliated to the Canadian Labour Congress and such other organizations as may be decided by Convention resolution or the National Executive Board.

## **ARTICLE 5**

### **MEMBERSHIP**

#### **5.01**

##### **Eligibility**

##### **5.01.01**

Except as herein otherwise provided, any person employed within the jurisdiction of the Union shall be eligible for membership.

##### **5.01.02**

All persons who are members and who become officers of labour organizations representing persons within the jurisdiction of the Union shall continue to be eligible for membership in the Union.

##### **5.01.03**

Members of the Union who are on leaves of absence from their employment or who are employed on a full-time or part-time basis by the National Union or a Local may continue to be active members.

##### **5.01.04**

No person otherwise eligible for membership in the Union shall be admitted to, or retain membership as the case may be, if the person has been fined, suspended or expelled by the National Union or a Local of the Union, if that person has not complied with the terms of such fine, suspension or expulsion.

##### **5.01.05**

All eligible members, before being admitted to full membership, shall subscribe to the following obligation:

"I, (name of individual), pledge my honour to faithfully observe the Constitution and laws of this Union; to comply with all the rules and regulations for the government thereof; not to divulge or make known any private proceedings of this Union; to faithfully perform all the duties assigned to me; that I will not wrong a member, or see him or her wronged, if in my power to prevent; to

so conduct myself at all times as not to bring reproach upon my Union, and at all times to bear true and faithful allegiance to the Communications, Energy and Paperworkers Union of Canada”.

The local membership present: “Your pledge will be remembered”.

The above obligation of membership may be administered by an officer or representative of the National Union to any person applying for membership in the CEP.

Failure to pronounce this obligation shall not prejudice the majority status of the bargaining unit.

## **5.02**

### **Applications**

#### **5.02.01**

Membership in the Union shall be obtained and maintained through membership in a Chartered Local of the Union. However, a person or persons working where there is no Chartered Local with jurisdiction for them, or where the National Executive Board so determines, may join as members-at-large.

#### **5.02.02**

Each application for membership shall be accompanied by the appropriate initiation fee or fees as established by the Local, the National Executive Board or this Constitution.

#### **5.02.03**

The initiation fee established by a Local shall not be more than thirty-five dollars (\$35.00) without the approval of the National Executive Board. If the initiation fee has not been set by a local, it shall be deemed to be the first month's dues to the local. For newly organized members the initiation fee, dues and all other fees shall be the minimum required by law in the jurisdiction concerned. Members-at-large shall pay directly to the Union the minimum required by law in the jurisdiction concerned.

#### **5.02.04**

Each Local may establish a membership committee or membership committees, which shall act upon applications for membership. Membership committees shall accept or reject applications, subject to the right of the local to overrule the committee. The Executive of the local may act as the membership committee if the local has not otherwise provided for a membership committee.

#### **5.02.05**

A Local shall not establish qualifications for membership, which contravene qualifications set forth in this Constitution.

#### **5.02.06**

A Local shall have the right to deny membership to an applicant for good and valid reason or if the applicant has committed any of the offences listed in Article 17.01 of this Constitution.

**5.02.07**

An applicant who has been denied membership by a Local shall have the right to appeal the decision of the Local to a Local membership meeting and to present the appeal in person.

**5.02.08**

The National Executive Board shall serve as the membership committee and act upon applications for members-at-large.

**5.02.09**

The National Executive Board may assign members-at-large to a Local or Locals at such time and under such conditions as is deemed appropriate by the National Executive Board.

**5.03****Transfers and Withdrawals****5.03.01**

The National Executive Board shall establish rules and procedures for the transfer of the membership of a member of the Union who changes employment from the jurisdiction of one local to another.

**5.03.02**

The transferred members shall not be required to pay an initiation fee if the transfer is initiated not later than ninety (90) days after the effective date of their change in employment.

**5.03.03**

The member shall be granted such transfer if the member is in good standing.

**5.03.04**

A withdrawal card shall be issued by the Local upon application of a member in good standing leaving the jurisdiction of the Union. Should the holder of a withdrawal card later return to the jurisdiction of the Union, the initiation fee shall be waived if such card is presented to the Secretary of the Local having jurisdiction of the members within thirty (30) days of the return to the Union's jurisdiction. Failure to present the card within the time limit specified herein shall void the rights and privileges granted by such withdrawal card.

**5.03.05**

The National Union shall supply transfer and withdrawal cards to local unions at uniform costs for issuing to local members in good standing upon proper application.

**5.03.06**

Members of the Union who are or may be retired for any reason or who are, or may be on leaves of absence from their employment, may choose to be associate members. An associate member will not have voting rights and will not be required to pay dues, except in cases provided for under Article 5.03.07.

Retired members may join retirees organizations formed under terms established by the National Executive Board but may not continue as active members, except in cases provided for under Article 5.03.07.

#### **5.03.07**

Locals, for historical reasons, or for reasons specific to their workplace, have the option of including in their By-laws special membership categories for retired members, unemployed members, freelance members and proprietor members. The Local may outline rights and responsibilities for such membership categories, which may include some or all of the following:

- the right to attend Local meetings;
- the right to vote at Local meetings;
- the obligation to pay dues at a special category rate;
- the right to vote on the allocation of money collected from their own category.

Any special membership provisions must have been approved by the National Executive Board before being included in the Local By-laws.

#### **5.03.08**

No member in one of the above special categories, other than freelance, will participate in any vote connected with a specific collective agreement, e.g. ratification vote, strike vote.

#### **5.03.09**

Special category members may be exempted from paying per capita to the National Union. But, special category members must be paying per capita dues to the National Union to be eligible to:

- vote in Local elections;
- hold Local office;
- be selected as a voting delegate to the CEP convention
- be selected to represent CEP at CLC conventions;
- vote on any matter concerning the allocation of the Local's general funds.

### **5.04**

#### **Termination**

##### **5.04.01**

Membership in the Union shall be terminated when a member accepts a position, which would render the member ineligible for membership. Bargaining units may provide that a member who temporarily assumes such a position may retain membership. In doing so, bargaining units may further provide that the member shall not hold any office within the Union or attend any Local or other Union meetings during the temporary position and, except where prohibited by law, shall not have any voting privileges until thirty (30) days after the return to the unit.



#### **5.04.02**

Membership may be terminated by expulsion as provided in this Constitution.

#### **5.04.03**

A member who has been dismissed shall retain membership status provided a grievance is filed against the dismissal. Such person shall lose membership status on any of the following dates:

##### **5.04.03.01**

The date on which the grievance is withdrawn or dropped;

##### **5.04.03.02**

The date on which, by settlement, the grievor ceases to be covered by the collective agreement under which the grievance was filed, unless the grievor has been transferred to another bargaining unit for which the Union acts as the bargaining agent;

##### **5.04.03.03**

The date of the arbitration award sustaining the dismissal or, where proceedings for judicial review are taken, the date such proceedings are dismissed.

#### **5.04.04**

A member in default, without good cause, in the payment of any instalment of per capita for ninety (90) days from the date such amount becomes due, may be suspended from the rights of membership and, if the default continues without good cause for an additional thirty (30) days after notice in writing by the Secretary-Treasurer, may be expelled from the Union. "Good cause" shall be that which the National Executive Board of the Union determines to be good cause.

## **ARTICLE 6**

### **REVENUE**

#### **6.01**

##### **Membership Dues**

##### **6.01.01**

Each member of the Union shall pay the membership dues established by the local, or by the National Executive Board in the case of members-at-large. Membership dues shall be collected in the manner determined by the Convention or the National Executive Board.

##### **6.01.02**

Locals may provide reinstatement fees for persons who have withdrawn from membership without securing a withdrawal card or who have been suspended or expelled from membership. To the extent to which reinstatement fees require payment of delinquent dues, the per capita on delinquent dues must be forwarded to the National Union.

## **6.02**

### **Per Capita to National Union**

#### **6.02.01**

The revenue of the National Union shall be derived as follows:

##### **6.02.01.01**

From initiation fees as provided for in this Constitution.

##### **6.02.01.02**

From per capita, which shall be, as of January 1, 2005, 78/100 of 1.0% (.0078) of basic pay (card rate), including cost-of-living payments, but excluding overtime, shift premiums and incentive pay. Locals may, at their option, use the method of averaging out the current hourly or weekly rates and submit on the basis of a flat amount, provided that it delivers the same amount of per capita to the National Union.

Each Local Union shall send with its per capita payment the complete list which the employer provides to it and which shows the union dues collected for the month and the names of the persons who paid their dues, in order to ensure a very accurate and fair monitoring of the collection of per capita for all Locals.

Effective January 1, 2007 and continuing until the Defence Fund has net assets of twenty-five (25) million dollars, the per capita of 78/100 of 1.0% (.0078) shall be increased to 96/100 of 1.0% (.0096). All revenue derived from the difference between 78/100 and 96/100 of 1.0% shall be assigned directly to the Defence Fund and the normal assignments set out in Article 6.03 of the Constitution shall be applied to the remaining 78/100 of 1.0%.

During the month immediately following the month in which the Defence Fund reaches the positive balance of twenty-five (25) million dollars set out above, the Secretary-Treasurer shall advise all locals that the per capita will be reduced to 78/100 of 1.0% (.0078) at the end of the third month following the month in which the positive balance of twenty-five (25) million dollars is achieved. For greater clarity, this means that if the positive balance referred to above is achieved in May, the Secretary-Treasurer will advise all locals in June that the per capita will be reduced to 78/100 of 1.0% at the end of August.

At any subsequent point in time, if the net assets of the Defence Fund fall below fifteen (15) million dollars, the per capita shall again be increased to 96/100 of 1.0% (.0096) under the same terms as set out above. Such increase shall become effective on the first day of the third month following the month in which the balance falls below fifteen (15) million dollars, and remain in effect until the end of the third month following the month in which the balance of the Defence Fund exceeds twenty-five (25) million dollars.

The Secretary-Treasurer shall be responsible for giving locals advance notice of any change in the level of per capita and ensuring that any increase in per capita is assigned exclusively to the Defence Fund.

#### **6.02.01.03**

From per capita dues paid by members-at-large and special category members such as retired members, unemployed members, freelance members and proprietor members.

Such special category per capita dues will be established by the National Executive Board, after consultation with the Local.

#### **6.02.01.04**

Other revenue shall be derived from charter fees, supplies, subscriptions, materials, interest on investments and other sources normal to the operation of a National Union.

#### **6.02.01.05**

Members on strike, locked out or laid off because of a strike or lockout may be exempted from per capita payment by the National Executive Board.

#### **6.02.01.06**

Members on sick leave may be exempted from per capita payment by the National Executive Board in accordance with the policy of the Union.

### **6.03**

#### **Assignments**

#### **6.03.01**

From each per capita tax the following transfers shall be made:

To the Defence Fund - 17.5% of per capita.

To the Organizing Fund - 8% of per capita.

To the Convention Fund - 2.5% of per capita.

To the Child Care Fund - 0.1% of per capita, to a maximum of \$100,000 net assets in the Fund, after which all income shall be deposited in the Defence Fund.

The balance of revenue to be placed in the General Fund, which shall be used to defray current expenses, such as affiliations, the publishing and mailing of the National Union's publications, payment of salaries, benefits and expenses of officers and employees of the National Union, maintenance of Headquarters and Regional offices of the National Union, and for any other legitimate expenses approved by the National Executive Board. Expenses related to the administration of the Defence Fund shall be paid out of the Defence Fund.

#### **6.04**

Where per capita and other monies are collected for the National Union by a Local Union such funds shall be remitted to the National Union not later than the end of the month following the month in which the dues are deducted, whereupon it is to be sent, together with the report of the standing of each member of the Local Union to the Secretary-Treasurer of the National Union. In the event a Local Union fails to send a complete report on time, together with the monies collected for the National Union, it shall be penalized five percent (5%) of the monies due for the month involved, and for each following month it is not paid a further one percent (1%) will be added. An additional twenty (20) days will be granted in the case of a Local Union producing roster sheets. The National Executive Board may, however, exonerate a Local Union from such penalty where it is found that the delinquency was caused by reasons beyond the control of the Local Union.

#### **6.05**

Per capita and other monies collected for the National Union by a Local Union shall at all times be the property of the National Union. No authority shall exist or be created for the expenditure of any portion of these funds by any body other than the National Union.

### **ARTICLE 7**

#### **GOVERNING AUTHORITY**

#### **7.01**

The affairs of the Union shall be governed by its membership in the following manner:

##### **7.01.01**

By the Convention as the highest governing authority of the Union.

##### **7.01.02**

By the National Executive Board exercising the authority of the Convention between Conventions, in accordance with the Constitution and the mandates of the Convention.

##### **7.01.03**

By the President as the principal executive officer of the Union, who shall have the authority and responsibility to carry out the policies of the Union in accordance with the Constitution and the mandates of the Convention and the National Executive Board.

##### **7.01.04**

By the Locals of the Union conducting their affairs in accordance with this Constitution and Local By-laws and Rules, which they may adopt so long as they do not contravene any provision of this Constitution.

## **ARTICLE 8**

### **CONVENTIONS**

#### **8.01**

##### **Authority**

The Convention shall be the supreme body of the Communications, Energy and Paperworkers Union of Canada, having the power to amend this Constitution, provide for election of officers, formulate rules governing conduct of the National Union, establish policies of the National Union and exercise any other powers necessary in respect of the administration of the National Union.

#### **8.02**

##### **Timing and Location**

Conventions of the National Union shall be held biennially, in different regions of Canada, at times and places designated by the National Executive Board.

#### **8.03**

##### **Special Conventions**

A special convention shall be called when authorised by at least two-thirds (2/3) of the members of the National Executive Board. The National President shall call a special convention when requested to do so by thirty percent (30%) of the Locals representing thirty percent (30%) of the membership of the Union and such special convention shall take place within sixty (60) days of such a request for a special convention. No business shall be considered by any special convention except the business specified by the convention call.

#### **8.04**

##### **Convention Call**

The Secretary-Treasurer, at the direction of the President, shall issue a convention call to all Locals and National Officers of the Union setting forth the time and place at which the convention will convene not less than one-hundred-and-fifty (150) days prior to the opening date fixed for the convention, if a regular convention, and not less than thirty (30) days prior to the date fixed for the convention, if a special convention.

At the time the Secretary-Treasurer issues the convention call Locals shall be notified as to their voting strength and the number of delegates to which they are entitled according to the records of the National Union. The Secretary-Treasurer shall also supply each Local with credential forms in duplicate for each of its delegates and alternates.

## **8.05**

### **Certification of Delegates**

Each Local shall certify to the Secretary-Treasurer of the Union, at least sixty (60) days prior to the opening date of a biennial convention, or ten (10) days prior to the opening date of a special convention, using the duplicate of the credential forms provided by the Union, the names, addresses and voting strength of its delegates and alternates, if any, and the Chairperson of its delegation.

The original copy of the credential form shall be retained by the Local and shall be presented by the elected delegate or alternate to the convention credentials committee upon arrival at the convention.

## **8.06**

### **Composition of Convention**

#### **8.06.01**

Each Local Union shall be entitled to be represented at a Convention by the number of delegates determined as follows plus one young worker delegate with voice and no vote:

0 to 150 members - 2 delegates
151 to 300 members - 3 delegates
301 to 450 members - 4 delegates
451 to 650 members - 5 delegates
651 to 950 members - 6 delegates
951 to 1450 members - 7 delegates
1451 to 2450 members - 8 delegates
2451 to 3950 members - 9 delegates
Over 3950 members - 10 delegates

#### **8.06.02**

For the purpose of determining the representation of Local Unions at the Convention the average number of members for the four (4) highest months for whom per capita was paid to or collected by the National Union during the twelve month period preceding the seventh (7th) month prior to the month in which the Convention begins its session shall be the number of members for which the Local is entitled to delegates. Locals chartered after such time shall be allowed to elect delegates in accordance with this Section on the numbers in the Local at the time it was chartered, provided however, that duplicate representation because of shift in membership from one local to another shall not be allowed.

For Local Unions on strike during the time frames set out in the paragraph above the average number of members shall be based on the number of members receiving strike benefits from the Defence Fund.

#### **8.06.03**

Each Local shall elect the convention delegates to which it is entitled. It may also elect alternate delegates to the Convention in an amount not in excess of the number of delegates to which it may be entitled. The Local shall designate the alternate to replace a delegate. An alternate may exercise all of the rights of a delegate in the absence from the Convention of such delegate after being seated by the Convention. Delegates and alternate delegates shall be elected in a secret ballot election of the members of each Local and in conducting such election, all constitutional procedures shall be observed provided, however, that a Local's By-laws may provide that one or more of the executive officers of the Local shall automatically become delegates or alternates by virtue of the office to which they are elected.

#### **8.06.04**

Each Local shall determine the number of its delegates. A Local delegation, however, shall not exceed the maximum number as provided for in 8.06.01. Each Local shall assign the number of votes to which it is entitled equally among its delegates. The number of votes, which may be left over after such equal division shall be assigned to the Chairperson of the delegation of the Local.

#### **8.06.05**

A Local shall not be entitled to representation at the Convention if it is two (2) months or more in arrears in the payment of per capita tax or assessments at the time of the opening of the Convention.

#### **8.06.06**

Officers of the National Union shall be seated at the Convention as delegates, with the right to speak at the Convention but without the right to vote. Rank-and-File Board Members shall be seated at the Convention as delegates with the right to speak at the Convention and with the right to cast one vote on all issues that they would be eligible to vote on if they were a delegate from their own Local Union. Their vote shall not, however, be deducted from the number of votes their Local Union is entitled to.

#### **8.06.07**

The National Women's Committee members, the National Equity Committee members and the members of the National Young Workers Committee shall be seated at the Convention as delegates with the right to speak at the Convention and with the right to cast one vote on all issues that they would be eligible to vote on if they were a delegate from their own Local Union. Their vote shall not, however, be deducted from the number of votes their Local Union is entitled to.

If the member of the Women's Committee, the member of the National Equity Committee or the member of the National Young Workers Committee chooses to come to convention as a delegate from his/her Local, he/she would not be entitled to the one vote allocated to him/her as a member of the Women's Committee, as a member of the National Equity Committee or as a member of the National Young Workers Committee.

Likewise, he/she would be entitled to cast only one vote if he/she is also a Rank-and-File Board member.

#### **8.06.08**

National Representatives of the Union shall attend the Convention, unless directed otherwise by the President. They shall have the right to speak at Convention but shall not have the right to vote.

#### **8.06.09**

Members employed on a full-time or part-time basis by the National Union may not be delegates to the Union's Convention, but are eligible to run for national office unless otherwise disqualified under this Constitution.

#### **8.06.10**

Observers who are CEP members in good standing attending Convention with their local shall be entitled to sit on the floor of Convention, but shall not be granted voice nor vote.

### **8.07**

#### **Method of Voting**

##### **8.07.01**

A Local delegate shall have one vote in the Convention, except on a roll call vote.

##### **8.07.02**

A roll call vote of the Convention shall be held upon the request of twenty percent (20%) of the delegates.

##### **8.07.03**

Voting by roll call shall be by per capita vote with each delegate casting the number of votes assigned to the delegate and approved by the Credentials Committee and the Convention.

##### **8.07.04**

Members of the National Executive Board of the Union shall be elected by secret ballot on a per capita basis.

### **8.08**

#### **Order of Business**

The order of business, once adopted, may be suspended by a two-thirds (2/3) vote of the delegates present.

Nominations for National Executive Board positions shall be held on the first day of the Convention, as the last order of business on that day. Members who are nominated for a National Executive Board position on the first day of Convention shall have the right to be nominated for



another position(s) at the time of the election. However, a member who was not nominated for a position on the first day of Convention, or who withdrew after nomination, shall not be eligible to be nominated for a position at the time of the election unless there are no other nominations for the position at the time of the election. Elections of National Executive Board positions shall be held on the second last day of Convention.

The President shall preside at all sessions except on those occasions when some other person may be designated by the President. Conduct of the Convention shall be under rules as may be adopted by the Convention, with Bourinot's Rules of Order prevailing under circumstances not covered by the Convention rules.

## **8.09**

### **Committees of Convention**

#### **8.09.01**

Prior to the opening of the Convention the President, in consultation with the National Executive Board, shall appoint and convene such committees as may be necessary for the conduct of the business of the Convention. Any such committees will be comprised of four (4) members from each Region of the Union, except for any Credentials Committee, which may be comprised of three (3) members from each Region. The Union shall pay the Convention Committee Members one day's pay at their regular rate of pay for each day while on authorized Convention business. In addition, a per diem allowance and transportation costs will be paid. Convention committee members will be reimbursed for reasonable hotel accommodation costs for the duration of Convention, plus a maximum of one extra day to accommodate the use of airline seat sales. These payments shall only apply for days in addition to regular Convention days and not for time spent when the Committee member is attending the Convention as a delegate. The President shall appoint an advisor to work with each committee as deemed necessary.

#### **8.09.02**

Prior to each National Convention the National Executive Board shall appoint an Officers' Report Committee comprised of rank-and-file delegates. The Committee will review the reports to convention of the President, the Secretary-Treasurer, Vice-President - Media, Executive Vice-President - Québec and the Vice-Presidents and provide a report to delegates on the first day of convention.

## **8.10**

### **Expenses of Convention**

#### **8.10.01**

The Union shall pay the normal and usual expenses incident to the meetings of the Convention together with the expenses of the National Executive Board and of those other members or agents whose attendance at the Convention may be required by the National Executive Board. The Locals shall pay those expenses of their respective delegates that are not paid for by the Union.

### **8.10.02**

There shall be a registration fee for Convention delegates, the amount to be established by the National Executive Board.

### **8.10.03**

One (1) delegate from each Local Union shall be reimbursed for the following expenses to attend the Convention:

#### **8.10.03.01**

Transportation to and from Convention as per the CEP Policy.

#### **8.10.03.02**

Per diem in accordance with the expense policy of the Union for the duration of the convention, plus a maximum of one extra day to accommodate the use of airline seat sales.

## **8.11**

### **Attendance, Individual Members**

Any member of the Union in good standing may attend the general meetings of the Convention as an observer.

## **8.12**

### **Resolutions and Constitutional Amendments**

#### **8.12.01**

Resolutions and Constitutional amendments submitted by the Locals and received by the Secretary-Treasurer of the Union or post marked ninety (90) days prior to the opening of the Convention shall be circulated to all Locals thirty (30) days prior to the opening of the Convention.

#### **8.12.02**

Resolutions and Constitutional amendments submitted after the ninety (90) day deadline will not be circulated to the Locals and will not be handled by a Convention Committee unless the appropriate Committee rules that the subject matter is of an emergency nature.

#### **8.12.03**

Any Resolutions or Constitutional amendments presented to the Convention under 8.12.01 above must have been approved by a Local membership meeting and be attested to by an Officer of the Local.

#### **8.12.04**

All resolutions submitted by the National Executive Board that are not of an emergency nature are to be circulated to all locals 30 days prior to the opening of Convention. Resolutions of an emergency nature submitted by the Executive Board will be handled as in 8.12.02.

#### **8.12.05**

All matters coming before any Convention, except changes to this Constitution, shall be decided by a majority of the votes cast by delegates representing Local Unions in good standing.

#### **8.12.06**

All proposed increases in the per capita dues or special assessments shall be circulated to all locals no later than thirty (30) days prior to the opening of the Convention.

### **8.13**

#### **Quorum**

At any Convention a majority of the delegates seated shall constitute a quorum.

## **ARTICLE 9**

### **NATIONAL EXECUTIVE BOARD**

#### **9.01**

The National Executive Board shall consist of the following:

##### **9.01.01**

The President

##### **9.01.02**

The Secretary-Treasurer and the Executive Vice-President – Québec

##### **9.01.03**

Vice-President, Media

##### **9.01.04**

The Vice-President(s)

##### **9.01.05**

The Administrative Vice-President(s)

##### **9.01.06**

Seventeen (17) Rank-and-File Board Members. Four (4) each from the Western, Ontario, Québec and Atlantic Regions plus one Indigenous Workers and Racialized Workers' Representative, all of whom must be rank-and-file members who are not employed by the National Union. However, this does not preclude employment by Local Unions or Councils affiliated with this Union. If after election, a Rank-and-File Board Member accepts employment with the National Union that goes beyond temporary organizing projects, temporary fending off of raids, or a maximum period of thirty (30) days for servicing, the member must resign as a member of the National Executive Board. At least one (1) Rank-and-File Board Member from each Region must be a woman.

An alternate for each Rank-and-File Board Member shall be elected at the same time as the Rank-and-File Board Members are elected. An alternate for the Indigenous Workers and Racialized Workers' Representative shall be elected at the same time as the Indigenous Workers and Racialized Workers' Representative. Alternates will only serve on the National Executive Board when they are designated by the National Executive Board to fill a vacancy in the position for which they are the alternate or they are temporarily replacing the Rank-and-File Board Member at a National Board meeting because the Rank-and-File Board Member is unable to attend the meeting.

#### **9.02**

If a vacancy should occur in the office of the President, the National Executive Board shall designate another officer to serve as President until the next Convention, provided the next Convention is scheduled to take place within six (6) months. If the vacancy is for a longer period, the National Executive Board shall designate another officer to serve as interim President and a Special Convention shall be called to elect a successor.

#### **9.03**

If a vacancy should occur in the office of Secretary-Treasurer, the National Executive Board may designate a successor from among the members of the National Executive Board in accordance with Article 14, to serve until the next Convention.

If a vacancy should occur in the office of Vice-President – Media, the National Executive Board would designate a successor in accordance with Article 14 from the media membership until the next convention.

If a vacancy should occur in the position of Executive Vice-President – Québec, the National President shall call a Regional conference for the purpose of electing a successor. In the interim the Vice-President – Québec shall be designated by the President to carry out the duties of both offices.

#### **9.04**

If a vacancy should occur in the position of Vice-President for one of the four (4) Regions of the Union the President shall call a Regional conference for the purpose of electing a successor in accordance with Articles 11 and 14. In the interim the President shall designate an Administrative Vice-President to carry out the duties of both offices.

To ensure that a Regional conference will only be held when there is more than one candidate running for office, the President shall make available an official nominating form to all affected Locals.

Completed nominating forms must be returned to the office of the President not less than thirty (30) days prior to the scheduled date of the Regional conference. To be valid a nominating form must be signed by both a nominator and seconder. It must also be signed by the nominee to signify their acceptance of the nomination.

Should there be only one candidate nominated for the position, that candidate will be declared elected, and in the absence of any other election the Regional conference shall be cancelled. The successful candidate will take the oath of office at the next National Executive Board meeting and in the interim will be considered as having taken the oath of office.

The foregoing process shall also apply in the case of Article 9.05.

#### **9.05**

If a vacancy should occur in the position of Administrative Vice-President, the National Executive Board may designate another officer to assume the duties of the position, as well as their existing responsibilities, until the next Convention. However, the National Executive Board shall have the option of filling the position by directing the President to call a Regional Conference for the purpose of electing a successor.

#### **9.06**

If a vacancy should occur in the position of Rank-and-File Board Member, the National Executive Board shall designate an Alternate to fill the position on the basis that once the constitutional gender requirement has been satisfied, the order of the Alternates will be determined by the order in which they were elected. Should there be a need to elect one or more Rank-and-File Board Members or Alternates, the National Executive Board shall request the Vice-President to call a Regional Meeting for that purpose, except for the Indigenous Worker and Racialized Worker Rank-and-File Member for which the Executive Board shall nominate a replacement until the next convention.

#### **9.07**

The National Executive Board shall meet three (3) times a year, or at the call of the President, or upon a call of the majority of the members of the National Executive Board. The National Executive Board shall set the date and place of the Board meetings.

The President or the President's designate shall chair meetings of the National Executive Board. Decisions of the National Executive Board shall be by majority vote unless otherwise stipulated in this Constitution. The President or the President's designate shall vote in National Executive Board meetings only in the event of a tie vote.

A majority of the National Executive Board shall be present to constitute a quorum.

#### **9.08**

The National Executive Board shall have the authority to:

##### **9.08.01**

Suspend any National or Local officer during an investigation and remove any officer of a Local only on clear proof of fraud or dishonesty after sworn charges made and after a fair trial and opportunity for appeal as provided in this Constitution;

**9.08.02**

Have an independent audit made of the books of the Secretary-Treasurer of the Union not less than once each year and to publish to the membership the result of such audit;

**9.08.03**

Cause an inspection of the financial records of any Local and order an independent audit of the books of any Local when convinced that such audit is necessary and proper to protect the membership of the particular Local and the interest of the Union and to publish to the members affected the results of such audit; the cost of such audit to be borne by the Union;

**9.08.04**

Oversee organizing, publicity, education and research projects;

**9.08.05**

Approve the employment of persons not elected which may be necessary to carry out the objects and policies of the Union;

**9.08.06**

Approve strikes called by a Local or Locals and render financial and other assistance;

**9.08.07**

Call a meeting of any Local or its Executive Board, in which meeting the National Executive Board or its representatives may participate, when the Local has been requested to call such a meeting and has refused or failed to do so. The National Executive Board may take this action only under one or more of the following conditions:

**9.08.07.01**

When so directed by the Convention;

**9.08.07.02**

When the National Executive Board has received written charges that the Officers of a Local are withholding from their members information necessary for implementing current policy or the achieving of important objectives of the Union;

**9.08.07.03**

When a Local is pursuing a course of action, which, if continued, would warrant its expulsion or the appointment of a temporary administrator as provided for in Article 12.

**9.08.08**

Interpret this Constitution, except as it may have been interpreted by the Convention.

**9.08.09**

Order the repeal of any By-law or Rule of a Local inconsistent with this Constitution.

**9.08.10**

Appoint the Union's delegates to the Convention of the Canadian Labour Congress from among the members of the Board. The President shall be included among the delegates.

**9.08.11**

Designate representatives of the Union to organizations with which the Union is, or may be, affiliated or associated.

**9.08.12**

Authorize the expenditure of the funds, and the use of the Union Label and other property of the National Union to effectuate any of the objectives of the Union.

**9.08.13**

Borrow money and pledge any property or security of the National Union as security therefore; to make guarantees, to buy, sell, exchange, rent, lease or otherwise acquire or dispose of real or personal property of the National Union.

**9.08.14**

Exonerate from payment of per capita tax and dues Local Unions and members involved in approved strikes or for any other reason deemed satisfactory.

**9.08.15**

Locate the National Headquarters in any location, which it deems suitable to best serve the interests of the membership of the Union.

**9.08.16**

Determine the founding sector of the Union to which a Local Union shall be assigned for purposes of elections.

**ARTICLE 10**

**DUTIES OF MEMBERS OF THE NATIONAL EXECUTIVE BOARD**

**10.01**

**The President**

**10.01.01**

The President, as the principal executive officer of the National Union, shall have full authority and responsibility to execute the policies and decisions of the Union as established under this Constitution. Should the President find that the policy of the Union has not been clearly formulated a poll of the members of the National Executive Board will be conducted and the affirmative opinion of a majority of the Board shall have the force and effect of a decision reached in a meeting of the National Executive Board and the results of the poll shall be entered in the minutes of the next meeting of the Board.

**10.01.02**

The President shall plan or supervise, either personally or through delegation of authority to other individuals or committees, all programs, negotiations and activities necessary for the advancement and the welfare of the National Union, its affiliated bodies and the membership.

**10.01.03**

The President shall be the official spokesperson for the Union in all its external relations and may authorize counsel or other agents of the Union to speak on behalf of the Union.

**10.01.04**

The President shall interpret this Constitution and that interpretation shall be binding unless amended or reversed by the National Executive Board or the Convention.

**10.01.05**

The President shall submit at each regular meeting of the National Executive Board and at each Convention a written report on the affairs of the National Union.

**10.01.06**

The President shall be ex-officio member of all committees and subordinate bodies of the Union.

**10.01.07**

The President or the President's authorized representative may call or convene meetings of any subordinate body or its boards or committees.

**10.01.08**

The President shall appoint all committees not otherwise provided for in this Constitution, subject to the approval of the National Executive Board.

**10.01.09**

The President shall issue Charters to Local Unions and Regional Councils and approve the Constitution and By-laws of all Local Unions, intermediate and subordinate bodies. Upon receipt of amended Local By-laws the President's office will return said By-laws to the Local within sixty (60) days.

**10.01.10**

The President shall preside over the Convention and meetings of the National Executive Board of the Union.

**10.01.11**

The President shall call regular and special meetings of the National Executive Board as required by this Constitution.

**10.01.12**

The President shall assign duties, responsibilities and authorities to other Officers and staff of this Union not covered by this Constitution.



**10.01.13**

The President shall appoint all National Representatives, both temporary and permanent, and all other Union staff.

**10.01.14**

The President shall hold no other office in the Union and shall not be engaged in any other employment. The annual salary for the office shall be established by the Convention and is set forth in Article 10.09.

**10.02****The Executive Vice-President - Québec**

The Executive Vice-President – Québec shall act under the direction of the President and perform such duties as may be assigned by the President or the National Executive Board. The Executive Vice-President – Québec shall hold no other office in the Union and shall not be engaged in any other employment. The Executive Vice-President – Québec shall receive the annual salary as set forth in Article 10.09 established for the office by the Convention and shall:

**10.02.01**

Be responsible for the administration of the Union within Québec and the carrying out of all programs and policies of the Union, as well as supervising and directing all staff activities within Québec, either directly or through delegation to the Vice-President – Québec or the Administrative Vice-President(s).

**10.02.02**

Co-ordinate the activities of the Administrative Vice-President(s) in Québec, either directly or through delegation to the Vice-President – Québec.

**10.02.03**

Recommend to the President the employment of such personnel as may be required.

**10.02.04**

Recommend to the President that the services of such personnel be terminated for just cause.

**10.02.05**

Appoint members of bargaining committees to fill vacancies that are not otherwise filled, and to appoint bargaining committees for bargaining units who have failed to select bargaining committees under the provisions of this Constitution.

**10.02.06**

Direct personnel as required.

**10.02.07**

Supervise the negotiation of contracts in accordance with National Executive Board direction.

**10.02.08**

Supervise the assignment of Union representatives.

**10.02.09**

Preside at Region meetings.

**10.03****Secretary-Treasurer**

The Secretary-Treasurer shall act under the direction of the President and perform such duties as may be assigned by the President or the National Executive Board. The Secretary-Treasurer shall hold no other office in the Union, except where the National Executive Board has taken action to combine two or more officers' positions, and shall not be engaged in any other employment. The Secretary-Treasurer shall receive the annual salary as set forth in Article 10.09 established for the office by the Convention and shall:

**10.03.01**

Act as financial officer of the National Union, receive the income of the National Union and collect all monies due the National Union and deposit all funds of the National Union in its name in depositories and in conjunction with the President, establish an investment policy for such funds. Such depositories and investment policy shall be subject to approval by the National Executive Board.

**10.03.02**

Have custody of the financial books, records, and documents of the Union and keep correct account of all financial transactions of the National Union.

**10.03.03**

Countersign all cheques and honour all drafts drawn on the Secretary-Treasurer by proper officers and take receipt of same.

**10.03.04**

Make all authorized payments for expenses incidental to the work of the National Union.

**10.03.05**

Ensure adequate bonding, in the amounts prescribed by the National Executive Board, for every officer, representative or employee of the National Union and other subordinate bodies who handle funds or other property of the National Union and ensure that any person who is not covered by such bond is not permitted to receive, handle, disperse, or otherwise exercise custody or control of the funds or other property of the National Union.

**10.03.06**

Collect all monies due to the National Union.

**10.03.07**

Have custody of the Union Seal and cause it to be impressed upon such documents as the National Executive Board of the Union shall direct.

**10.03.08**

Ensure that the financial accounts and records of the National Union are audited annually by a Chartered Accountant approved by the National Executive Board, with a copy of the audit report to be sent to all Local Unions.

**10.03.09**

Permit inspection of the records at any time by the President or the National Executive Board.

**10.03.10**

Submit a detailed financial statement and report on financial activities to each regular Convention and each meeting of the National Executive Board.

**10.03.11**

Prepare, publish and distribute to the National Executive Board monthly, and to the Locals at least quarterly, a financial statement which shall list the total assets, liabilities, receipts and disbursements of the Union.

**10.03.12**

Instruct Local Unions as to the manner in which they shall keep their records or accounts and require them to submit periodic reports containing such information as the National Executive Board may prescribe.

**10.03.13**

Enforce those provisions of this Constitution relating to the financial responsibilities of Local Unions and other subordinate bodies of the Union. All Local Unions and subordinate bodies shall balance their accounts with the National Union within thirty (30) days from the date payments are due, except for specific situations covered by this Constitution or where a longer time frame is approved by the National Executive Board.

**10.03.14**

Reimburse officers and employees for expenses incurred in the performance of their duty only after submission of adequate expense and activities statements, which must be approved by the appropriate officer as determined by the National Executive Board.

**10.03.15**

Act as Secretary of the Convention and the National Executive Board and keep all necessary records and minutes, as well as conduct correspondence pertinent to the Secretary-Treasurer's office.

**10.03.16**

Forward a copy of the minutes of National Executive Board meetings to all Local Unions. The minutes shall clearly indicate the issues that were debated and a maximum of sixty (60) days shall be allowed for their distribution to all Local Unions.

Forward a copy of Convention proceedings to all Local Unions.

**10.03.17**

Arrange for Conventions and such other meetings as may be directed from time to time by the National Executive Board, with simultaneous translation in both official languages to be provided.

**10.03.18**

Maintain such membership lists as may be required by the Union.

**10.03.19**

Direct such staff as is necessary for the performance of the Secretary-Treasurer's office.

**10.03.20**

Issue all credentials for Convention.

**10.03.21**

Perform such other duties as may be required by law.

**10.04****The Vice-President – Media****10.04.01**

Be responsible for the coordination within the Media Sector and carry out all programs and policies of the Union.

**10.04.02**

Recommend to the President the employment of such personnel as may be required.

**10.04.03**

Appoint members in conjunction with the Regional Vice-President to bargaining committees to fill vacancies that are not otherwise filled, and to appoint bargaining committees for bargaining units who have failed to select bargaining committees under the provisions of this Constitution.

**10.04.04**

Preside at Media Sector Council meetings as required.

**10.04.05**

Preside at Media Sector Council elections.

**10.04.06**

Pursue organizing, affiliation, and merger with workers and organizations in the media industry in consultation with other officers.

**10.05****The Vice-President(s)**

The Vice-President(s) shall act under the direction of the President and perform such duties as may be assigned by the President or National Executive Board. They shall hold no other office in the Union, except where the National Executive Board has taken action to combine two or more officers' positions, and shall not be engaged in any other employment. They shall receive the annual salary as set forth in Article 10.09 established for the office by the Convention and shall:

**10.05.01**

Be responsible for the administration of the Union within the Region they were elected by. They shall carry out all programs and policies of the Union and shall supervise and direct all staff activities within their Region, either directly or through delegation to the Administrative Vice-President(s).

**10.05.02**

Coordinate the activities of the Administrative Vice-Presidents within their respective Region.

**10.05.03**

Recommend to the President the employment of such personnel as may be required.

**10.05.04**

Recommend to the President that the services of such personnel be terminated for just cause.

**10.05.05**

Appoint members of bargaining committees to fill vacancies that are not otherwise filled, and to appoint bargaining committees for bargaining units, who have failed to select bargaining committees under the provisions of this Constitution.

**10.05.06**

Direct personnel as required.

**10.05.07**

Supervise the negotiation of contracts in accordance with National Executive Board direction.

**10.05.08**

Direct the assignment of Union representatives.

**10.05.09**

Preside at Region meetings.

## **10.06**

### **The Vice-President - Québec**

The Vice-President - Québec shall act under the direction of the Executive Vice-President - Québec and perform such duties as may be assigned by the President, the Executive Vice-President - Québec or the National Executive Board. The Vice-President - Québec shall hold no other office in the Union and shall not be engaged in any other employment. The Vice-President – Québec shall receive the annual salary as set forth in Article 10.09 established for the office by the Convention and shall:

#### **10.06.01**

Assist in carrying out the programs and policies of the Union within Québec as assigned by the Executive Vice-President - Québec.

#### **10.06.02**

Assist in coordinating collective bargaining, servicing and the activities of the Administrative Vice-President(s) in Québec as assigned by the Executive Vice-President – Québec.

#### **10.06.03**

Be responsible for coordination of the Union's education program in Québec with the education programs of the Québec Federation of Labour.

#### **10.06.04**

Direct such staff as is necessary for the performance of the Vice-President – Québec office.

## **10.07**

### **The Administrative Vice-President(s)**

The Administrative Vice-President(s) shall act under the direction of the Vice-President for the Region in which they were elected and perform such duties as may be assigned by the Vice-President or National Executive Board. They shall hold no other office in the Union, except where the National Executive Board has taken action to combine two or more officers' positions, and shall not be engaged in any other employment. They shall receive the annual salary as set forth in Article 10.09 established for the office by the Convention and shall:

#### **10.07.01**

Direct personnel assigned to them.

#### **10.07.02**

Assist the Vice-President with the administration of the Region and the carrying out of all programs and policies of the Union.

## **10.08**

### **Rank-and-File Board Members**

Rank-and-File Board Members shall serve as members of the National Executive Board for the purpose of participating in the decision making process of the Board. They shall not be responsible for administrative tasks as such, but they shall be fully involved in discussing, setting, and reviewing all types of policies of the Union, including administrative policies.

Rank-and-File Board Members will be financially supported by this National Union while attending their respective regional meetings, which have been called. These members shall be financially supported in the same manner and kind as is afforded the Vice-Presidents of their respective Regions.

## **10.09**

### **Salaries of National Officers**

#### **As at Jan. 1, 2010**

President	\$116,332.92
Secretary-Treasurer	\$110,658.74
Executive V.P. – Québec	\$110,658.74
Vice-President, Media	\$107,112.02
Vice-President (s)	\$107,112.02
Admin. Vice-President (s)	\$104,983.21

Effective on January 1, 2000 and continuing on each January 1<sup>st</sup> thereafter, the salary for the National Officers that was in effect on December 31<sup>st</sup> of the preceding year shall be increased by the percentage amount that is established by applying the following formula to determine an average of selected CEP settlements during the preceding year:

- 27% of the weighted average of the Western Canada and Eastern Canada pulp and paper settlements.
- 30% of the Energy National Bargaining settlement.
- 43% of the weighted average of the Bell Canada Craft settlement and the settlements at CTV Toronto and the Pacific Newspaper Group.

For the purposes of the weighted average calculation, lump sums including signing bonuses, catch-up, benefits and pay equity adjustments will be excluded. For purposes of determining the appropriate application of the above formula a committee made up of all the Rank-and-File Members of the Executive Board shall make any necessary decisions. No increases shall be put into effect until the committee has given its approval.

The Rank-and-File Board members will review the percentage at the first Board meeting/or June meeting in the year that the Convention is held.

## **ARTICLE 11**

### **REGIONS**

#### **11.01**

The National Union shall have the following four geographic Regions for the purposes of administration and representation:

Atlantic Region – Newfoundland and Labrador, Prince Edward Island, New Brunswick and Nova Scotia.

Québec Region – Québec.

Ontario Region – Ontario.

Western Region – Manitoba, Saskatchewan, Alberta, British Columbia, Yukon, the Northwest Territories and Nunavut.

#### **11.02**

Subject to the approval of the National Executive Board, the President shall be authorized to settle jurisdictional problems in and between regions, which may arise in carrying out the business of the National Union and in applying this Constitution.

#### **11.03.01**

Region meetings held at Convention shall be conducted by the respective Vice-President, or Executive Vice-President – Québec in the case of Québec.

#### **11.03.02**

Delegates to a Region meeting shall be determined in accordance with the credentials approved by the Convention.

#### **11.03.03**

No local shall have representation in more than one Region. A Local whose jurisdiction crosses Region lines shall be assigned to the Region in which it maintains its Local headquarters, unless determined otherwise by the National Executive Board.

#### **11.03.04**

Expenses incidental to Region meetings shall be borne by the National Union. Expenses of Local delegates to Region meetings shall be borne by the Locals.

#### **11.03.05**

Region meetings shall have no policymaking powers, but may, however, discuss and consider matters of common interest and concern.



## **ARTICLE 12**

### **LOCAL UNIONS**

#### **12.01**

##### **Charter**

##### **12.01.01**

Upon application being properly made to the President of the National Union by not less than five (5) persons who are eligible for membership in the Local, a Charter may be issued for formation of a Local Union.

##### **12.01.02**

No Local Charter shall be issued which grants jurisdiction in conflict with that of another Local except as herein provided.

##### **12.01.03**

Newly organized groups of workers obtaining membership in the Union may be assigned to membership in an already existing Local Union when feasible, upon acceptance of the existing Local Union, or shall be issued a Charter as a new Local Union by authorization of the President.

##### **12.01.04**

An existing labour organization may apply by its appropriate Officers for affiliation with the Union. In order to accommodate such affiliation the President shall have the power to enter into special agreements affecting the assets and/or property of the applying labour organization, and to suspend temporarily the application of such provisions of this Constitution to the organization seeking to affiliate with the Union. Any such agreement shall be subject to final approval by the National Executive Board.

#### **12.02**

##### **Jurisdiction Changes**

##### **12.02.01**

The Convention or the National Executive Board by an affirmative vote of three-fourths (3/4) may change the jurisdiction of any Local Union, however, the National Executive Board shall not combine or merge Local Unions or their jurisdiction without the approval of the Local Unions involved.

##### **12.02.02**

Locals may combine or waive jurisdiction by an affirmative vote of a majority of those voting by referendum in each Local Union affected.

### **12.02.03**

Any dispute between Local Unions over workplace jurisdiction must be referred to the Vice-President of the Region involved (Executive Vice-President in Québec) for a resolution of the dispute, with the right of appeal to the National Executive Board, before it is referred to any process outside of CEP. The Local(s) submitting the appeal will be allowed to have representation at the hearing of their appeal.

The President of the Local(s) or his or her designate will be present for the appeal hearing if so requested by the Local(s) involved. The National Executive Board shall be advised in writing.

## **12.03**

### **Trusteeship**

#### **12.03.01**

The National Executive Board may appoint a temporary administrator to temporarily conduct the affairs of a Local after receiving a request from the Officers or membership of a Local for such action, or when the National Executive Board believes there is a controversy which adversely affects the welfare of the Local's membership in a manner which threatens the Local's existence, the welfare of the National Union, or the closing of a plant, which constitutes the sole jurisdiction of the Local, is imminent.

## **12.04**

### **Causes for Revocation or Suspension of Charter**

The Charter of a Local Union may be revoked or suspended by the National Executive Board for:

#### **12.04.01**

Failure or refusal to pay its per capita tax or meet any other financial obligation to the Union within sixty (60) days after it is due;

#### **12.04.02**

Refusing or neglecting to install a successor to any Officer removed by the Union;

#### **12.04.03**

Refusing or neglecting to make returns and reports required by the Union;

#### **12.04.04**

Refusing or neglecting to bring a member to trial within thirty (30) days after being directed to do so by the Union;

#### **12.04.05**

Resorting to a civil suit or criminal action against the Union or any Officer thereof before exhausting remedies within the Union organization;

#### **12.04.06**

Refusing or neglecting to conform or abide by any directions or decisions of the Convention or the National Executive Board;

#### **12.04.07**

Refusing or neglecting to conform to this Constitution or the policies of the Union as set forth by the Convention.

### **12.05**

#### **Procedure for Revocation**

The Charter of any Local shall not be revoked until the Local has been given proper notice of the charges against it and an opportunity to be heard in its defence. The Local shall be given at least ten (10) days to prepare its defence after receiving notice from the Secretary-Treasurer of the Union of any charges. The hearing will be conducted before a member or members of the National Executive Board who shall be required to make a report and recommendations thereon to the National Executive Board. A vote of at least two-thirds (2/3) of the National Executive Board of the Union shall be required for a finding of suspension or revocation of a Charter or any other penalty that may be imposed. In the event penalties other than suspension or revocation are imposed, such findings shall state that if the Local fails to comply with the findings or to appeal within the allotted time, its Charter will be automatically revoked. The findings shall be published to all Locals.

### **12.06**

#### **Appeal of Revocation**

#### **12.06.01**

A Local may appeal the findings of the National Executive Board to the next Convention by giving written notice to the Secretary-Treasurer of the Union within thirty (30) days after the publication of the findings of the National Executive Board of the Union. No findings shall become effective pending the disposition of the appeal.

#### **12.06.02**

A two-thirds (2/3) vote of the Convention shall be required to sustain the findings of the National Executive Board in the event such finding is appealed.

### **12.07**

#### **Responsibilities of Locals**

The responsibilities of chartered Locals, their officers and members, in addition to those otherwise set forth in this Constitution, or in their respective By-laws and Rules, shall be:

#### **12.07.01**

To represent the workers in their respective jurisdiction relating to Local matters;

**12.07.02**

To actively implement all Union programmes and policies;

**12.07.03**

To abide by this Constitution, the decisions of the Convention and the National Executive Board of the Union.

**12.07.04**

To adopt By-laws and Rules consistent with this Constitution and to repeal, amend or modify such Rules and By-laws as may be inconsistent therewith, voluntarily, or at the direction of the National Executive Board of the Union. Copies of Local By-laws and Rules shall be available upon request to any of the Local's members;

**12.07.05**

To establish such committees as may be necessary to implement the policies of the Local and the Union;

**12.07.06**

To participate actively in the political and legislative processes at all levels, with special regard to legislation affecting the welfare of the members and do all things reasonable and necessary to accelerate the adoption of laws which may be beneficial and to encourage defeat or cause the repeal of laws which may be detrimental to working people;

**12.07.07**

To ensure protection of the Local Union's assets;

**12.07.08**

To hold Local meetings at such time, place and frequency as the members may decide by vote, with a minimum of four (4) meetings per year unless otherwise approved by the National President;

**12.07.09**

To hold Local elections by secret ballot with provisions of reasonable opportunities for all members to vote in accordance with the By-laws or Rules established by the Local and this Constitution;

**12.07.10**

To elect by secret ballot, unless stipulated otherwise in the Local's By-laws or Rules, delegates and alternate delegates to the Union Convention as provided in this Constitution and to designate the Chairperson of such delegation;

**12.07.11**

To establish a quorum and other rules of conduct of Local meetings;

**12.07.12**

To maintain adequate files and records and have made quarterly audits of the financial records of the Local by Local Union Trustees and/or other competent persons;

This requirement can be satisfied by having performed a single annual audit provided that this audit is carried out by an outside auditing firm, and that this audit be the subject of a report to the regular membership meeting immediately following its completion and that the duly certified minutes of that meeting accompany a copy of this audit when it is subsequently sent to the National Office. The external auditor's report must confirm that the Local Union was in compliance with Article 12.07.14 of this Constitution in regards to its reporting obligations to the membership during that year;

**12.07.13**

A Local Union which, in accordance with Article 12.07.12, opts to perform quarterly Trustee's audits of its financial records, shall provide to Trustees all the necessary information they require to determine the conformity of their Local Union's financial results and fulfil their responsibilities to protect the assets of the Local Union;

**12.07.14**

To make available Local financial statements to the membership at each Local meeting and provide the Union's Secretary-Treasurer, in acceptable form, every three (3) months or once a year, depending on the choice made by the Local in accordance with Article 12.07.12;

**12.07.15**

To furnish the President of the Union and Vice-President of the Region with copies of the By-laws and Rules of the Local and copies of revisions as they may be made within thirty (30) days of approval by the membership for approval by the President's office;

**12.07.16**

To encourage participation of all Local Officers and Stewards in appropriate training schools and programmes;

**12.07.17**

To establish a programme designed to keep all members informed of Union activities;

**12.07.18**

To process grievances in accordance with their responsibility;

**12.07.19**

To maintain an active internal membership development programme;

**12.07.20**

To respect picket lines of any Local of the Union engaged in a strike authorized and conducted in accordance with this Constitution, unless otherwise authorized by the striking Local or the National Executive Board of the Union;

#### **12.07.21**

To do all other things necessary for the proper disposition of matters which may come before the Local for consideration.

#### **12.07.22**

To ensure that all cheques issued by the Local Union on its account(s) bear two (2) signatures from those officers authorized by their Local Union By-Laws to be such signatories.

#### **Note:**

**All Locals are strongly urged to affiliate to the provincial Federation of Labour in which the Local headquarters is located and the Labour Council(s) in the Local's territory.**

### **12.08**

#### **Contract Responsibility**

No Local Union, its officers, agents or representatives, or the Officers, Agents or Representatives of the National Union shall have the power or authority to make any contract or incur any liability binding on the National Union without the written consent of the National President and the approval of the National Executive Board.

### **12.09**

#### **Assets**

#### **12.09.01**

The assets of a Local Union are the exclusive property of the Local Union.

#### **12.09.02**

Membership in a Local Union shall not vest in any member any right, title or interest in the funds, property or other assets of the Local Union or the National Union.

#### **12.09.03**

In the event of a Local Union being disbanded the assets may only be disposed of by a majority membership vote at a duly constituted meeting provided at least thirty (30) days notice has been given.

### **12.10**

#### **Prohibition Against Incorporation**

With the following exception, no Local Union shall be or become incorporated under the laws of any province, or country unless otherwise required by law.

In Québec, any Local Union may avail itself of the provisions of the Act concerning the QFL in order to incorporate.

## **ARTICLE 13**

### **REGIONAL COUNCILS**

#### **13.01**

##### **Regional Councils**

###### **13.01.01**

In a Region where there is more than one chartered Local, a Council or Councils may be established by the Locals. Each Council shall be chartered by and be responsible to the National Union.

###### **13.01.02**

A Council shall consist of representatives of Locals within the geographic area of the Council and shall be directed by a Chairperson elected by the members of the Council. National Officers and staff shall have the right to attend all Council meetings and participate in all Council activities.

###### **13.01.03**

A Council shall operate under By-laws and Rules, which do not contravene this Constitution. A copy of the By-laws and Rules and any changes to them must be submitted to the National President for approval.

###### **13.01.04**

A Council shall be financed by participating Locals.

###### **13.01.05**

A Council shall operate primarily for the purpose of exchanging information and establishing voluntary programs for the advancement of the membership within the regional area. It shall have no policymaking powers or administrative authority.

###### **13.01.06**

The National Union shall cooperate with a Council to encourage the participation of Locals in the Council.

## **ARTICLE 14**

### **ELECTIONS**

#### **14.01**

##### **National Officers and Rank-and-File Board Members**

###### **14.01.01**

The President, Secretary-Treasurer, and Vice-President – Media shall be elected separately by secret ballot by all delegates to the Convention. A majority of valid votes cast is needed in order to be declared elected to each one of these positions.

###### **14.01.02**

The Vice-Presidents shall be elected by secret ballot in Regional caucus at Convention. The delegates from the Local Unions in a Region shall nominate their Vice-President, as provided for in 8.08 and elect as set out in this Article. A majority of valid votes cast is needed in order to be declared elected.

###### **14.01.03**

The Administrative Vice-Presidents shall be elected separately by secret ballot in Regional caucus at Convention. The delegates from the Local Unions within a founding sector of the Union, in a Region, shall nominate their Administrative Vice-President(s) as provided for in 8.08 and elect as set out in this Article. The Administrative Vice-Presidents shall be from a different founding sector of the Union than the Vice-President for the Region. In Québec they shall be from a different founding sector than the Executive Vice-President - Québec and the Vice-President – Québec.

Administrative Vice-Presidents shall be nominated, in the numbers required, by the delegates representing Local Unions from the eligible founding sectors of the Union and elected by all delegates representing Local Unions within the Region.

For greater clarity this means that candidates for Administrative Vice-President who are nominated under 8.08, and who are from the same founding sector of the Union as the newly elected Vice-President for the Region (Executive Vice-President - Québec and Vice-President - Québec in Québec) shall automatically be disqualified as a candidate for Administrative Vice-President as soon as the Vice-President (Executive Vice-President - Québec and Vice-President - Québec) has been elected. Replacements for an Administrative Vice-President shall be made in the same fashion.

A majority of valid votes cast is needed in order to be declared elected.

###### **14.01.04**

The Executive Vice-President - Québec and the Vice-President – Québec shall be nominated by the delegates from Local Unions in the Québec Region, as provided for in 8.08, and be elected by secret ballot as set out in this Article in a Québec caucus by those same delegates. The Executive Vice-President – Québec and the Vice-President – Québec shall be from different founding sectors of the Union. A majority of votes is needed in order to be declared elected.



**14.01.05**

Rank-and-File Board Members and alternate Rank-and-File Board Members shall be elected by secret ballot in Regional caucus at Convention. The delegates from the Local Unions in a Region shall nominate, as provided for in 8.08, and 9.01 and elect as set out in this Article.

Rank-and-File Board Members and alternate Rank-and-File Board Members shall be nominated and elected by all delegates representing Local Unions within a Region. Delegates shall be required to vote for four (4) positions on each ballot, at least one of which shall be a woman. Rank-and-File Board Members and Alternates shall be elected by plurality vote. For greater clarity, this means that the four candidates with the most votes will be declared elected, provided that at least one of them is a woman. In cases where only one (1) woman is nominated, she will be declared elected and delegates will then be required to vote for three (3) candidates.

In the event that four candidates run for the alternate Rank-and-File Board Member positions of a region, the order in which they shall be called upon shall be determined by the delegates of the region. At least one woman must be elected. In cases where only one (1) woman is nominated, she will be declared elected and delegates will then be required to vote for three (3) candidates.

The Indigenous Worker and Racialized Worker Rank-and-File Board Member and his or her alternate shall be nominated and elected by secret ballot vote in the Indigenous Worker and Racialized Worker caucus at Convention by delegates who have self-identified as Indigenous Worker and Racialized Worker, as provided for in 8.08 and 9.01. The member and alternate representing Indigenous Worker and Racialized Worker shall be elected by plurality vote.

**14.01.06**

The term of office shall be from one regular Convention to the next regular Convention.

**14.01.07**

All employees of the Communications, Energy and Paperworkers Union of Canada may retire at age 65.

**14.01.08**

Any member in good standing shall be eligible to run for office. However, for any of the elections set out in 14.01.01, 14.01.02, 14.01.03 or 14.01.04 above, a majority of valid votes cast are required to win. If no candidate gets a majority on the first ballot, then a run-off election shall be conducted and the two nominees receiving the greatest number of votes on the first ballot shall be the nominees on the second ballot. If no one nominee receives a majority on the first ballot and there is a tie for second place, a run-off election shall be conducted and the person receiving the greatest number of votes on the first ballot and the persons who tied for second place shall be the nominees on the second ballot.

**14.01.09**

The results of the elections shall be announced at the Convention, and after the report of the elections is accepted by the Convention, the ballots shall be destroyed.

**14.01.10**

Elected Officers shall take office immediately after the installation of officers, and shall hold office until their successors are elected and assume office.

**14.02****Order of Nomination and Election of Officers of the Union.**

The sequence of nomination and election of Union Officers shall be as follows:

**14.02.01**

President

**14.02.02**

Secretary-Treasurer

**14.02.03**

Vice-President – Media

**14.02.04**

Nominations for the Rank-and-File Board member and his or her Alternate representing Indigenous Workers and Racialized Workers will take place in the Indigenous Workers and Racialized Workers' Caucus.

**14.02.05**

Nominations for Executive Vice-President – Québec, Vice-Presidents, Administrative Vice-Presidents, Rank-and-File Board Members and Alternates will take place in that order in Regional caucus as per Articles 14.01.03, 14.01.04 and 14.01.05.

**14.03****Local Officers****14.03.01**

The Officers of a Local shall be at least a President, Vice-President(s) and Secretary-Treasurer or Secretary and Treasurer.

**14.03.02**

Each Local shall have an Executive Board consisting of the Officers and such additional members as the Local By-laws may provide.

**14.03.03**

A Local may also have a Business Manager(s) and/or Business Agent(s).

#### **14.03.04**

All Local Officers, Business Manager(s) and/or Business Agent(s) and members of the Executive Board shall be elected at least every three (3) years and shall hold office until their successors are elected and installed. Regular elections for full terms of all Local Officers and Executive Board members shall be conducted in compliance with applicable laws and this Constitution. Proxy or write-in votes shall not be counted.

#### **14.03.05**

Where a Local Union chooses to, in accordance with Article 12.07.12, use Trustees, the Trustees shall not have signing authority for the Local Union.

### **14.04**

#### **General Provisions**

#### **14.04.01**

Locals shall adopt By-laws or Rules to govern the nominations and election of officers, delegates and alternate delegates; the appointment, selection or election of stewards and committee members and the filling of vacancies. Locals shall select an election committee, which shall conduct all elections and referenda in accordance with the Constitution, Local By-laws or Rules and law. All questions concerning the conduct and challenge of elections shall be determined by the Election Committee.

#### **14.04.02**

Only members in good standing shall be eligible to vote or hold elective office. No elected officer of the Union or of a Local shall take office unless they are eligible under the Constitution.

#### **14.04.03**

The election by Locals of officers, delegates and alternate delegates to the Union Convention shall be by secret ballot among the members in good standing. The nominee in any election receiving a majority of the votes cast shall be declared elected, unless the By-laws or Rules of the Local concerned stipulate otherwise. Election of convention delegates and alternate delegates shall be in accordance with 8.06.03.

#### **14.04.04**

In the case of elections requiring a majority vote, if no nominees receive a majority on the first ballot, a run-off election shall be conducted and the two nominees receiving the greatest number of votes on the first ballot shall be the nominees on the second ballot. If no nominees receive a majority on the first ballot and there is a tie for second place, a run-off election shall be conducted and the person receiving the greatest number of votes on the first ballot and the persons who tied for second place shall be the nominees on the second ballot.

#### **14.04.05**

In the case of elections requiring a plurality vote, if a tie renders the election indecisive for any position, a run-off election shall be conducted and the nominees who tied for such positions on the first ballot shall be the nominees on the second ballot.

## **ARTICLE 15**

### **COLLECTIVE BARGAINING**

#### **15.01**

##### **Contract Ratification**

Any contract entered into through collective bargaining, or otherwise, dealing with wages, hours, terms of employment or other conditions of employment shall be subject to ratification by secret ballot of the members unless otherwise provided by law. Approval shall be by a majority of those voting.

#### **15.02**

##### **Bargaining Authority**

##### **15.02.01**

All major negotiations shall be supervised and coordinated by the National President. The President may designate the Secretary-Treasurer or another officer to act on behalf of the President for specific negotiations.

##### **15.02.02**

Where a number of Locals or bargaining units are in a bargaining group, or a multiple bargaining situation, rules and ratification procedure shall be determined in advance and must be approved by the members of the Locals or bargaining units affected or by any other method approved by the National Executive Board. Where members have voted for such rules, Local Unions and bargaining committees are bound by group rules until the end of the bargaining round or until they are released from their commitments by a decision of the group. All group bargaining rules will include the application of Article 15.02.04.

When group bargaining has commenced and such rules are absent or fail to address substantive issues, the National President will be empowered to impose or amend such rules and procedures as may be necessary until the completion of the bargaining process. After the completion of the group bargaining, these rules and procedures will be referred to the bargaining group for adoption.

##### **15.02.03**

All methods used to select bargaining committees shall ensure fair representation for all segments of the bargaining unit. The National Executive Board shall resolve disputes over the method used.

##### **15.02.04**

The National Executive Board shall be empowered to determine national and/or regional bargaining strategy and they shall have the power and the duty to delay the ratification of a collective agreement if they deem that it would be harmful in negotiating a better settlement in a given sector, or for the Union as a whole, taking into account the Union's bargaining priorities.

#### **15.02.05**

Rules and regulations to cover co-ordinated bargaining procedures involving other Unions may be developed and instituted with the approval of the National Executive Board.

### **ARTICLE 16**

#### **STRIKES AND DEFENCE FUND**

##### **16.01**

###### **Authorization**

Strike action by a Local or group of Locals must have the prior approval of the National President and must be carried out in conformity with the provisions of this Constitution. A strike will not be approved if the National President or the President's designated representative is denied the right to assist the Bargaining Committee in trying to reach an agreement with the employer before striking.

##### **16.02**

###### **Procedure for Local Strike Vote**

In taking a strike vote Locals shall act in accordance with the following minimum requirements unless otherwise provided by law:

###### **16.02.01**

In the case of a single Local Union, which is not involved in a collective bargaining group, or multiple bargaining situation, consent to strike must be secured by a majority vote of the members present and voting and the vote must be by secret ballot cast at a regular or well advertised special meeting(s) of the Local Union. Where meetings cannot feasibly be called, a secret ballot shall be taken of the members, by mail or otherwise, to determine whether or not a strike shall be called.

###### **16.02.02**

In the case of Locals which are involved in a collective bargaining group or a multiple bargaining situation, consent to strike must be secured by:

###### **16.02.02.01**

A majority vote of the members present and voting by secret ballot at regular or well advertised special meetings, by a majority of the locals involved; or by

###### **16.02.02.02**

A majority vote of the members present and voting by secret ballot at regular or well-advertised special meetings, of the total members voting in all locals involved.

### **16.02.02.03**

Where meetings cannot feasibly be called in 16.02.02.01 or 16.02.02.02 above, a secret ballot shall be taken of the members, by mail or otherwise, on the question of whether or not a strike shall be called.

Each group of Local Unions involved in a collective bargaining group, or a multiple bargaining situation shall, prior to the start of negotiations, determine which of the strike vote procedures set out in this section shall be followed, and such procedure shall not be changed except by specific approval of the National Executive Board.

### **16.02.03**

In the case of Locals or bargaining units, which are involved in a collective bargaining group which crosses industry lines and is national in scope, consent to strike must be secured by each Local or bargaining unit independently and in accordance with the format as decided by the groups participating.

## **16.03**

### **Strike Assistance**

The National Executive Board shall produce a Manual outlining the conditions and procedures for strike assistance and make it available to the Locals. Members on strike receive \$200.00 on the fifteenth (15th) day of the strike or lock-out and \$250.00 each seven (7) days thereafter.

## **16.04**

### **Penalties for Unauthorized Strikes**

#### **16.04.01**

Any member of a Local engaged in a strike, which is called in violation of this Constitution or without approval of the National Executive Board may be denied financial, organizational or other assistance from the Union.

#### **16.04.02**

Any member of a local participating in an illegal strike shall be denied financial assistance.

#### **16.04.03**

When a Local continues to engage in a strike that is not approved as provided in this Article, or refuses or fails to terminate a strike when so ordered by the National Executive Board, the National Executive Board may institute Charter revocation proceedings in accordance with Article 12 of this Constitution with respect to the offending Local.

## **ARTICLE 17**

### **CHARGES, TRIALS AND APPEALS**

**(Note: A procedural guide is available to assist Local Unions.)**

#### **17.01**

##### **Offences**

Members may be reprimanded, fined, suspended or expelled by the Locals in the manner provided in this Constitution for any of the following acts:

##### **17.01.01**

Making false statements or withholding information when applying for membership;

##### **17.01.02**

Willfully refusing to pay dues or assessments properly established or other valid financial obligations to the Union or Local;

##### **17.01.03**

Wilfully violating the Constitution of the Union, Local By-laws or Rules;

##### **17.01.04**

Disobeying or wilfully failing to comply with any decision or order of the Union or Local;

##### **17.01.05**

Working without proper Union authorization, during a properly approved labour dispute;

##### **17.01.06**

Instigating or knowingly participating in an unauthorized strike or slowdown;

##### **17.01.07**

Wilfully violating the adopted standards as to wages, hours, benefits or working conditions;

##### **17.01.08**

Misappropriating money or property of the Union or Local;

##### **17.01.09**

Taking any civil action, suit or proceeding in any court or before any administrative body, against the Union, or any of its subordinate bodies, or any officer or member of the Union without first exhausting all remedies provided for in the Constitution for appeal;

##### **17.01.10**

For such other offences, equally serious, which tend to bring the Union or Local into disrepute;

**17.01.11**

Engaging in acts, which tend to hinder the execution of a properly recognized and authorized labour dispute conducted by the Union;

**17.01.12**

Advocating or soliciting membership in a rival organization or attempting to transfer the affiliation of any bargaining unit from the jurisdiction of the Union;

**17.01.13**

Providing a complete or partial membership list to persons other than those whose official business requires such a list;

**17.01.14**

Tampering with ballots or interfering with the fair and proper conduct of elections;

**17.01.15**

Maliciously, falsely or otherwise defaming officers or members of the Union;

**17.01.16**

Laying frivolous or vexatious charges and/or laying repeated unfounded charges.

**17.01.17**

Working at a CEP worksite while on earned time-off benefits as provided for under the member's collective agreement.

**17.02**

**General provisions**

**17.02.01**

Any person who shall be subject to charges shall be judged in a just and impartial manner in accordance with the provisions of the Constitution of the Communications, Energy and Paperworkers Union of Canada;

**17.02.02**

Any charge shall be laid in the manner and form prescribed under provisions of this Article;

**17.02.03**

The accused and the person(s) laying the charge shall have the right to be represented at all times and at any step by an advocate provided the latter is a member of the Communications, Energy and Paperworkers Union of Canada;

**17.02.04**

In the case where a hearing has to be held, the person(s) laying the charge and the accused should be present, unless determined otherwise;



If the person(s) laying the charge is absent the charge is deemed to be abandoned;

If the accused is absent, the hearing proceeds as scheduled;

**17.02.05**

A person who sat as a member of a Disciplinary Committee in any given case may not, in the same case, act as an advocate or sit as a member of an Appeals Committee in the same case;

**17.02.06**

Except for 17.03.03 and 17.06.03 of this Article, any time limits stipulated in this article may be extended by mutual consent of the accused and person(s) laying the charges, or by decision of the appropriate authority should it deem it proper or for a reasonable motive;

**17.02.07**

Any matter of procedure shall be decided in accordance with the provisions of this Article and, in the absence of specific provision, in a manner deemed appropriate by the authority responsible for deciding on the charges;

**17.02.08**

Any decision issued by an authority shall be immediately enforceable until reversed by an appeal authority, as the case may be;

**17.02.09**

When a statement of charge has been laid against an officer of the Local Union, a member holding any office in the Local Union, or a business agent of the Local Union, the National Executive Board may, by its own authority, or upon request, if it so deems appropriate, suspend the accused from duties pending a decision of the Disciplinary Committee of the Local Union or, as the case may be, the decision of the general membership meeting of the Local Union;

**17.02.10**

No recourse may be sought because of actions performed in good faith under the provisions of this Article.

**17.03**

**Trials and Appeals**

This Article shall determine the procedure applicable for any charge laid against a person other than a member of the National Executive Board.

**17.03.01**

All charges must:

**17.03.01.01**

be in writing;

**17.03.01.02**

be duly signed by the person(s) laying the charge;

**17.03.01.03**

refer to the Article of the Constitution and By-laws being the object of the alleged offense;

and

**17.03.01.04**

state in a specific and clear manner the facts giving rise to the charge so as to allow the accused to enter a full and complete defence;

**17.03.02**

Any charge not in accordance with 17.03.01 of this Article, shall be deemed irregular;

Any irregularity under 17.03.01.01, 17.03.01.02 and 17.03.01.04, shall cause a dismissal of the charge;

Any irregularity under 17.03.01.03 may be corrected upon request of the accused and under the conditions deemed appropriate by the Committee hearing the charge;

**17.03.03**

A charge must be laid within sixty (60) days of knowledge of the event giving rise to the charge;

**17.03.04**

A charge must be filed with the Recording Secretary of the Local union. In the absence or inability to act of the Recording Secretary, or if that officer is the accused, a charge must be filed with a member of the Executive Board of the Local Union, who shall without delay refer it to the Executive Board of the Local Union;

**17.03.05**

Upon receipt of the charge, the Recording Secretary of the Local Union shall forward a copy to the President of the Local Union in accordance with the By-laws of the Local Union. Should that officer be absent, unable to act or in conflict of interest, a person designated by the Executive Board of the Local Union shall assume the responsibility;

**17.03.06**

Should the Recording Secretary of the Local Union be absent, unable to act, or in conflict of interest, the person designated by the Executive Board of the Local Union, shall forward by registered mail to the accused and the person(s) laying the charge, within seven (7) days of the laying of charge:

**17.03.06.01**

a true copy of the charge with mention of the date of filing;

**17.03.06.02**

a notice giving a summary of the procedure to be followed in the conduct of this affair;

**17.03.07**

All charges shall be heard by a Disciplinary Committee, composed of three (3) members of the Local Union;

**17.03.08**

Within ten (10) days of the laying of the charge, the President of the Local Union, or in the President's absence, inability to act or in a case of conflict of interest, the person designated by the Local Union Executive Board, shall appoint the Disciplinary Committee from among the members of the Local Union excluding the Officers; the President shall immediately provide written notice to the accused and to the person(s) laying the charge;

**17.03.09**

The Disciplinary Committee of the Local Union shall examine the statement of charge as soon as it is submitted to it; it shall on its own authority or at the request of the accused decide on the admissibility of the charge; for that purpose, it shall determine any matter related to:

- the timeliness of the charge;
- the irregularity of the charge as per 17.03.02;
- the admissibility of the charge in all other respects including, as need be, its frivolous or vexatious character;

As the case may be, the Disciplinary Committee of the Local Union shall reject the statement of charge or determine, if need be, corrections to be made in the manner it shall deem appropriate;

The Disciplinary Committee of the Local Union shall give the accused and person(s) laying the charge an opportunity to express their arguments in the manner and under the conditions it shall deem appropriate;

**17.03.10**

When the statement of charge is deemed admissible, the Disciplinary Committee of the Local Union shall determine if it is necessary, in view of all circumstances, to hold a hearing; in any case, the accused alone may require that a hearing be held. Should no hearing be held, the Disciplinary Committee of the Local Union shall give the accused and person(s) laying the charge an opportunity to express their arguments on the merit of the case in the manner and under the conditions it shall deem appropriate;

**17.03.11**

The Disciplinary Committee of the Local Union shall, if need be, set the hearing at a place and time it shall deem appropriate;

It shall give the accused and person(s) laying the charge reasonable time to present their case. The Disciplinary Committee shall review the evidence introduced and decide on the charge on the basis of the evidence received. The review of the evidence or the holding of the hearing and the rendering of the decision must be made within ninety (90) days after the matter has been submitted to the Disciplinary Committee of the Local Union;

**17.03.12**

The accused and person(s) laying the charge shall have the right to introduce evidence bearing on the charge; they may do so by any means deemed acceptable by the Disciplinary Committee of the Local Union;

**17.03.13**

The Disciplinary Committee of the Local Union shall not be required to follow the rules of evidence applicable to civil matters; it may enquire about the facts in the manner it shall deem acceptable and appropriate;

**17.03.14**

The Recording Secretary of the Local Union or any other member the Local Union Executive Board may designate shall have the right to attend all sessions held by the Disciplinary Committee of the Local Union in the presence or outside the presence of the accused and the person(s) laying the charge, the Recording Secretary of the Local Union shall act as advisor to the Committee and may, at the request of the Committee, draft minutes;

**17.03.15**

The Disciplinary Committee of the Local Union may accept or reject the charge, but cannot amend it; should it accept the charge, it may, at its discretion, impose:

- a reprimand;
- a fine;
- a suspension from membership of the accused for the time period deemed appropriate;
- the expulsion of the accused from the Local Union; or
- any disciplinary measure deemed just and equitable in view of all circumstances;

If the accused holds elective office in the Local Union, the Disciplinary Committee may, in addition to any other penalty, remove the accused from office;

**17.03.16**

The Disciplinary Committee of the Local Union shall render in writing its decision which will include a brief written summary of the reasons for its decision; such decision must be sent to the accused, the person(s) laying the charge and the Local Union; at the same time, the Disciplinary Committee shall forward to the Local Union the complete record of the charge;

**17.03.17**

Upon receipt of the decision from the Disciplinary Committee of the Local Union, the Executive Board of the Local Union shall instruct the Recording Secretary of the Local Union to read it at the next regular general meeting of the Local Union;

**17.03.18**

The decision of the Disciplinary Committee of the Local Union to reject the charge shall put an end to the matter; it may be appealed in accordance with the procedure described in 17.04;

**17.03.19**

When the accused is found guilty as charged by the Disciplinary Committee of the Local Union, the general meeting of the Local Union must review the decision made on the basis of the file as submitted before the Disciplinary Committee. The general meeting of the Local Union may reject the charge but may not modify it. The general meeting may also modify the penalty imposed by the Disciplinary Committee and replace it with any other measure deemed just and equitable in view of all circumstances;

**17.03.20**

The Recording Secretary of the Local Union or designate shall forward to the accused and the person(s) laying the charge a true copy of the decision of the Local Union within seven (7) days by registered mail; such decision may be appealed in accordance with the procedure described in 17.04;

**17.03.21**

Should the local union fail to constitute a disciplinary committee within the time limits set in the Constitution, the accused or the person(s) laying the charge may refer the matter to the National President or the Ombudsperson as per Article 17.04.01.

**17.04****Appeal from the decision of the Disciplinary Committee of the Local Union or the decision of the Local Union****17.04.01**

The accused and person(s) laying the charge may appeal a decision putting an end to the case made by the Disciplinary Committee of the Local Union or by the Local Union to an ombudsperson or the President of the National Union at the choice of the appellant; the person(s) laying the charge may not appeal a decision on the basis of the severity of the measure imposed upon the accused;

**17.04.02**

The appeal shall be initiated through a written notice filed within thirty (30) calendar days of the decision rendered; to such notice of appeal must be appended the decision;

#### **17.04.03**

The notice of appeal shall stipulate:

- the decision which is the object of the appeal;
- the date of the decision rendered;
- the date of receipt of the decision rendered;
- a short summary of the reasons for the appeal;
- the choice of the appellant to either proceed before the ombudsperson or the President of the National Union;
- the remedy sought;

#### **17.04.04**

The notice of appeal shall be filed with the office of the Regional Vice-President (Executive Vice-President in Québec region) when the appellant chooses to appeal to the ombudsperson;

#### **17.04.05**

The notice of appeal shall be filed with the office of the President of the National Union when the appellant chooses to appeal to the latter;

#### **17.04.06**

The notice of appeal must be sent by registered mail; and shall be deemed received as per the date registered;

##### **17.04.07.01**

When a Disciplinary Committee has been called upon to dispose of two charges, the party who appeals more than one decision rendered by the said Committee, must elect the option of giving the ombudsperson or the President of the National Union authority over all decisions being appealed;

If the appellant fails to select an option, the appeal from all decisions, shall be deemed to have been made to the President of the National Union;

##### **17.04.07.02**

When two charges or more have been laid and, as the case may be, when the accused and person(s) laying the charge(s) have appealed the decision rendered by the Disciplinary Committee of the Local Union, one before an ombudsperson, the other before the President of the National Union, both appeals must be merged to be decided by the President of the National Union;

**17.04.08**

Within five (5) days following receipt of the notice of appeal, the Regional Vice-President (Executive Vice-President – Québec in Québec region) or the President of the National Union, as the case may be, shall forward the accused, the person(s) laying the charge and the Local Union a notice stipulating the date of reception of the notice of appeal to which shall be appended a true copy of the Notice of appeal;

**17.04.09**

The Local Union shall then forward within ten (10) days following receipt of the notice given under 17.04.08, to the Regional Vice-President (Executive Vice-President – Québec in Québec region) or the President of the National Union the full record of the charge;

**17.04.10**

The Regional Vice-President (Executive Vice-President – Québec in Québec region) or the President of the National Union shall then forward to the accused and person(s) laying the charge the full record of the charge within ten (10) days following receipt;

**17.04.11**

When the appeal is made before an ombudsperson, the Regional Vice-President (Executive Vice-President – Québec in Québec region) shall appoint a person involved in a union affiliated to the CLC other than the CEP, whose experience in the labour movement covers at least ten (10) years and who is not in any conflict of interest situation;

**17.04.12**

Such appointment of an ombudsperson shall be made by the Regional Vice-President (Executive Vice-President – Québec in Québec region), within twenty (20) days following receipt of the record of the charge from a list of names approved by the National Executive Board;

**17.04.13**

The Regional Vice-President (Executive Vice-President – Québec in Québec region) shall, without any delay, notify the accused, the person(s) laying the charge and the Local Union of the appointment of the ombudsperson and shall, without any delay, transmit to the ombudsperson the full record of the charge together with a copy of the Constitution of the CEP;

**17.04.14**

Upon receipt of the full record of the charge, the ombudsperson or the President of the National Union shall examine the record and shall decide under sole authority or upon request on the admissibility of the appeal; to that end, the ombudsperson or President of the National Union shall determine any matter related to:

- timeliness of the appeal;
- irregularity of the appeal;
- admissibility of the appeal in all other regards including, as the case may be, its frivolous or vexatious character;

**17.04.15**

Upon receipt of the full record of the charge, the ombudsperson or President of the National Union shall examine any issue relating to the admissibility of the statement of charge in the same manner as the Disciplinary Committee of the Local Union; 17.03.09 of this Article shall apply with the necessary changes being made;

**17.04.16**

The admissibility of the appeal or the statement of charge must be determined within thirty (30) days following reception by the ombudsperson or the President of the National Union of the full record of the charge;

**17.04.17**

The President of the National Union or the ombudsperson shall give the accused and person(s) laying the charge an opportunity to express their arguments on the admissibility of the appeal or statement of charge, in the manner and under the conditions deemed appropriate;

**17.04.18**

When the appeal or statement of charges are deemed admissible, the President of the National Union or the ombudsperson shall determine if it shall be necessary to hold a hearing; the accused may request that a hearing be held; should no hearing be held, the ombudsperson or President of the National Union shall give the accused and the person(s) laying the charge an opportunity to express their arguments on the merit of the charge, in the manner and under the conditions deemed appropriate;

**17.04.19**

At any hearing, proceedings shall be taken in shorthand or recorded;

**17.04.20**

Provisions of 17.03.11, 17.03.12, 17.03.13, 17.03.15, 17.03.16 and 17.03.17 of this Article shall apply with the necessary changes being made to an appeal before the ombudsperson or before the President of the National Union;

**17.04.21**

The decision of the ombudsperson shall be final and without appeal;

**17.04.22**

The decision of the President of the National Union putting an end to the case may be appealed to the National Appeals Committee in accordance with the procedure described in 17.05;

**17.04.23**

The National Union shall assume the fees and expenses of the ombudsperson;

**17.04.24**

The National Union shall pay the expenses and lost wages of persons required to testify by special request of the ombudsperson or President of the National Union, except for the accused and person(s) laying the charge, in accordance with the policy adopted from time to time by the National Executive Board;



**17.04.25**

The National President may delegate all the duties and powers as provided under the provisions of this Article. In such case the appeal shall be deemed to have been heard and decided by the President of the National Union.

**17.05****Appeals before the National Appeals Committee****17.05.01**

The accused and the person(s) laying the charge may appeal the decision putting an end to the case rendered by the President of the National Union before the National Appeals Committee; they may not appeal the decision on the basis of the severity of the penalty imposed on the accused;

**17.05.02**

Provisions of 17.03.16 and 17.03.17 of this Article and the provisions of 17.04.02, 17.04.03 and 17.04.06 of this Article shall apply with the necessary changes being made;

**17.05.03**

The notice of appeal shall be submitted to the office of the Secretary-Treasurer of the National Union;

**17.05.04**

Within five (5) days following receipt of the notice of appeal, the Secretary-Treasurer of the National Union shall forward to the accused, the person(s) laying the charge and the Local Union a notice stating the date of receipt of the notice of appeal to which shall be appended a true copy of the notice of appeal;

**17.05.05**

The Local Union shall then within five (5) days following receipt of the notice served under 17.05.04, forward to the Secretary-Treasurer of the National Union the full record of the charge;

**17.05.06**

The Secretary-Treasurer of the National Union shall then forward to the accused, the person(s) laying the charge and the members of the National Appeals Committee the full record of the charge within ten (10) days following its receipt;

**17.05.07**

The National Appeals Committee shall be composed of nine (9) elected rank-and-file members of the National Executive Board; such members shall designate among their number a person to act as Committee Chairperson;

**17.05.08**

The National Appeals Committee shall meet in conjunction with meetings of the National Executive Board to proceed with the examination of appeals submitted to it;

**17.05.09**

The President of the National Union shall set the time and place of sessions;

**17.05.10**

The National Appeals Committee shall review the decision rendered by the President of the National Union on the basis of the record submitted to the latter. The Appeals Committee may accept or reject the charge but may not modify it; it may not modify the penalty imposed by the President of the National Union; the Committee shall also determine any other issue related to the admissibility of the appeal or the statement of charges;

When the National Appeals Committee deems the charge admissible, it shall refer the case back to the President of the National Union if the latter has not determined the merit of the case;

**17.05.11**

There shall be no hearing before the National Appeals Committee and its decision shall be final and without appeal.

**17.06****Procedure applicable to any charge laid against an Officer of the National Union or a Representative**

This Article shall establish the procedure applicable in the case of any charge laid against an Officer of the National Union or a Representative;

**17.06.01**

All charges must:

**17.06.01.01**

be in writing;

**17.06.01.02**

be duly signed by the person(s) laying the charge;

**17.06.01.03**

refer to the article of the Constitution which is the object of the alleged offense;  
and

**17.06.01.04**

state in a specific and clear manner the fact which gave rise to the charge in order to enable the accused to prepare a full and complete defence;

**17.06.02**

Any charge not in accordance with 17.06.01 of this Article shall be deemed to be irregular;

Any irregularity under 17.06.01.01, 17.06.01.02 and 17.06.01.04 shall cause a dismissal of the charge;

Any irregularity under 17.06.01.03 may be corrected upon request of the accused under conditions deemed appropriate by the National Executive Board;

**17.06.03**

Any charge must be laid within sixty (60) days of knowledge of the event, giving rise to the charge;

**17.06.04**

Any charge must be sent by registered mail to the office of the Secretary-Treasurer of the National Union, or, if the Secretary-Treasurer of the National Union is under charge, to the office of the President of the National Union;

If the President and the Secretary-Treasurer of the National Union are both under charges related to the same events or incidents, the charge shall be submitted to a National Officer appointed by the National Executive Board;

In any case, the charge shall be deemed received as per the date registered;

**17.06.05**

The Secretary-Treasurer of the National Union, or the person designated by the President of the National Union shall personally give the charge to the President of the National Union and shall send by registered mail to the accused and person(s) laying the charge, within seven (7) days of receipt of the charge:

**17.06.05.01**

a true copy of the charge laid with a mention of the date it was made;

**17.06.05.02**

a notice giving a summary of the procedure to be followed in the matter;

**17.06.06**

The charge shall be judged by the National Executive Board;

**17.06.07**

The National Executive Board shall examine the statement of charge submitted to it; it shall, on its own authority or at the request of the accused, decide on the admissibility of the charge; for that purpose, it shall determine any matter related to:

**17.06.07.01**

the timeliness of the charge;

**17.06.07.02**

the irregularity of the charge as per 17.06.02;

**17.06.07.03**

the admissibility of the charge in all other aspects including, as need be, its frivolous or vexatious character;

As the case may be, the National Executive Board shall reject the statement of charge or determine, if need be, corrections to be made in the manner it shall deem appropriate;

The National Executive Board shall give the accused and person(s) laying the charge an opportunity to express their arguments in the manner and under the conditions it shall deem appropriate;

**17.06.08**

When the statement of charge is deemed admissible, the National Executive Board shall determine if it is necessary, in view of all circumstances, to hold a hearing; in any event, the accused alone may request that a hearing be held. Should no hearing be held, the National Executive Board shall give the accused and person(s) laying the charge an opportunity to express their arguments on the merit of the case in the manner and under the conditions it shall deem appropriate;

**17.06.09**

The National Executive Board shall set, as need be, the time and place for the hearing;

It shall give the accused and person(s) laying the charge reasonable time to present their case; in any event, the hearing must be held no later than ninety (90) days after the matter has been referred to the National Executive Board;

The National Executive Board may extend by an additional thirty (30) days the date of the hearing when deemed appropriate;

**17.06.10**

The proceedings shall be noted in shorthand or recorded;

**17.06.11**

The accused and person(s) laying the charge shall have the right to introduce evidence bearing on the charge; they may do so by any means deemed acceptable by the National Executive Board;

**17.06.12**

The National Executive Board shall not be required to follow the rules of evidence applicable to civil matters; it may enquire about the facts in the manner it shall deem acceptable and appropriate;

**17.06.13**

The National Executive Board shall review the evidence introduced and decide on the charge on the basis of the evidence received; the decision must be made within thirty (30) days of the hearing;

**17.06.14**

The National Executive Board may accept or reject the charge, but cannot amend it; should it accept the charge, it may, at its discretion, impose:

- a reprimand;
- the suspension of the accused from office for a period of time deemed appropriate;
- the removal of the accused from the office;
- the suspension from membership of the accused for the time period deemed appropriate;
- the expulsion of the accused from membership in the Union;
- any disciplinary measure deemed fair and equitable in view of all circumstances;

**17.06.15**

The National Executive Board shall render its decision in writing; such decision must be sent to the accused, the person(s) laying the charge and the Secretary-Treasurer of the National Union; at the same time, the National Executive Board shall forward to the person who has given the notice provided under 17.06.05, the complete record of the charge;

**17.06.16**

The decision of the National Executive Board shall be final and without appeal for the person(s) laying the charge and the accused if the latter is a Representative;

**17.06.17**

The decision of the National Executive Board putting an end to the case may be the object of an appeal in accordance with the provisions of 17.07 of this Article if the accused is an Officer of the National Union;

**17.06.18**

When the statement of the charge has been laid against a Representative, the President of the National Union or the National Executive Board may on its own authority or upon request, should it deem appropriate, suspend the accused from duties pending the decision of the National Executive Board;

**17.06.19**

Should the President of the National Union and the Secretary-Treasurer of the National Union be both under charges in relation with the same incidents or events, their responsibilities under this section shall be given to one or more officers of the National Union selected by the National Executive Board;

## **17.07**

### **Appeal of the decision of the National Executive Board**

#### **17.07.01**

The accused alone, if the accused is an officer of the National Union, may appeal the decision of the National Executive Board, putting an end to the case;

#### **17.07.02**

The appeal shall be initiated through a written notice filed within thirty (30) calendar days of the notice of decision rendered; to such notice of appeal must be appended the decision;

#### **17.07.03**

The notice of appeal shall stipulate:

- the decision which is the object of the appeal;
- the date of the decision rendered;
- the date of receipt of the decision rendered;
- a short summary of the reasons for the appeal;
- the remedy sought;

#### **17.07.04**

The notice of appeal shall be filed with the office of the President of the National Union or if the accused is the President of the National Union, with the office of the Secretary-Treasurer of the National Union; should both be under charges in relation with the same events or incidents, the notice of appeal shall be filed with a National Officer appointed by the National Executive Board;

#### **17.07.05**

Should both the President of the National Union and the Secretary-Treasurer of the National Union be under charges in relation with the same events or incidents, their responsibilities under this section shall be given to one or more Officers of the National Union selected by the National Executive Board;

#### **17.07.06**

The notice of appeal must be sent by registered mail, and shall be deemed received as per the date registered;

#### **17.07.07**

Within seven (7) days following receipt of the notice of appeal, the President or Secretary-Treasurer of the National Union, as the case may be, or, in case of inability to act, absence, or conflict of interest of both, the officer or officers designated as per 17.07.05, shall forward the accused and person(s) laying the charge a notice indicating the date of receipt of the notice of appeal, to which shall be appended a true copy of the notice of appeal;

**17.07.08**

The person who has served the notice prescribed under 17.07.07 shall prepare the complete record of the charge;

**17.07.09**

In the case of an appeal filed by a Vice-President of the National Union, or the Executive Vice-President - Québec, such appeal shall be decided upon by the delegates of the region involved in a special meeting called in accordance with the provisions of 8.06;

**17.07.10**

In the case of an appeal filed by the President of the National Union or Secretary-Treasurer of the National Union, except the Executive Vice-President – Québec, such appeal shall be heard and decided by delegates from the Local Unions of the CEP in a special meeting called in accordance with the provisions of 8.06;

**17.07.11**

Notice of the special meeting of delegates from the region involved and notice of the special meeting of delegates from Local Unions of the CEP, as the case may be, shall be sent within sixty (60) days following receipt of the notice of appeal;

**17.07.12**

The date, time and place of the special meeting of delegates of the region involved or delegates of Local Unions of the CEP, as the case may be, shall be set by the President of the National Union; subject, however, to 17.07.23. This meeting shall be held within one hundred and twenty (120) days following receipt of the notice of appeal;

**17.07.13**

Delegates shall be designated by Local Unions in accordance with provisions of 8.06;

**17.07.14**

The National Executive Board shall establish an Appeals Committee of five (5) members selected among the delegates, thirty (30) days prior to the special meeting;

**17.07.15**

As soon as it is established, the Appeals Committee shall meet to review the appeal record referred to it;

**17.07.16**

Members of the Appeals Committee shall designate among their number the person who shall act as chairperson of the Committee;

**17.07.17**

The Appeals Committee shall examine the matter on the basis of the record submitted before the National Executive Board; it shall give the accused and person(s) laying the charge an opportunity to express their arguments in the manner and under the conditions deemed appropriate;

**17.07.18**

The Appeals Committee will take preliminary objections under advisement, if need be, and review the case on its merit in order to submit a complete report to the special meeting;

**17.07.19**

The special meeting may:

**17.07.19.01**

accept or reject the decision of the National Executive Board relative to the admissibility of the statement of charge and render the decision which should have been rendered in the first place in this connection; provisions of 17.06.08 shall apply with the necessary changes being made;

**17.07.19.02**

accept or reject the decision of the National Executive Board dealing with the merit of the charge; provisions of 17.06.15 shall apply with the necessary changes being made;

**17.07.20**

The special meeting, which shall reinstate the accused to office or modify the penalty imposed by the National Executive Board shall determine the date of such reinstatement or the length of the penalty imposed;

**17.07.21**

The wages and benefits shall then be paid to the accused by the National Union on the basis of the date of reinstatement in office or the length of the penalty imposed;

**17.07.22**

The decision of the special meeting shall be final and without appeal;

**17.07.23**

When the decision of the National Executive Board is rendered on a date which precedes by less than six (6) months the date of opening of the Constitutional and Policy Convention of the CEP, the appeal filed by an Officer of the National Union under 17.07.01 shall be decided during that convention instead of by a special meeting; and in the same manner as if that special meeting had been called;

**17.07.24**

Provisions of 17.07.08 to 17.07.21 shall apply with the necessary changes being made to the Constitutional Convention;

**17.07.25**

The National Union shall pay the expenses and loss of wages of the parties in accordance with the policy adopted from time to time by the National Executive Board.



## **ARTICLE 18**

### **MERGERS**

#### **18.01**

The Officers of this Union shall have the power to merge with any other union or unions provided that the following steps are taken:

##### **18.01.01**

The National Executive Board at a meeting called for this purpose approves such merger.

##### **18.01.02**

The decision of the National Executive Board is presented to a special or biennial Convention of this Union and a majority of the delegates voting approve of the merger. Prior to the special or biennial Convention the terms of the merger, including the proposed Constitution shall be presented for discussion to each Local.

Convention delegates shall be asked, as part of the vote referred to above, to vote on whether they authorize the officers of the Union to transfer the funds and property of the National Union and/or the Locals to any successor trade union. If a majority of the delegates casting ballots vote in favour, the Officers of this Union shall have the power to effect such transfer of funds and property. The Officers of this Union shall ensure that a merger agreement with any other organization or organizations contains terms permitting established Locals of the Communications, Energy and Paperworkers Union of Canada to continue as entities of the successor union and also permitting transfer of their Local funds to these new entities. The Officers of the Union shall be empowered to take any further steps to carry out any further procedures as are required by law to enable a transfer of bargaining rights to any successor union.

##### **18.01.03**

The vote referred to in 18.01.02 above shall be by secret ballot on a per capita basis.

##### **18.01.04**

Where another union(s) is merging with the Union and there is to be no change in the structure or name of this Union as a result of the merger the National Executive Board shall have the authority to approve such merger at a meeting called for this purpose. The National Executive Board shall also have the authority to empower the Officers to take any and all steps necessary, including those outlined in 12.01.04, to effect the merger and steps 18.01.02 and 18.01.03 above shall not be required.

## **ARTICLE 19**

### **AMENDMENTS**

#### **19.01**

This Constitution shall only be amended upon a vote of two-thirds (2/3) of the votes cast at a regular or special convention. Proposed amendments shall be submitted to the convention in accordance with this Constitution.

#### **19.02**

Amendments adopted by the convention shall become effective immediately upon their adoption unless otherwise stipulated in the amendment resolution.

## **ARTICLE 20**

### **OFFICIAL LANGUAGES**

#### **20.01**

English and French shall be the official languages of communication in National conventions and conferences. The Constitution and other national documents shall be printed in both languages. Services to local unions from the National Headquarters office shall be in the language of their choice.

## **ARTICLE 21**

### **OATH OF OFFICE**

#### **21.01**

##### **Installing Officer:**

“Do you solemnly affirm to faithfully execute the office to which you have been elected, and will, to the best of your ability preserve, protect and defend the Constitution of the Communications, Energy and Paperworkers Union of Canada, and upon completion of your term of office, deliver to your successor all Union books, papers and property that may be in your possession?”

##### **Response:**

“I do.”

## **ARTICLE 22**

### **EFFECTIVE DATE**

#### **22.01**

This Constitution shall become effective on the date it is ratified.

## APPENDIX 1

### CONVENTION RULES OF ORDER

**Note: The following Rules of Order are provided for information only and are not part of the Constitution. Amending the Rules of Order requires only a simple majority (50% + 1) of convention votes.**

1. The Convention shall be conducted in accordance with these rules and the CEP Constitution and if these rules and the Constitution do not specifically cover a matter, Bourinot's Rules of Order shall apply.
2. The Convention shall sit during the following times:

Sunday, Date	9:45 am - 12:00 pm
	2:00 pm - 5:00 pm
Monday, Date,	9:00 am - 12:00 pm
	2:00 pm - 5:00 pm
Tuesday, Date,	9:00 am - 12:00 pm
	2:00 pm - 5:00 pm
Wednesday, Date,	9:00 am - 12:00 pm
	2:00 pm - 4:00 pm
Thursday, Date,	9:00 am - 12:00 pm
	2:00 pm - 5:00 pm
3. Evening sessions of the Convention may be called at the discretion of the Chair.
4. Delegates addressing the Chair must give their name, location and Local Union number upon being recognized by the Chair.
5. No delegate shall speak more than once on a subject until all who wish to speak have had an opportunity to do so.
6. Speeches on resolutions shall be limited to five minutes. Delegates speaking a second time on a question shall be limited to three minutes.
7. If two or more delegates arise to speak at the same time, the Chair shall decide the order of speakers.
8. No delegate shall interrupt another delegate except to call a point of order, raise a question of privilege or appeal a decision of the Chair.
9. Votes on resolutions shall be by a show of hands. A roll call vote shall be held upon the request of 20% of the delegates. When a roll call vote has been ordered, no adjournment

shall take place until the voting has been completed. When a roll call vote has been taken and all delegates have had an opportunity to record their vote, voting shall be declared closed. Voting by roll call shall be by per capita vote with each delegate casting the number of votes assigned to the delegate.

10. A delegate not registering for a vote shall be reported absent.
11. Emergency resolutions will only be entertained with the approval of a two-third (2/3) majority of delegates voting. Such resolutions may not add to, detract from, change or conflict in any way with the provisions of the Constitution.
12. Reports of Committees are not subject to amendment (unless such amendment is acceptable to the Committee), but a motion to refer back with instructions to the Committee for reconsideration shall be in order. After the first referral back to the Committee, the reports of Committees shall be subject to amendment or substitution from the floor of the Convention.

**Note 1:** A committee proposal to pass a resolution to a body other than the convention (e.g. to the Executive Board or regional caucuses) for a decision, is a regular main motion, fully debatable and amendable by the convention delegates. It is not a motion to refer. A motion to refer passes the resolution to a body for a recommendation, rather than for a decision.

**Note 2:** If a committee recommends non-concurrence on an issue and a delegate wishes to have this recommendation changed, the correct procedure is to:

- ◆ defeat the committee's recommendation of non-concurrence
- ◆ propose a motion of concurrence from the floor.

It is not correct to move that the resolution be referred back to the committee, with instructions to change the recommendation from non-concurrence to concurrence.

13. Immediately after the Committee's report has been made, a minority of the Committee can request to register their views in opposition to the majority report.

Once the minority report has been read, it is for information only, unless a motion is made to substitute the minority report in place of the majority report.

The Chair shall put the question to substitute to a vote. If the motion to substitute is agreed to, then the debate is on the substance of the minority report only and the recommendation it makes.

14. No delegate will be allowed in the Convention hall without his or her badge in plain sight. A sergeant-at-arms, or an escort committee will accompany those individuals who have been invited by the President.

In the event a delegate is required to be in Committee session during debates the delegate's badge may be assigned to a registered alternate delegate from the same local during such absences from the Convention floor.

## 16. **NOMINATION AND ELECTION PROCEDURES**

### **BALLOTS**

Each delegate will be given, at registration, a ballot booklet. Each booklet will have at least 13 ballots with different letters. Ballots are identified with a pre-printed identification or a watermark.

The delegates must check their booklet to ensure that it contains the right amount of ballots and vote entitlement. The delegate must then sign the ballot list. There will be no replacement of lost ballots once they have been signed for.

Ballots will be prepared ahead of time since Local Unions must send credentials sixty (60) days prior to the opening date of Convention as per Article 8.05 of the CEP Constitution. The cut-off time for registration and amendments to the voting list will be **three** hours after adjournment of the Convention the day before the elections are held.

### **NOMINATIONS**

The President, Secretary-Treasurer and the Vice-President – Media will be nominated in the plenary session as the last order of business on the opening day of the Convention. The Vice-President – Media shall be nominated by a delegate from the Media group.

After nominations are closed for these three offices, the Convention will break into Regional caucuses, where Executive Vice-President – Québec, Vice-Presidents, Administrative Vice-Presidents, Rank and File Board Members and Alternates will be nominated. An Administrative Vice-President must be nominated by the delegates representing local unions from his/her sector, and elected by all the delegates from the Region.

The Indigenous Workers and Racialized Workers' Representative and his or her Alternate on the Executive Board will be nominated in the Indigenous Workers and Racialized Workers' Caucus.

The Women's Committee members (with the exception of the Indigenous Workers and Racialized Workers' Representative) are nominated at the regional meetings. Individuals running for the Indigenous Workers and Racialized Workers' position are nominated in the Indigenous Workers and Racialized Workers' Caucus.

The Chair will recognize one nominator and one seconder, and the nominator will be given two (2) minutes to introduce the candidate.

## **ELECTIONS**

Elections will take place on the fourth day of Convention (Wednesday).

Delegates first vote to elect National Officers' positions on the Executive Board. An adequate number of voting stations will be installed in or near the plenary room, where possible. Two National Representatives will be at each voting station with the list of delegates by region and their voting strength. National Representatives should not come from the same region as the delegates who are to vote at that station.

Delegates must wear their convention tag with their name and the Local number. At the polling station, the delegate will declare his or her identity and the number of votes he or she is entitled to. The National Representatives will check the information from the list, as well as the ballot.

The delegate will vote in the station located behind the table, show his or her folded ballot showing only the number of votes. The National Representatives will ascertain that there is only one ballot by touching it or by depositing it in the box.

Once voting is completed, National Representatives will bring their boxes into the counting room. Each adding machine will be checked for accuracy and National Representatives will then count the votes.

These elections will be held in the plenary hall. Once voting is completed for the election of National Officers' positions on the Executive Board, delegates may go to their respective Regional room to begin the Regional process. It is understood that delegates might be called back if a second ballot was necessary or if another National Office position was contested.

Delegates then proceed to elect candidates to all Regional Offices. This process could be delayed in a given Region, if a candidate for a National Office position has indicated in writing that he/she intends to run for a specific Regional Office position if unsuccessful at the National Level.

Vice-Presidents are first elected, then Administrative Vice-President(s), Women's Committee Members, Rank-and-File Executive Board Members and Alternates. In Québec the sequence will be Executive Vice-President, Vice-President, Administrative Vice-President, Women's Committee Members, Rank-and-File Executive Board Members and Alternates.

For the election of Rank-and-File Executive Board Members and Alternates, delegates will vote for four candidates, at least one of whom must be a woman. In cases where only one (1) woman is nominated, she will be declared elected and delegates will then be required to vote for three (3) candidates.

The four candidates with the most votes will be elected provided one of them is a woman. If a second ballot is necessary because of a tie, a run-off election will take place between the candidates who are tied.

The Regional elections will be held in the same manner as those for National Officers.

Candidates can have scrutineers in the room where they count votes but they cannot touch the ballots at any time.

Results of all elections will be announced. The ballots will be kept for one day and then destroyed.

## **OTHER ELECTIONS**

Eligible delegates could elect women's Committee members while ballots are being counted.

The Equity Committee Members will be elected in their respective caucuses.

17. The following common motions will be utilized to move the Convention business to a conclusion:

Main Motions: debatable

Amendments: debatable

To refer: not debatable, except on the propriety

To rescind: debatable, two-third (2/3) vote, prior notice required

To table a motion: not debatable

To stop a debate: not debatable, two-third (2/3) vote

To limit debate: not debatable, two-third (2/3) vote

To challenge Chair: the motion is "Shall the decision of the Chair be upheld?"

18. Not more than two amendments to any question shall be pending at one time; but after disposal of one or both of them, additional amendments may be proposed.
19. All unfinished business of the Convention shall be turned over to the Executive Board.