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## **BYLAW 1**

### **Name of Organization and Location of National Office**

**Article 1.** This organization shall be known as the UNION OF NATIONAL DEFENCE EMPLOYEES, a component of the Public Service Alliance of Canada, and shall be referred to hereinafter as the Union.

**Article 2.** The Union shall have its National Office in the National Capital Region, Canada. The Union may establish regional offices as deemed necessary.

## **BYLAW 2**

### **Aims and Objectives**

**Article 1.** To obtain for all its members the best standards of compensation and other conditions of employment, and to protect the rights and interests of all its members.

## **BYLAW 3**

### **Membership**

#### **Article 1. Regular Membership**

- (a) All workers assigned to the Union by the Public Service Alliance of Canada shall be eligible to apply for membership in the Union.
- (b) All members of the Union shall be considered members in good standing as defined in the Constitution of the Public Service Alliance of Canada.

**Article 2. Honorary Membership** - Through application by a Local to the National Executive, a member who has retired may be granted Honorary Membership for outstanding service to the Union. Honorary members shall not be required to pay dues and shall not be entitled to voice or vote at meetings or to hold office in the Union or Local, but shall be entitled to all other rights and privileges of membership in this Union.

The Union may, by decision of the National Executive or by decision of a Triennial National Convention, elect to Honorary Membership in the Union anyone who is deemed to merit such honour and is not eligible for regular membership. (0302-01, 0302.02)

**Article 3. Life Membership** - A Life Membership may be awarded by the Union, through the National Executive, to any member or former member who has performed exemplary services for the membership through personal and devoted efforts in the affairs of the Union. Such membership shall be awarded in accordance with Regulations to these Bylaws. (0303-01, 0303-02, 0303-03, 0303-04, 0303-05, 0303-06, 0303-07, 0303-08, 0303-09, 0303-10, 0303-11)

**Article 4.** Life Memberships and Honorary Memberships as conferred and recognized by the National Defence Employees' Association and the Civil Service Association of Canada shall be recognized by the Union.

**Article 5.** With the exception of those memberships provided by Articles 2, 3 and 4, all members shall be required to pay dues as provided by Bylaw 5. Those persons, who through memberships provided by Articles 2, 3, and 4, and who are deriving benefits through such membership, shall be required to pay dues as prescribed by these Bylaws.

**Article 6.** With exception of those memberships provided by Articles 2, 3 and 4, all members shall be issued membership cards.

#### **BYLAW 4**

##### **Membership Responsibility**

**Article 1.** Every individual member of the Union is deemed to agree to abide by and to be bound by the provisions of these Bylaws and the applicable Local bylaws, upon applying for membership in the Union or continuing membership in the Union.

**Article 2.** Every member in good standing shall be entitled to membership rights in accordance with the Constitution of the Public Service Alliance of Canada.

#### **BYLAW 5**

##### **Membership Dues**

**Article 1.** The membership dues which shall be levied by the Union upon each and every member and retained by the Union out of the dues collected each month shall be as follows.

- (a) The monthly equivalent of the amount set by the Triennial National Convention to be paid to the Union.
- (b) Plus, where applicable, the monthly equivalent of the amount set by the Constitution of the Public Service Alliance of Canada.
- (c) Plus, any Local may provide for a Local dues rebate and subsequently increase such Local rebate on the authority of a two-thirds (2/3) majority vote of the membership attending a duly-called meeting of the Local.
- (d) Plus, the monthly equivalent of the amount for affiliation to any other group.

**Article 2.** The Local will notify the National Office and have the Local rebate deducted and collected by the Union in the manner prescribed in this Bylaw. The new Local rebate shall be sent by the Union to the Local concerned, within two (2) months of the date of notification being received in the National Office, subject to Bylaw 12, Article 11.

### **Article 3. Local Dues**

"Duly called meeting of the Local" shall mean that:

- (a) the notice calling the meeting shall state specifically that the matter of the dues will be a subject of discussion and decision by a two-thirds (2/3) majority of members attending;
- (b) the notice shall be dated and signed by the President of the Local;
- (c) a copy of the notice shall be:
  - (i) mailed to the Vice-President of the Region, who will be responsible for onward submission to the National President;
  - (ii) posted or circulated at least fourteen (14) calendar days prior to the date of the meeting in such a manner that members will be made aware of the meeting.

**Article 4.** Dues increases shall only be authorized when all procedures in this Bylaw have been adhered to.

**Article 5.** Where payroll deductions have been authorized by and paid on behalf of a member, the per capita rebate on behalf of such member shall be due and payable to the Local concerned.

**Article 6.** Where payroll deductions have not been authorized by non-certified members, the per capita dues on behalf of such members shall be due and payable to the National Office by the Locals concerned.

## **BYLAW 6** National Executive

### **Article 1.**

- (a) The National Executive shall be composed of the National President; an Executive Vice-President; a Vice-President for Newfoundland, Labrador and New Brunswick; a Vice-President for Nova Scotia; a Vice-President for Quebec; a Vice-President for the National Capital Region; a Vice-President for Ontario; a Vice-President for Manitoba and Saskatchewan; a Vice-President for Alberta and the North; a Vice-President for British Columbia; a Vice-President for the Communications Security Establishment; and, a Vice-President for Non-Public Funds (NPF).
- (b) The **National President of the Union** shall be a full-time paid position, and must agree to reside in the National Capital Region.

- (i) The annual salary shall commence the first day following the end of the Convention at which elected.
- (ii) Employee working conditions and benefits, excluding compensatory time and overtime, shall be those provided to a senior staff officer of the Union and will commence from the above dates as well, except where there is a waiting period required in the staff benefit plans.
- (iii) The Union will continue to pay the Employer's share of the National President's PSSA and Supplementary Death Benefits, as assessed by the Employer from time to time.
- (iv) The relocation expenses of the National President shall be as established by the Public Service Alliance of Canada Regulation No. 16 - Regulation governing the relocation of full-time elected officers of the Alliance Centre.
- (v) The National President shall carry-over into the full-time position any sick leave credits and vacation related service for purposes of establishing a database for internal administration.
- (vi)
  - a) A National President in a first term as an elected National President shall be paid at the minimum of an EX-2 for the first twelve (12) months, at the mid-point of an EX-2 for the next twelve (12) months and then at the maximum of an EX-2 for the remainder of the term as National President, all of which are modified from time to time, and shall receive this salary, in the event of defeat, or not to seek office at a convention, for one (1) month beyond the close of that Convention. Any National President in a second or more elected term as National President shall be paid at the maximum of an EX-2.
  - b) In the event of a resignation by the National President for any reason, the office shall be extended for one (1) month beyond the date of resignation and the Executive Vice-President shall be brought in one (1) month prior to termination and be paid at a rate of pay equivalent to an EX-2 minimum for the first twelve (12) months, at the mid-point of an EX-2 for the next twelve (12) months and then at the maximum of an EX-2 for the remainder of the term as interim National President.
  - c) In the event that the past Executive Vice-President retain office of National President at the next Convention, the commencing salary shall be determined by Bylaw 6, Article 1 (b) (vi) a) with the duration of term as interim National President taken into consideration when determining starting salary.

- (c) The **Executive Vice-President of the Union** shall be a full-time paid position, and must agree to reside in the National Capital Region.
- (i) The annual salary shall commence the first day following the end of the Convention at which elected.
  - (ii) Employee working conditions and benefits, excluding compensatory time and overtime, shall be those provided to a senior staff officer of the Union and will commence from the above dates as well, except where there is a waiting period required in the staff benefit plans.
  - (iii) The Union will continue to pay the Employer's share of the Executive Vice-President's PSSA and Supplementary Death Benefits, as assessed by the Employer from time to time.
  - (iv) The relocation expenses of the Executive Vice-President shall be as established by the Public Service Alliance of Canada Regulation No. 16 - Regulation governing the relocation of full-time elected officers of the Alliance Centre.
  - (v) The Executive Vice-President shall carry-over into the full-time position any sick leave credits and vacation related service for purposes of establishing a database for internal administration.
  - (vi)
    - a) An Executive Vice-President in a first term as an elected Executive Vice-President shall be paid at the minimum rate of an EX-1 for the first twelve (12) months, at the mid-point of an EX-1 for the next twelve (12) months and then at the maximum of an EX-1 for the remainder of the term as Executive Vice-President, all of which are modified from time to time. Any Executive Vice-President in a second or more elected term as Executive Vice-President shall be paid at the maximum of an EX-1.
    - b) In the event of a resignation by the Executive Vice-President for any reason, the office shall be extended for one (1) month beyond the date of resignation and the Alternate Executive Vice-President shall be brought in one (1) month prior to termination and be paid at the rate established in Bylaw 6, Article 1 (c) (vi) a).
- (d) A Human Rights Advisor, elected by the Triennial National Convention from among voting delegates as defined in the Constitution of the Public Service Alliance of Canada, shall be an ex-officio member of the National Executive with voice, but no vote.

- (i) Following the election of the Human Rights Advisor at the Triennial National Convention, two (2) alternates to the Human Rights Advisor shall be elected using the same voting procedure.

## **Article 2.**

- (a) The National President, the Executive Vice-President and alternate Executive Vice-President shall be nominated and elected at each regular Triennial National Convention of the Union by the voting delegates attending such Convention.
- (b) If the office of National President becomes vacant for any reason, the Executive Vice-President shall automatically assume the office.

**Article 3.** All members of the National Executive shall hold regular membership in the Union.

**Article 4.** A quorum of the National Executive shall be the National President and/or the Executive Vice-President, and any seven (7) of the Vice-Presidents of the Regions.

## **Article 5.**

- (a) The National Executive shall hold at least two meetings per year. The meetings are to be held in conjunction with the Public Service Alliance of Canada or Canadian Labour Congress whenever possible. The spring meeting is intended to be of a duration of three (3) days and the fall meeting is intended to be of a duration of five (5) days, at such time and place as the National President shall direct or at any other time if requested by seven (7) or more members of the National Executive. The minutes of all such meetings shall be distributed to all the Union's Locals.
- (b) In convention years of the Union or of the Public Service Alliance of Canada, a National Executive meeting shall be convened before the opening date and time of such Convention and shall be adjourned following the closing date and time of such Convention.
- (c)
  - (i) One (1) National Officer shall represent the Union at Canadian Labour Congress Conventions. Six (6) months prior to a Canadian Labour Convention, the National Executive shall select a delegate and an alternate from among the National Officers.
  - (ii) Upon recommendation from the National President, or from seven (7) members of the National Executive, all members of the National Executive shall attend the Canadian Labour Congress Convention should the situation warrant it.



- (d) Simultaneous translation and appropriate accommodations to address disabilities shall be provided as required for all National Executive meetings and any other meeting deemed necessary.

**Article 6.** Matters affecting the policies, aims and means of accomplishing the purpose of the Union, not specifically provided for in these Bylaws or by Convention decision, shall be vested in and disposed of by the National Executive.

**Article 7.** All actions by the National Executive on behalf of this Union shall be subject to review at Triennial National Conventions. Between Conventions, it shall be the responsibility of the Vice-Presidents of the Regions to explain and justify the decisions of the National Executive to their Locals.

**Article 8.** The National Executive shall be considered as being in session throughout the period of the Triennial National Convention.

**Article 9.** The National Executive shall ensure that the Convention Finance Committee submits a year-to-year budget for the ensuing three-year period for approval to each Triennial National Convention. (0609-01, 0609-02, 0609-03)

**Article 10.** The National Executive shall have the authority to establish any committee necessary for the conduct of the affairs of the Union and shall ensure that terms of reference are established and maintained.

**Article 11.** The National Executive shall have the power to obtain loans and arrange financial transactions in the name of the Union when required. All such financial decisions shall require a two-thirds (2/3) majority recorded vote. (0611-01)

**Article 12.**

- (a) The National Executive shall review the need and quality of the service provided by the National Office of the Union to the Locals and shall recommend to the National President ways and means to improve such services. (0612-01)
- (b) The National Executive shall be responsible to negotiate collective agreements with the Union's staff.

**Article 13.**

- (a) Any member of the National Executive may be removed from office for cause, providing that the procedure in Regulation 1303-06 has been followed.
- (b) A member of the National Executive that is removed from office shall immediately be replaced by the designated alternate.

#### **Article 14.**

- (a) A National Executive officer shall cease to hold office in the Union on the day immediately following the last working day with the Employer, notwithstanding that the National Officer may be eligible for a period of annual and/or retiring leave subsequent to the last working day.
- (b) The Deputy of any such Executive officer shall immediately replace the Executive officer on the National Executive.

**Article 15.** The National Executive shall be responsible for the appointed staff positions where funds have been approved by the Triennial National Convention in the budget. Future employees will have two (2) years to learn a working level of second language. Where the successful candidate is not a member, language training will be at the candidate's own cost. (0615-01)

#### **Article 16.**

- (a) All decisions of the National Executive, unless clearly stated in these Bylaws, shall require only a simple majority. All votes at National Executive meetings are to be recorded, showing how each individual member voted on any motion or recommendation.
- (b) The Chairperson of the National Executive may vote only in the case of a tie.

### **BYLAW 7**

#### **Form of Organization**

**Article 1.** The Union shall be composed of groups of members hereinafter referred to as Locals.

**Article 2.** A Local shall be composed of a minimum of twenty (20) members.  
(0702-01, 0702-02)

**Article 3.** Each Local Executive shall consist of not less than three (3) officers who shall be a President, a Vice-President and a Secretary-Treasurer to conduct its affairs. For the purpose of efficiency and ease of operation, a Local may divide the responsibilities of the office of Secretary-Treasurer among two or more of the following: Secretary, Recording Secretary, Corresponding Secretary and Treasurer and the election procedure set forth in these Bylaws shall apply.

**Article 4.** Each Local shall adopt Local bylaws for the conduct of its affairs and such bylaws shall adhere to the provisions of the Union's Bylaws. All Vice-Presidents of the Regions shall receive copies of their locals' bylaws and amendments within thirty (30) days of adoption. The Vice-Presidents of the Regions shall review and recommend

approval to the National President or recommend changes to the Local in order to be in compliance with the Union's Bylaws.

**Article 5.** The elected officers of each Local shall hold, as a minimum, regular quarterly Executive meetings for the proper conduct of the Local's affairs.

**Article 6.** Each Local shall hold a minimum of one (1) general membership meeting per year during the last quarter (Oct/Nov/Dec) for the purpose of presenting its financial statements, receiving annual reports from its officers, consideration of such business as may be required by its bylaws and the holding of election of officers as required by Local bylaws.

**Article 7.** Each Local shall ensure that the Union's Harassment Statement is read at all the Union's meetings, socials and functions and that at least one (1) intervener is identified. (0707-01)

**Article 8.** A Local which has not carried out the responsibilities required in Articles 3, 4, 5 or 6 above shall be considered inactive. Upon a written request of the respective Vice-President of the Region, the National Executive by a two-thirds (2/3) majority vote may cause the assets of any Local to be placed in trusteeship. (0708-01)

**Article 9.** The National Executive shall have the authority to appoint the Vice-President of the Region as the Trustee Officer for a six (6) month period. The Trustee Officer shall be responsible for managing the affairs of the Local until the recommendations of the Exit Committee, as defined in Article 10, are fulfilled. (0709-01, 0709-02, 0709-03, 0709-04, 0709-05, 0709-06, 0709-07, 0709-08, 0709-09, 0709-10)

**Article 10.** The National President shall establish an Exit Committee comprised of three (3) Vice-Presidents of the Regions. The Exit Committee shall develop recommendations and an exit plan to assist the Local in becoming reactivated. (0710-01, 0710-02, 0710-03, 0710-04, 0710-05, 0710-06, 0710-07)

**Article 11.** The National Executive shall review the trusteeship on the recommendation of the Trustee Officer and the Exit Committee in order to determine and to vote on a viable exit plan to reactivate the Local. (0711-01, 0711-02)

**Article 12.** Upon request of the National President, the Vice-President of the Region shall, with a minimum delay, reactivate the Local according to the exit plan approved by the National Executive. (0712-01, 0712-02, 0712 03, 0712-04)

**Article 13.** If a Local has not been reactivated on completion of the exit plan, the Local shall be considered as being in abeyance for a maximum of one (1) year. (0713-01, 0713-02, 0713-03, 0713-04, 0713-05)

**Article 14.** If after the periods stipulated in Articles 12 and 13 above, the Local is still not reactivated, the Vice-President of the Region, in consultation with the National

President, shall take the necessary steps to amalgamate the Local with another active Local within the Region.

**Article 15.** The Union has the authority to merge with any labour organization, upon a two-thirds (2/3) majority vote of the National Executive.

## **BYLAW 8**

### Duties of Officers

**Article 1.** The **NATIONAL PRESIDENT** shall:

- (a) represent this Union on the National Board of Directors of the Public Service Alliance of Canada;
- (b) function as the Chief Executive Officer of the Union; exercise supervision over the affairs of the Union and sign all official documents; at all times uphold the Bylaws of this Union; preside at all meetings and conventions; be an ex officio member of all committees; be chairperson of the National Executive; be chairperson of delegations to any conventions to which this Union may send delegates, and, in general, perform all such duties as are incidental to the office of the President;
- (c) have authority to interpret the Bylaws and that interpretation shall be conclusive and in full force and effect unless reversed or changed by the National Executive;
- (d) be the Chief Financial Officer of the Union and shall:
  - (i) review and approve all or part of staff and National Executive expenses;
  - (ii) seek National Executive approval for all non-budgeted expenditures and for all investments, pension enhancements and employees' pension fund;
- (e) submit a written report of the activities of the President to the delegates attending the Triennial National Convention.

**Article 2.** The **EXECUTIVE VICE-PRESIDENT** shall:

- (a) aid the National President in the Chief Executive Officer's duties and act on behalf of the National President as required;
- (b) manage national office staff;
- (c) be responsible for services from national office;
- (d) attend all Public Service Alliance of Canada National Board of Directors' meetings;

- (e) chair the negotiations with staff;
- (f) be responsible for communications and the Union's training materials;
- (g) submit a written report of the activities and recommendations of the Executive Vice-President during their tenure, to the National President, four (4) months prior to the Triennial National Convention;
- (h) submit a written report of activities of the Executive Vice-President at the regularly called National Executive meetings;
- (i) coordinate a familiarization session for all new National Executive Officers.

**Article 3. The VICE-PRESIDENTS OF THE REGIONS shall:**

- (a) attend meetings of the National Executive and committee meetings of the National Executive when appointed to do so;
- (b) submit a written report of their activities and recommendations during their tenure, to the National President, four (4) months prior to the Triennial National Convention;
- (c) submit a written report of their national and regional activities at the regularly called National Executive meetings and these reports will be distributed to the locals;
- (d) represent the Union as the Senior Executive Officer for their region;
- (e) be responsible for the organization of Regional Conferences within their regions;
- (f) have the authority to attend meetings and to examine the records and accounts of any Local within their respective regions;
- (g) be responsible for the education programs in their regions;
- (h) be responsible for all joint programs (LMRC, EAP, Health & Safety);
- (i) perform such duties as may be assigned to them by the National President in their own jurisdictional area;
- (j) be responsible for reviewing bargaining demands and convention resolutions;
- (k) serve as the senior officer when attending Local membership meetings within their regions, but shall not participate in any decisions regarding the affairs of the Locals;

- (l) conduct the election of Local Officers when in attendance;
- (m) review all Local bylaws in their region, at least once in every mandate and/or when amended, to ensure compliance with the Union's Bylaws;
- (n) empower the Deputy Vice-President, during periods of unavailability, for whatever reason, with all benefits and authority and so advise the Locals concerned, this excludes participation at conventions by both the Vice-President of the Region and the Deputy Vice-President. If such situations occur, a written account of such actions taken is to be forwarded to the Vice-President of the Region upon return to the area.

(i) **Deputy Vice-Presidents**

- a) The replacement of a Vice-President of the Region at National Executive meetings shall be the Deputy Vice-President.
- b) The Deputy Vice-President shall be required to attend, as an observer, the first National Executive meeting, with all costs incurred to be listed as a line item for the National Executive meeting budget.
- c) When the Deputy Vice-President acts on behalf of the Vice-President of the Region, all costs incurred must be pre-authorized by the National President.

**Article 4.** The **HUMAN RIGHTS ADVISOR** shall:

- (a) serve as the Union's representative on the Public Service Alliance of Canada's Equal Opportunities Committee and submit reports to the National Executive and all regional Human Rights Coordinators;
- (b) liaise with the employer at various levels on Human Rights issues;
- (c) be responsible for providing presentations on Human Rights issues at regional conferences when requested by the Vice-President of the Region;
- (d) coordinate the activities of the regional Human Rights Coordinators;
- (e) attend all Public Service Alliance of Canada's Equity Conferences;
- (f) attend all National Executive meetings;
- (g) submit a written report of activities and recommendations within thirty (30) days of the activity to the National Executive and Employment Equity coordinators;

- (h) submit a written report to the National President four (4) months prior to the Triennial National Convention.

## **Article 5. DUTIES OF LOCAL OFFICERS AND CHIEF STEWARDS**

- (a) Local Presidents shall be the Chief Executive Officer of their Local, and shall preside at all meetings of their Local, and be responsible for the efficient and proper conduct of their Local.
- (b) Local Vice-Presidents in the absence of their respective President, shall carry out the duties of the office of President or other duty delegated to them by the Local President.
- (c) Local Secretary-Treasurers shall keep accurate records of all meetings of their respective Local and shall be responsible for keeping proper files of documents, financial records, and all correspondence relating to their Local and the Union.
- (d)
  - (i) The Chief Steward or a Union officer who has been designated by the Local President shall be responsible for the forwarding to the Union's National Office, of all final level grievances, including all back-up information and shall be responsible for replying to National Office inquiries on:
    - a) Any request for additional information on a final level grievance.
    - b) Any request for a specific report on a subject related to a final level grievance.
  - (ii) The Chief Steward or a Union Officer who has been designated by the Local President shall report to the Union's National Office on an annual basis, the number and disposition of level one and level two grievances which have been resolved at the Local level. The annual report, including NIL reports, shall be submitted along with the Local's annual audited statement as outlined in Bylaw 12, Article 11.

**Article 6.** On vacating their respective positions, all officers of the Union shall deliver to their successors, within a two (2) month period where feasible, all relevant documents, electronic equipment and information.

## **BYLAW 9**

### **Election of National Officers**

**Article 1.** All elections shall be by secret ballot and decided by simple majority.

**Article 2.** All nominees for elected office shall be members in good standing of the Union.

**Article 3.** In the event of more than two (2) candidates for office, the candidate receiving the lowest number of votes shall be dropped from the ballot whenever a clear majority of the votes cast is not accorded any candidate. This procedure shall continue on each succeeding ballot for the position until a candidate receives the necessary majority.

**Article 4.** The National President the Executive Vice-President and alternate Executive Vice-President shall be nominated and elected in that order by the delegates attending the Triennial National Convention of the Union.

**Article 5.** Each Vice-President of the Region shall be nominated and elected by a caucus of their respective regional delegations attending the Triennial National Convention. A Deputy for each Vice-President and two (2) alternates shall be elected at this time. (0905-01, 0905-02, 0905-03)

**Article 6.** In the event of a tie vote for positions elected in caucus, the Chairperson shall immediately take a second ballot without recess or adjournment. If this results in a second tie vote, the Chairperson shall call a ten (10) minute recess before taking the third ballot. If this results in another tie, the election for that position will be voted upon by the delegates attending the Triennial National Convention.

**Article 7.** Members of the National Executive shall not be eligible for election to Local office or hold any other full-time paid position in the Union, Public Service Alliance of Canada, Provincial Federations or Canadian Labour Congress, other than those to be carried out by the Vice-Presidents of the Regions as assigned by the President.

**Article 8.** A Nomination Committee, consisting of five (5) delegates to the Triennial National Convention shall be appointed by 10:00 a.m. on the first day of the Convention by the National President to receive nominations for the offices of National President, Executive Vice-President and Vice-Presidents of the Regions.

**Article 9.** The election of officers shall take place on the day indicated in the Convention Call to be the last day of the Convention.

**Article 10.** All Vice-Presidents of the Regions of the Union shall take office at the end of the Convention at which they are elected or at the time of their appointment.



**Article 11.** The following Oath of Office is to be administered to all elected officers of the Union immediately upon acceptance of their respective office:

"I, \_\_\_\_\_, having been elected an officer of the Union of National Defence Employees, do solemnly declare that I will faithfully carry out the duties appertaining to my office. I will at all times, uphold the dignity of the organization and preserve in confidence all matters that are brought to my attention in connection with the business of the Union."

## **BYLAW 10**

### **Election of Local Officers**

**Article 1.** All elections shall be by secret ballot, and decided by a simple majority of those voting.

**Article 2.** All nominees for Local office must be members in good standing of the Local and be in attendance at the time of election or have given written consent to stand for election to the Nominations Committee. All nominees for Local office must be duly moved and seconded by members in attendance at the meeting.

**Article 3.** In the event of more than two (2) candidates for any office, the candidate receiving the lowest number of votes shall be dropped from the ballot whenever a clear majority of the votes cast is not accorded any candidate. This procedure shall continue on each succeeding ballot for the position until a candidate receives the necessary majority.

### **Article 4.**

- (a) Election of officers of Locals shall take place at least every three (3) years in accordance with Local bylaws during the month of November, where practical, at regular membership meetings of the unit concerned. Where it is deemed impractical to hold elections in November, they may be advanced or delayed for a period not greater than one (1) month in each case.
- (b) Such officers shall be elected in accordance with the Local's bylaws at a general membership meeting of the Local and their duties shall be consistent with Bylaw 8, Article 6 of these Bylaws.
- (c) All Locals shall notify the Vice-President of the Region and the National Office of the names, addresses and telephone numbers of their elected officers within thirty (30) days of the election.

## **Article 5.**

- (a) The Nominations Committee shall be appointed by the Local President and shall assist the Vice-President of the Region in conducting the election of Local Officers.
- (b) The Nominations Committee shall also be responsible for receiving written nominations and for ensuring that, in the event a nominee is unable to attend, the nominee has submitted a signed statement as to the reason for not being in attendance.
- (c) In the event the Vice-President of the Region is unable to attend, the Chairperson of the Nominations Committee shall be responsible for conducting the elections.

**Article 6.** All officers of the Local shall take office immediately following the meeting at which they are elected.

**Article 7.** A Local may designate any of its elected officers as full-time officers of the Local and may employ a person or persons to assist in carrying out the work of the Local.

## **Article 8.**

- (a) The Oath of Office shall be given at the meeting where the election takes place by the senior officer at the meeting or by the Chairperson of the Nominations Committee. All members shall stand while the Oath is administered. Each officer will repeat the Oath aloud as directed by the officer administering the Oath.

"I, \_\_\_\_\_, having been elected an officer of the Union of National Defence Employees, do solemnly declare that I will faithfully carry out the duties appertaining to my office. I will at all times, uphold the dignity of the organization and preserve in confidence all matters that are brought to my attention in connection with the business of the Union."

- (b) An elected officer, not in attendance when the election takes place, shall be sworn in at the first opportunity by the Local President or senior officer in the presence of at least one other Local officer.

## **BYLAW 11**

### **National Conventions**

**Article 1.** The supreme governing body of the Union shall be the Triennial National Convention.

**Article 2.** The Triennial National Convention of the Union shall be composed of accredited delegates from Locals, the Human Rights Advisor and the National Executive officers of the Union.

**Article 3.**

- (a) The Triennial National Convention shall deal with all resolutions and matters properly brought before it from Local meetings and shall establish for the period between Triennial National Conventions, the general policies of the Union.
- (b) The National Executive shall be entitled to present recommendations on any matter to the Convention for consideration and approval and shall present resolutions to the appropriate Convention Committee for consideration.

**Article 4.**

- (a) The place and date of each Triennial National Convention shall be decided by the National Executive and such decision transmitted to the Locals not later than six (6) months prior to the opening date of such Convention. The Triennial National Convention shall be held at a date consistent with the provisions of the Constitution of the Public Service Alliance of Canada.
- (b) A Convention Host Committee shall be comprised of a maximum of four (4) members from the region in which the Convention will be held with the help of the Vice-President of the Region. Host Committee members cannot hold delegate status.
- (c) A Convention Host Committee shall submit all plans to the National President before acting further upon them. The National President will have the final decision on any and all matters associated with the running of a Triennial National or Special Convention.

**Article 5.**

- (a) The Locals shall elect delegates on the basis of the table following:
  - from 10 (except those protected under Regulation 0702-01) to 150 members - 1 delegate;
  - from 151 to 350 members - 2 delegates;
  - from 351 to 700 members - 3 delegates;
  - from 701 to 1,200 members - 4 delegates;
  - from 1,201 to 2,000 members - 5 delegates;
  - over 2,000 members - one (1) additional delegate for each additional 1,000 members or major fraction thereof.
- (b) The duration of a Triennial National or Special Convention shall be as determined by the National Executive.

**Article 6.** For the purpose of determining the number of delegates to which each Local shall be entitled for any Triennial National or Special Convention, the membership of each Local shall be the number for which the Union received dues, for the month which, inclusive of the month in which the Convention is held, is eight (8) months prior to the Convention.

**Article 7.** Each Local shall elect alternate delegates who shall attend the Triennial National Convention in place of any accredited delegates who unavoidably cannot attend the Convention.

**Article 8.** No member shall be eligible to be nominated as an accredited or alternate delegate unless the member has attended 75% of all Local meetings open to the general membership held during the twelve (12) month period immediately prior to the day on which the election of delegates and alternates takes place.

**Article 9.** At least four (4) months prior to the opening date of the Triennial National Convention, each Local shall elect, from amongst its eligible members at a general meeting of the Local, accredited delegates and accredited alternates to the Convention of the Union.

**Article 10.**

- (a) Immediately following election of Local delegates to the Triennial National Convention, the Local Secretary shall forward to the Vice-President of the Region, for onward transmission to the National Office, the names of the Local's accredited delegates on a credential form supplied by the National Office of the Union.
- (b) Each delegate to a convention, upon election by a Local, shall be certified by that delegate's respective Vice-President of the Region as to eligibility in accordance with Bylaw 11.

**Article 11.** Each accredited delegate present at a Triennial National Convention shall be entitled to one vote on each subject and proxy votes shall not be permitted.

**Article 12.**

- (a) At least three (3) months prior to the opening date of a Triennial National Convention, the National Executive shall appoint from amongst accredited delegates, persons to form such committees as may be necessary for the conduct of the business of the Convention. The National Executive will apply a formula for selecting the Convention Committee members on the basis of equitable representation from the regions.
- (b) Vice-Presidents of the Regions will provide lists of persons they recommend as

committee members to the National President.

- (c) Delegates shall be advised of their committee assignment by the National President at least six (6) weeks prior to the opening of the Convention and shall be supplied with any official information they may require for the proper execution of their committee's duties.
- (d) Convention Committees shall meet in Ottawa at least thirty (30) days prior to the Convention and the chairpersons and their committees shall be briefed on the policies, priorities and procedures.
- (e) Four (4) Sergeants-at-Arms shall be appointed by the National President.
- (f) Deputy Vice-Presidents shall have the right to work on a committee providing they have been elected as a delegate to the Convention.
- (g) No member shall serve on more than one committee at a Triennial National Convention of the Union.

**Article 13.** Locals shall be entitled to present resolutions for consideration by the Triennial National Convention. Such resolutions must have been adopted by the Local membership and must be received through the Vice-President of the Region in the National Office of the Union not later than four (4) months prior to the Convention, inclusive of the Convention month. Such resolutions shall be indexed and distributed to all Locals in book form at least six (6) weeks prior to the Convention.

**Article 14.** Emergency and late resolutions on matters of national importance shall be approved by the National Executive and upon approval shall be forwarded to the appropriate Convention Committee for disposal.

**Article 15.** All voting delegates in attendance at a Triennial National Convention shall be entitled to payment of the following expenses by the Union.

- (a) A mode of transportation most economical to the Union.
- (b) A per diem rate to be determined by the National Executive for the actual period of the Convention, exclusive of travelling time.
- (c)
  - (i) All voting delegates and committee members shall be reimbursed one day's wages/salary plus all entitled benefits for each day they are in attendance at a Triennial National Convention. This would not normally include weekends. In addition, if any committee members are required to work on weekends, they shall be paid their daily wage rate.
  - (ii) Delegates and committee members who are shift workers or who work a compressed week will be reimbursed as in paragraph i), based on their

average weekly hours divided by five (5). If such a delegate or committee member loses more than their average weekly wages or salary, they must substantiate same by providing a copy of their shift schedule.

**Article 16.** All Vice-Presidents of the Regions named in Article 1(a) of Bylaw 6 shall be deemed to be elected delegates to conventions of the Public Service Alliance of Canada. The remaining delegates to which the Union may be entitled shall be elected, in caucus, on the basis of regional membership representation as specified in Regulations to these Bylaws. Alternate delegates shall be elected at the time of the regional delegates' elections. These elections shall take place at the time provided by Bylaw 9, Article 9, and in accordance with the requirements of the Constitution of the Public Service Alliance of Canada. (1116-01, 1116-02, 1116-03, 1116-04)

**Article 17.** A Special National Convention shall be held at the request of the National Executive provided that two-thirds (2/3) of the National Executive vote in favour of such Special Convention, or on the request of 51% of the existing Locals of this Union, at a time and place to be decided by the National Executive.

**Article 18.** Special National Conventions shall be composed of delegates elected by Locals in accordance with Articles 5, 6, 7, 8, 9 and 10 of this Bylaw.

**Article 19.** The call for a Special Convention shall be sent out at least sixty (60) days prior to the date set for the commencement of the Special Convention.

**Article 20.** The reasons for calling a Special Convention shall be explained explicitly in the Convention call and no matter shall be taken into consideration by a Special Convention except that placed before it by the National Executive in the Convention call, except that a matter of urgent national importance to the Union may be raised with the consent of a two-thirds (2/3) majority of the delegates in attendance at the Special Convention.

## **BYLAW 12**

### **Finances**

**Article 1.** The financial records of the Union shall be audited once annually by a firm of chartered or certified accountants approved by the National Executive. A copy of the financial statement shall be forwarded to each Vice-President of the Regions, to each Local and to the Public Service Alliance of Canada within thirty (30) days of completion of the annual audit.

**Article 2.** The signing officers of the Union shall be the National President together with either the Executive Vice-President or Alternate Executive Vice-President.

**Article 3.** The signing officers of the Union shall be bonded by a reputable bonding company in an amount to be set by the National Executive at the cost of the Union.

**Article 4.** In case of emergency, the National Executive shall have the authority to designate one or more of its members as signing officers of the Union.

**Article 5.** The fiscal year of the Union's National Office shall be from October 1<sup>st</sup> to September 30<sup>th</sup>.

**Article 6.** All financial records of the Union and its Locals should be retained for the legal period prescribed by Canada Customs and Revenue Agency.

**Article 7.** Each Local shall advise the National Office and its respective Vice-President of the Region of the bank or banking agencies pertaining to its Local.

**Article 8.** Each Local shall approve three signing officers of whom any two (2) shall sign all cheques. No disbursements may be made without authorization of the Local's bylaws or by a decision from or by a regular membership meeting.

**Article 9.** The Secretary-Treasurer of a Local shall submit a financial statement to all regular meetings of the Local.

**Article 10.** The fiscal year for all Locals shall end on September 30.

**Article 11.** The Local Secretary-Treasurer shall submit to an annual meeting of the Local normally held in November an annual audited statement of the Local's finances for the approval of the membership attending such meeting. If approved, such statement and minutes of the meeting shall be submitted to the National Office no later than December 31<sup>st</sup> of the same year. Failure to do so shall result in the National Office withholding the Local's rebate of dues until such statement is received by the National Office. (1211-01)

**Article 12.** All financial records of the Union and its subordinate bodies shall be maintained in an approved manner as advised by the auditors in the case of the National Office and by the National Executive in the case of each Local.

### **BYLAW 13**

#### **Discipline**

**Article 1.** While the authority to suspend or expel a member from membership in the Union or the Public Service Alliance of Canada remains with the National Board of Directors of the Public Service Alliance of Canada in accordance with the Public Service Alliance of Canada Constitution, the National Executive shall have the right to:

- (a) recommend the suspension or expulsion from membership of any member of the union;
- (b) remove from office any Local Officer upon recommendation of a Local. (1301-01)

**Article 2.** The National Executive may revoke the Charter of any Local when it is satisfied that the said Local has violated any provision of the Bylaws of the Union or the Constitution of the Public Service Alliance of Canada. Such decision shall require a two-thirds (2/3) majority. Any Local so affected shall be entitled to appeal to the Public Service Alliance of Canada.

**Article 3.** All expenses associated with taking disciplinary action against a member or group of members shall be the responsibility of the body instituting formal disciplinary proceedings. (1303-01, 1303-02, 1303-03, 1303-04, 1303-05)

**Article 4.** Any and all allegations against a member of a Local, a National Officer, or a member acting on behalf of the National Executive, shall be dealt with in accordance with Regulations to Articles 5, 6, 7 and 8 of this Bylaw.

**Article 5.** A member or members proven to have committed any of the offences listed in Sub-sections (a) to (n) may be subject to disciplinary action.

- (a) Violating any provision of the Local bylaws, the Bylaws of the Union or the Constitution of the Public Service Alliance of Canada.
- (b) Obtaining or soliciting membership by misrepresentation.
- (c) Instituting, urging or advocating that a member of any Local institute action in a court against the Union or the Public Service Alliance of Canada or any of its officers or against a Local or any of its officers without first exhausting all remedies through appeal within the organization.
- (d) Advocating or attempting to bring about the withdrawal from the Union or any Local of any member or group of members.
- (e) Publishing or circulating false reports or misrepresentations pertaining to the Union.
- (f) Working in the interests of a rival organization.
- (g) Slandering or wilfully wronging a member of the Union.
- (h) Using abusive language or disturbing the peace of any meeting in or around any office or meeting place of the Union.
- (i) Fraudulently receiving money or misappropriating the monies of the Union.
- (j) Using the name of a Local or of the Union for soliciting funds, advertising, and the like, of any kind, without the consent of the Local concerned or the National Executive of the Union.



- (k) Furnishing a complete or partial list of the membership of this Union or of any Local to any person or persons other than those whose official position entitles them to have such a list.
- (l) Deliberately interfering with a representative of this Union who is engaged in the discharge of their duties.
- (m) Submitting any allegations deemed to be frivolous, vexatious or malicious in nature.
- (n) Any other conduct prejudicial to the good order and welfare of the Union.  
(1305-01, 1305-02)

**Article 6.** A member or members proven to have committed any of the strike related offences listed in Sub-Sections (a) and (b) may be subject to disciplinary action.  
(1306-01, 1306-02, 1306-03, 1306-04, 1306-05, 1306-06, 1306-07)

- (a) Crossing a picket line, receiving pay from the employer not to participate in strike action, performing work for the employer without being required to do so by law or voluntarily performing struck work, all while being in a legal strike position.
- (b) Not remitting 25% of the remuneration received from the employer for each day worked during a legal strike in accordance with the Constitution of the Public Service Alliance of Canada while being in a position deemed to be an essential service.

**Article 7.** A National or Local Officer who wilfully does not initiate disciplinary action against scabs, as defined in the Constitution of the Public Service Alliance of Canada, is guilty of an offence against the Constitution.

**Article 8.** Within four (4) months of the conclusion of a ratification vote where strike action was taken, the respective Vice-President of the Region shall be responsible for providing a status report on disciplinary actions taken against strike breakers and members in essential services who do not pay the 25%. The report shall include details of disciplinary action undertaken by Locals and the steps that have been taken to ensure that the disciplinary action is taken against violators as specified in Article 6.  
(1308-01, 1308-02, 1308-03, 1308-04)

**Article 9.** Allegations of harassment against a member or a group of members shall be dealt with in accordance with the UNDE Harassment Policy.

## **BYLAW 14**

### **Public Service Alliance of Canada Councils**

**Article 1.** In accordance with the Constitution of the Public Service Alliance of Canada, the Union shall encourage its Locals to participate in the organization and operation of Area Councils in centres where three (3) or more Locals of Components of the Public Service Alliance of Canada exist.

**Article 2.** In areas where the condition set forth in Article 1 of this Bylaw exists, Locals may make application to the Public Service Alliance of Canada as required by the Constitution of the Public Service Alliance of Canada, and upon approval of the application as specified, Union Locals in such areas may participate in the formation and operation of Area Councils within the terms and conditions of the Constitution of the Public Service Alliance of Canada.

**Article 3.** The Union shall encourage its Locals to participate in the operation of the Public Service Alliance of Canada Regional Councils.

## **BYLAW 15**

### **General**

**Article 1.** Unless expressly provided otherwise by these Bylaws, all decisions requiring a vote shall be decided by a simple majority.

**Article 2.** Unless expressly provided otherwise by these Bylaws, Public Service Alliance of Canada's Rules of Order shall apply at all meetings and conventions of the Union.

**Article 3.** These Bylaws shall be produced in both the English and the French languages and be made available in alternate media. Copies of these Bylaws shall be distributed to all Locals in a timely manner.

### **Article 4.**

- (a) The Union shall not be responsible for any debt, contractual arrangements, commitments, etc. entered into by any Local, or by any member or a Local seeking legal advice or representation on its own. When representation is requested by a member or a Local outside the procedures of the Union, i.e. grievance procedure, appeals, adjudication, discipline, etc., the Union will not be party to the representation.
- (b) All members involved in grievances who request support from the Union to attend final level grievance hearings, and other upper level grievance hearings, will receive it on the following conditions.
  - (i) UNDE/Public Service Alliance of Canada is party to the representation.

- (ii) Hearings are held outside the region in which the grievance was filed.
  - (iii) The Local requests assistance together with the member.
  - (iv) Only the travel expenses of the member(s) will be reimbursed in accordance with a pre-approved agreement between the member and National office. This agreement will be coordinated by the Local and the Vice-President of the Region.
  - (v) If a witness is required in support of a grievance, the Union will cover the witness' travel expenses and reimburse any wage loss.
- (c) Teleconference calls are deemed to meet the requirements of paragraph (b).

**Article 5.** A mailing list of National Executive officers and/or Local officers and/or members shall not be made available to anyone except in the following circumstances.

- (a) Vice-Presidents of the Regions shall be given the mailing list of Local officers within their regions upon request.
- (b) The National Office may, upon request and receipt of payment of the cost involved, mail literature which is not detrimental to the Union or the Public Service Alliance of Canada or which has been authorized by the National Executive.
- (c) The payment of the cost of (b) may be waived if in the opinion of the National Executive such material will be of benefit to the membership.
- (d) The National Office will supply each Local with their latest membership listing of names and addresses once a year.

## **BYLAW 16**

### National Conference

**Article 1.** The Union will organize a yearly two-day (2) Presidents' Conference.

## **BYLAW 17**

### Regional Conferences and Education

**Article 1.** Vice-Presidents of the Regions shall undertake to organize and conduct Regional Conferences or Education and Training sessions for their respective regions.  
(1701-01, 1701-02, 1701-03)

## **BYLAW 18**

### **Charters**

**Article 1.** Each and every Local shall be bound by these Bylaws and shall subscribe to the aims, objects and intent of the Union as expressed in these Bylaws and shall thereby be entitled to receive the Union's Local Charter.

**Article 2.** The Charter shall be of a design approved by the National Executive and shall be signed by the National President and the Executive Vice-President.

**Article 3.** When the National Office is notified that a new Local of the Union has been formed, a Charter shall appropriately be inscribed with the name of the Local and the Charter officers of the Local and it shall be forwarded to the Vice-President of the Region for presentation.

- (a) National Office and Vice-Presidents of the Regions shall maintain a register of all Charters issued with all significant details.
- (b) The Charter shall be exhibited at each Local meeting as the authority for the Local to conduct business.
- (c) The Charter shall be in the custody of the Local President and the Local President shall be responsible for its proper care and use. The Charter shall be passed along with all other documents when vacating the office of Local President.
- (d) On the death of a member, the Charter shall be appropriately draped with black cloth when next displayed and the occasion recorded.
- (e) If a Local Charter is revoked, it shall be returned to National Office by the Vice-President of the Region where it shall be placed in the custody of the National Office. It shall be returned to the Local when the revocation is lifted.
- (f) When a Charter is lost or stolen, it will be re-issued upon receipt by the National President of a statement signed by the Local President and the Vice-President of the Region. It will be shown on the new Charter that it is a replacement.

## **BYLAW 19**

### **Amendments to Bylaws**

**Article 1.** These Bylaws may be amended by a two-thirds (2/3) majority of the voting delegates in attendance at any National Convention of the Union.

**Article 2.** These Bylaws shall come into effect on approval by the National Convention.

**BYLAW 20**  
Provincial Federations of Labour

**Article 1.** All Locals of the Union are encouraged to affiliate with their respective Provincial Federations of Labour. Locals shall within six (6) months of the 1984 Convention, report in writing to the National President their affiliation status. Any Locals chartered subsequent to the 1984 Convention shall, within six (6) months of receiving their Charter, advise the National President of their Local's intention regarding affiliation.

**BYLAW 21**  
Regulations

**Article 1.** The National Executive shall have the power to make such regulations as are necessary for the proper conduct of the business of this Union, provided such regulations do not conflict with the provisions of these Bylaws. Such regulations shall be promulgated within sixty (60) days of their adoption and shall be referred to the next Triennial National Convention of the Union for ratification. Failure to receive a two-thirds (2/3) majority vote shall automatically rescind any regulations, effective on the date of rejection by the Convention.

**Article 2.** Regulations to the Bylaws may be amended by a two-thirds (2/3) majority vote of the voting delegates in attendance at any Union National Convention.

## REGULATIONS TO BYLAWS

### Explanatory Notes

The Bylaws Committee has devised a numbering system for the Regulations which works as follows: each Regulation is preceded by a six (6) digit number as illustrated.

0304-04 - Bylaw Number  
0304-04 - Article Number  
0304-04 - Regulation Number

The first four (4) numbers indicate the Bylaw number and Article. The last two (2) indicate the Regulation. The zeros are there to allow for future growth in the numbering system.

### Membership

**0302-01** - The candidate must have been:

- (a) a member of the Union or its predecessor organization (NDEA-CSAC) for a minimum of twenty (20) years (not necessarily consecutive); or,
- (b) a person or member who is not or is no longer eligible for regular membership within the Union.

**0302-02** - Honorary members will receive a scroll and an Honorary Membership card signed by the President of the Union.

**0303-01** - Life Membership may be proposed by a Local or by an elected National Executive officer. A copy of the motion proposing a candidate for Life Membership shall accompany each submission.

**0303-02** - The candidate must have been a member of the Union or its predecessor organization (NDEA-CSAC) for a minimum of twenty (20) years (not necessarily consecutive).

**0303-03** - The member or former member must have served a minimum of fifteen (15) years as an elected Union officer (not necessarily consecutive).

**0303-04** - The member or former member must have never at any time been removed from office or suspended from membership in accordance with Bylaw 13 or acted in a manner detrimental to unionism.

**0303-05** - The member or former member must have performed exemplary services for the membership through personal and devoted efforts in the affairs of the Union.

**0303-06** - The National Executive shall examine the Life Membership status at their meetings.

**0303-07** - A member or former member receiving Life Membership in the Union shall also be recommended for Life Membership in the Public Service Alliance of Canada.

**0303-08** - Notwithstanding the guidelines provided above, a member or former member may be nominated for a Life Membership if a single outstanding service to the Union has been performed. Such service must be far above the average contribution.

**0303-09** - Applications submitted by a Local shall be reviewed and commented on by the appropriate Vice-President of the Region before it is forwarded to the Honours and Awards Committee. All nominations shall be submitted on the prescribed form to the National Executive Standing Committee on Honours and Awards, in care of the National President.

**0303-10** - The Chairperson of the Honours and Awards Committee will submit its report at the first session of the next National Executive assembled in regular meetings. The report will then be tabled to the last session of the same meeting at which time the National Executive will vote by secret ballot on the Committee recommendations. A two-thirds (2/3) majority will be required to either accept or reject.

**0303-11** - The National President shall, at the earliest opportunity, present a suitably framed and worded scroll to the person awarded a Life Membership by the National Executive.

### **National Executive**

**0609-01** - The approval of the budget by Convention shall automatically refer the budget to the National Executive of the Union for control.

**0609-02** - The inclusion of any item in the budget does not automatically provide a requirement to expend said funds for the item. Funds shall not be transferred from one item to another in the budget except by a two-thirds (2/3) majority vote of the National Executive.

**0609-03** - If a new item arises between conventions, not provided for in the budget, the National Executive may provide for a new item by transfer of funds from other items. A two-thirds (2/3) majority vote of the National Executive shall be required to set up a new item in the budget. No funds shall be transferred or expended without first identifying the specific budget item from which the money is being transferred and debiting that item accordingly.

**0611-01** - All the Union's investments shall be made in 100 percent guaranteed Canadian principal and interest vehicles.

**0612-01** - The National Office shall provide to the members of the National Executive, reports as required to carry out their function.

**0615-01** - All members of the Union will be given an equal opportunity to compete for vacant staff positions regardless of their language status. Positions will be deemed bilingual non-imperative and successful candidates will be given sufficient second language training. Candidates should be assessed before competition as to their ability to achieve bilingual status.

### **Form of Organization**

**0702-01** - In the case of a detached or independent unit whose authority for unit discipline is delegated to a CO or Superintendent, providing that the unit has twenty (20) members, an independent Local may be organized subject to approval of the National Executive. Any Local whose membership drops below twenty (20) members, except for those Locals that have less than twenty (20) members because of their geographic location or cannot be serviced by any other Local, will have its Charter revoked by the National President on the recommendation of the Vice-President of the Region and be placed in another Local.

**0702-02** - Should a jurisdictional dispute arise between two or more Locals, the dispute shall be referred to, and settled by, the National President and Vice-President of the Region concerned. The Locals concerned may appeal the findings of the National President and the Vice-President of the Region to the National Executive whose decision shall be final and binding on all parties concerned.

**0707-01** – The minutes of all meetings shall identify the intervener(s) as well as the person who read the statement.

**0708-01** – These assets shall remain in trusteeship until the National Executive is satisfied the recommendations of the Exit Committee are fulfilled and the Local is reactivated.

### **Trusteeship - Officer and Committee**

**0709-01** - The National President shall develop a mandate for the Trustee Officer and the right to establish a Trustee Committee consisting of no less than three (3) members of the Local. The Trustee Committee shall be responsible for working with and reporting to the Trustee Officer.

**0709-02** - The Trustee Officer and the Trustee Committee shall be responsible for ensuring the mandate is met and for the day to day affairs of the Local, in particular, the grievance and shop steward situation, the finances and the coordination of union/management consultation forums.



**0709-03** - The Trustee Officer shall be responsible for communicating with the National Executive for approval on spending and direction on procedures to ensure the mandate is being adhered to.

**0709-04** - The Trustee Officer shall, within a two (2) week period, be responsible for securing the property of the Local, including all files, records, financial assets, bank accounts and records as well as any outstanding grievances and related paperwork, from all previous Local Executive Officers who are responsible for handing over all property belonging to the Local.

**0709-05** - The Trustee Officer shall be responsible for securing any other property belonging to the Local that includes office and other equipment, furnishings, promotional items and the key to the Union Office (if any) from all previous Local Executive Officers within a one-week period.

**0709-06** - The Trustee Officer shall be responsible for advising the employer of the Local's status and for developing with the Trustee Committee, a plan to handle any day to day communication with the employer while the Local is in trusteeship.

**0709-07** - The Trustee Officer and the Committee shall be responsible for establishing the following.

- (a) An Audit Committee consisting of two (2) members and one Trustee Committee member to conduct an audit of the Local's expenditures from the last approved audit up to and including the day the Local's assets were frozen. If an Audit Committee cannot be established, assistance from National Office shall be requested.
- (b) A Steward Committee consisting of Shop Stewards of the Local and one Trustee Committee member to represent members' day to day issues and to follow through on any grievance that may be active and may require representation.

**0709-08** - The Trustee Officer and the Committee shall be responsible for attending senior union management forums including LMCCs and EOSH and for coordinating and appointing, where required, any and all sub-committees established under these forums.

**0709-09** - The Trustee Officer, with the National President, shall determine an effective communication plan to ensure the membership is fully aware of the Local's progress throughout the trusteeship period.

**0709-10** - The Trustee Officer shall be responsible for reporting regularly to the National President on the status of the Local in preparation for the establishment of the Exit Committee.

## **Trusteeship - Exit Committee**

**0710-01** - The National President shall, as soon as possible, but no later than four (4) months into the trusteeship status, be required to establish an Exit Committee and to develop its mandate.

**0710-02** - Upon receipt of the mandate, the Exit Committee shall be responsible for contacting the Trustee Officer to determine how to coordinate the needs of the Exit Committee, more precisely, dates, locations and times for the Exit Committee to conduct its business.

**0710-03** - The Trustee Officer and the Trustee Committee shall be responsible for having the following ready for the Exit Committee.

- (a) A complete audit of the Local's expenditures conducted by the Audit Committee.
- (b) A record of expenditures since the date the assets were frozen.
- (c) A complete report on grievances.
- (d) A report on the Steward Committee's activities.
- (e) An update on the status of Union/Management forums including LMCCs and EOSH.
- (f) A complete report of the Trustee Officer and the Committee's activities.

**0710-04** - The Trustee Officer shall be responsible for organizing a meeting of the membership to allow the Exit Committee to identify its role, its mandate and to allow the membership to provide feedback that they believe will facilitate the reactivation of the Local.

**0710-05** - The Exit Committee shall then be responsible for developing recommendations based on its mandate, the reports of the Trustee Officer and the Trustee Committee and the feedback from the membership that would result in an effective Exit Plan to reactivate the Local.

**0710-06** - The Exit Committee shall submit its recommendations to the National President no later than five (5) months from the date of the Trusteeship.

**0710-07** - The Exit Committee's recommendations shall be placed before the National Executive for review.

## **Trusteeship - Review**

**0711-01** - The National Executive shall be responsible for reviewing the trusteeship status of the Local and shall be provided all documentation required.

**0711-02** - The National Executive shall vote on an Exit Plan that will be used to assist in the reactivation of the Local.

- (a) If it is recommended that the Local is ready, the Vice-President of the Region shall be responsible for fulfilling the requirements of the Exit Plan approved by the National Executive.
- (b) If it is recommended that the Local is not ready, the National Executive can vote to keep the Local in its current Trusteeship status for a period not to exceed twelve (12) months. The Trustee Officer and the Trustee Committee will be responsible for continuing their mandate.

## **Trusteeship - Exit**

**0712-01** - The Vice-President of the Region shall be responsible for ensuring that the requirements of the Exit Plan, approved by the National Executive, are executed without delay by:

- (a) advising the membership of the National Executive's decision, of the requirements of the Exit Plan and that the Local will not exit Trusteeship until all provisions of the Exit Plan have been met;
- (b) conducting the elections of the Local Executive officers and all other positions contained within the Exit Plan;
- (c) communicating to the employer the outcome of the elections and the future communication protocol with the Local;
- (d) standing down the Trustee Committee.

**0712-02** - The Vice-President of the Region shall be responsible for working with the newly elected Local Executive to ensure that all recommendations contained in the Exit Plan are complied with, by:

- (a) completing all recommended training;
- (b) establishing all recommended Committees and Sub-Committees within both the Union and the Union/Management structures;
- (c) ensuring membership meetings and communication with the membership are conducted;

- (d) completing all reports within established deadlines;
- (e) completing all other requirements.

**0712-03** - The Vice-President of the Region shall be responsible for providing progress reports to the National Executive as required and is responsible for providing a final report at the termination of the timeframe outlined in the Exit Plan.

**0712-04** - Once the requirements outlined in the Exit Plan are completed, the National Executive will vote to take the Local out of Trusteeship status.

- (a) If it is recommended that the Local is ready, the Local shall be reactivated with full rights.
- (b) If it is recommended that the Local is still not ready, the Local will be deemed to be in abeyance.

### **Abeyance**

**0713-01** - Should a Local be deemed to be in abeyance, all documents, property and funds of such Local shall, as soon as possible, be transferred to the National Office of this Union by the Vice-President of the Region to be held in trust for a maximum of one (1) year.

**0713-02** - If within the one (1) year period, the Local is reinstated by the National Executive, all properties and funds shall be returned to the Local.

**0713-03** - During the period of abeyance, the National Office shall report all trusts to the National Executive at least two (2) times a year.

**0713-04** - On completion of the one (1) year period, if the Local is still in abeyance, the National Executive shall authorize the continuance of a trust or the dissolution of the Local. Bylaw 7 Article 14 will apply for any Local deemed to be dissolved.

**0713-05** - The Vice-President of the Region, in consultation with the National President, shall take the necessary steps to amalgamate the dissolved Local with another active Local within the Region.

### **Deputy Vice-President Vacancies**

**0905-01** - In the case of Deputy Vice-Presidents, the first alternate shall be appointed to fill the vacancy.

**0905-02** - The second alternate shall replace the first alternate.

**0905-03** - If the Triennial National Convention of the Union is to take place within six (6) months of the vacancy occurring, the Deputy Vice-President's position shall remain vacant.

### **Delegates to the Public Service Alliance of Canada Convention**

**1116-01** - The Union's delegates to a Public Service Alliance of Canada convention shall be selected in accordance with the Union's Bylaw 11, Article 16, and the remainder elected from the established regions (Bylaw 6, Article 1(a)).

**1116-02** - The Union's total delegate entitlement, as determined by the Public Service Alliance of Canada Constitution shall be allotted as follows.

- (a) Delegates' seats shall automatically be established for each member of the National Executive (except the National President - see 1116-03).
- (b) Each region shall be entitled to a minimum of one (1) delegate.
- (c) The remaining delegates' seats will be assigned to the regions with the highest number of members, in order of priority.

**1116-03** - The National President of the Union, as a member of the Public Service Alliance of Canada's Board of Directors, is automatically a delegate and does not come from the Union quota.

**1116-04** - Each region shall elect (an) alternate delegate(s) on a priority basis.

### **Finances**

**1211-01** - Failure to submit an annual audited statement of the Local's finances as well as the minutes of the annual meeting after three (3) tries within three (3) months by the Vice-President of the Region shall result in the Local not being entitled to attend the Union's training sessions, conferences and conventions.

### **Discipline**

**1301-01** – Any member removed from office under Bylaw 13 or suspended under the Constitution of the Public Service Alliance of Canada will be prevented from attending any Union function that is paid for by the Union's funds.

### **Expenses Associated with Disciplinary Action**

**1303-01** - All expenses associated with taking disciplinary action against a member or members are to be kept to a minimum and shall be the responsibility of the body that the member(s) belong to based upon Bylaw 13, Article 4, unless a request is put forth by an Investigation Committee in accordance with 1303-03.

**1303-02** - In the event a Local does not have sufficient funds, some or all expenses may at the discretion of the National President, be paid from Union funds and be recovered from the Local in accordance with the terms laid down by the National Executive.

**1303-03** - Notwithstanding the fact that the Local does have sufficient funds, upon request of the Investigation Committee, the National Executive by a two-thirds (2/3) majority vote may approve that funds be paid by the Union for all expenses associated with taking disciplinary action. Such request must clearly outline the circumstances and rationale for the request.

**1303-04** - When a member or members involved in a disciplinary investigation are not found to be guilty of any infraction of UNDE Bylaw 13 Article 4, all costs incurred should be paid by Union funds.

**1303-05** - The National Office shall keep accurate and substantiated records of all such expenses paid by the Union.

### **Disciplinary Procedure - General**

**1305-01** - Locals shall be responsible for conducting disciplinary procedures against any of its members alleged to have violated any provision(s) of Bylaw 13, Article 5. The following procedures shall be followed.

- (a) Any and all allegations must be placed in writing, signed by the Complainant(s) and submitted to the Vice-President of the Region who will serve as the Reviewing Officer responsible for receiving such allegations.
- (b) The Reviewing Officer shall make an initial review of any complaint(s) to determine whether there is enough prima facie evidence to proceed within seven (7) days of receipt of the complaint.
- (c) If the Reviewing Officer determines there is not enough evidence, he/she shall be responsible to provide a written response to the Complainant(s) of the reason for this decision.
- (d) If the Reviewing Officer determines there is enough evidence, he/she shall provide a written response to the Complainant(s) and the Respondent(s) identifying that the allegation(s) will be officially investigated. The Reviewing Officer shall also identify in that response, an outline of the procedures that will be followed and the rights afforded to both the Complainant(s) and the Respondent(s), in particular their right to appear before an Investigation Committee and their right to call any witnesses.
- (e) The Reviewing Officer's role throughout this process is to remain neutral to allow constitutional interpretation and assistance for the Investigation Committee, the

Complainant(s) and the Respondent(s) which shall be conveyed in writing to each party.

- (f) The Reviewing Officer shall establish an internal or external impartial Investigation Committee consisting of three (3) union recognized members to investigate and assess the charge(s).
- (g) The Reviewing Officer shall develop the mandate based upon the allegation(s) for the Investigation Committee to include the need to select a Chairperson, direction on their rights and obligations, what they are reviewing, the procedures outlined in this Regulation they are to follow and copies of all documentation generated to date including the allegation(s). The Reviewing Officer shall also include in the mandate the requirement of the Investigation Committee to prepare a report of its investigation and shall be responsible to provide a copy of the Investigation Committee's mandate to the Complainant(s) and the Respondent(s).
- (h) The Investigation Committee shall contact the Complainant(s), the Respondent(s) and any witnesses to establish timings for interviews and to receive any other documentation pertaining to the allegation(s).
- (i) The Investigation Committee shall conduct as many interviews with the Complainant(s), the Respondent(s) and any witnesses deemed to have information relevant to the investigation until it can make a finding of the allegation(s) in accordance with their mandate.
- (j) The Investigation Committee shall be responsible for preparing its report that shall consist of one or two parts depending on whether the allegations have been determined to be founded or unfounded.
- (k) Part I will include a finding of fact that either confirms or not the Complainant(s) or Respondent(s) have violated any provision of Bylaw 13, Article 5.
- (l) Part II will recommend any specific corrective action for founded allegations in violation of Bylaw 13, Article 5. Corrective action can include recommendations of discipline from formal apologies, censure, removal of office or suspension of membership.
- (m) The Investigation Committee shall submit its report to the Reviewing Officer who shall be responsible to ensure that the Investigation Committee has met its mandate and that its report is in accordance with the Bylaws of this Union prepared to be placed before the membership.
- (n) The Reviewing Officer shall at that time, coordinate with the Local Executive to organize a special or general membership meeting to receive the Investigation Committee's report.

- (o) The Reviewing Officer shall in writing, notify the Complainant(s) and the Respondent(s) of the date and location of the special or general membership meeting, their right to attend with no voice or vote during the decision-making process and provide a copy of the Investigation Committee's report. The notification must be sent out in accordance with timelines for meeting notifications established in Local Bylaws.
- (p) The Investigation Committee's report shall be placed before the membership in two parts with the Reviewing Officer as Chair of the meeting and the Committee's Chair presenting the report. Part I of the report cannot be amended however is subject to a simple majority vote to receive it.
  - (i) If the vote is not carried the report cannot be received for discussion.
  - (ii) If the report is adopted, members are then able to enter into discussion to assist them in the decision-making process for the remainder of the report.
- (q) Part II of the report shall be subject to the acceptance of two-thirds (2/3) of the ballots cast (less spoiled ballots). The Complainant(s) and the Respondent(s) shall be denied voice and vote during the decision-making process.
- (r) All votes cast shall be recorded in the minutes clearly reflecting yeas, nays, abstentions and spoiled ballots.
- (s) If the Local meeting accepts a recommendation of removal from office, the Reviewing Officer shall in writing convey that decision to the Complainant(s) and the Respondent(s) and shall provide a copy of the minutes of the meeting where the Investigation Committee's report was dealt with. The letter shall also convey their right to appeal to the National Executive within sixty (60) calendar days that should be submitted to the Reviewing Officer. It shall also convey they are no longer eligible to act in an official capacity upon receipt of notification and throughout the appeal period.
- (t) Upon receipt of an appeal, the Reviewing Officer shall advise the National President in writing and forward all documentation including the written charge(s), the Investigation Committee's report, the notification of the right to appeal, the notice of meeting and the minutes of the meeting where recommendations were adopted.
- (u) Upon receipt of an appeal, the National Executive shall review and determine the merit of the appeal. The decision of the National Executive will be binding on all parties to the appeal.
- (v) All expenses for the appellant(s) and any witnesses on behalf of the appellant(s) incurred during the appeal shall be the responsibility of the appellant(s). All other expenses shall be the responsibility of the Union except that if the appellant(s)'



appeal is successful all costs shall be the responsibility of the Local originating the investigation.

- (w) If the Local meeting accepts a recommendation to suspend or expel from membership, the Reviewing Officer shall convey in writing that decision to the Complainant(s) and the Respondent(s) as well as the information regarding the next steps in the process that include the Union's National Executive and Public Service Alliance of Canada requirements to determine final suspension of the member(s) and their right to appeal. The notification shall also include that the member(s) cannot act in an official capacity upon receipt of the disciplinary notification and throughout the appeal period.
- (x) The Reviewing Officer shall advise the National President in writing and forward all relevant documentation including the written charge(s), the Investigation Committee's report (Parts I and II), the written notification of the right to appeal, the notice of meeting and the minutes of the meeting where recommendations were adopted.
- (y) The National President shall, after satisfying himself/herself that the investigation was properly conducted, submit the case to the National Executive for review. Should the National Executive accept the Local's recommendation to suspend or expel from membership, the National President shall then submit the matter to the National Board of Directors of the Public Service Alliance of Canada for decision.
- (z) If the decision to suspend or expel from membership is upheld by the National Board of Directors of the Public Service Alliance of Canada, the member(s) shall have the right to submit an appeal in accordance with the provisions laid out in the notice of the National Board of Directors' decision.

## **Disciplinary Procedure**

**1305-02** - The National Executive shall be responsible for conducting disciplinary procedures against any member of the National Executive or member acting on behalf of the National Executive alleged to have violated any provision(s) of Bylaw 13, Article 5. The following procedures shall be followed.

- (a) Any and all allegations must be placed in writing, signed by the Complainant(s) and submitted to the National President who will serve as the Reviewing Officer. If the allegation(s) are against the National President, they shall be submitted to the National Executive Vice-President. If the allegation(s) involve both the National President and the Executive Vice-President, they shall be submitted to the National Executive and it will be determined who among the National Executive Officers will serve as the Reviewing Officer.

- (b) The Reviewing Officer shall make an initial review of any complaint(s) to determine whether there is enough prima facie evidence to proceed within seven (7) days of receipt of the complaint.
- (c) If the Reviewing Officer determines there is not enough evidence, he/she shall be responsible to provide a written response to the Complainant(s) of the reason for this decision.
- (d) If the Reviewing Officer determines there is enough evidence, he/she shall provide a written response to the Complainant(s) and the Respondent(s) identifying that the allegation(s) will be officially investigated. The Reviewing Officer shall also identify in that response, an outline of the procedures that will be followed and the rights afforded to both the Complainant(s) and the Respondent(s), in particular their right to appear before an Investigation Committee and their right to call any witnesses.
- (e) The Reviewing Officer shall establish an Investigation Committee consisting of three (3) Vice-Presidents of the Regions to investigate and assess the allegation(s) and for developing the mandate. The Complainant(s) and the Respondent(s) shall be advised of the makeup of the Investigation Committee and be provided a copy of its mandate.
- (f) The Investigation Committee shall conduct as many interviews with the Complainant(s), the Respondent(s) and any witnesses required until it can make a finding of the allegation(s) in accordance with their mandate.
- (g) The Investigation Committee shall be responsible for preparing its report that shall consist of one or two parts depending on whether the allegations have been determined to be founded or unfounded.
- (h) Part I will include a finding of fact that either confirms or not the Complainant(s) or Respondent(s) have violated any provision of Bylaw 13, Article 5.
- (i) Part II will recommend any specific corrective action for founded allegations in violation of Bylaw 13, Article 5. Corrective action can include recommendations of discipline from formal apologies, censure, removal of office or suspension of membership.
- (j) The Investigation Committee shall submit its report to the Reviewing Officer who shall be responsible to ensure that the Investigation Committee has met its mandate and that its report is constitutionally prepared to be placed before the National Executive.
- (k) If disciplinary action is recommended, the Reviewing Officer shall advise the Complainant(s) and the Respondent(s) that a National Executive meeting will be

held to deal with the Investigation Committee's report. The Complainant(s) and Respondent(s) shall be provided a copy of the Investigation Committee's report.

- (l) The Committee's report shall be placed before the National Executive in two parts. Part I of the report cannot be amended however is subject to a simple majority vote to receive it. Part II of the report shall be subject to the acceptance of two-thirds (2/3) of the ballots cast (less spoiled ballots). The Complainant(s) and the Respondent(s) shall be denied voice and vote during the decision-making process.
- (m) If the National Executive accepts a recommendation of removal from office, the National President shall convey in writing that decision to the Complainant(s) and the Respondent(s).
- (n) If the member(s) being recommended for removal of office are members of the National Executive they shall be advised of their right to submit an appeal to the National Board of Directors of the Public Service Alliance of Canada as required by Regulation 19, Section 7 (f) of the Constitution of the Public Service Alliance of Canada. The notification shall also include that the member(s) of the National Executive cannot act in an official capacity upon receipt of the disciplinary notification and throughout the appeal period.
- (o) If the member(s) are members acting on behalf of the National Executive, the decision of the National Executive is binding and not subject to appeal.
- (p) If the member(s) of the National Executive choose to submit an appeal, they shall submit a written notice to appeal to the National Board of Directors within sixty (60) calendar days of receipt of the disciplinary notification. Upon receipt of an appeal, the National Board of Directors will establish a Tribunal as outlined in Regulation 19, Sections 12, 13 and 14 of the Constitution of the Public Service Alliance of Canada.
- (q) If the National Executive accepts a recommendation to suspend or expel from membership, the National President shall convey in writing that decision to the member(s) of the National Executive and the appeal rights of the member(s) of the National Executive in accordance with Regulation 19, Section 12 of the Constitution of the Public Service Alliance of Canada.
- (r) The National President shall also submit such recommendation to the National Board of Directors of the Public Service Alliance of Canada together with all relevant documentation.
- (s) If the decision to suspend or expel from membership is upheld by the National Board of Directors of the Public Service Alliance of Canada, the member(s) of the National Executive shall have the right to submit an appeal in accordance with the provisions laid out in the notice of the National Board of Directors' decision.

## **Disciplinary Procedure – Strike Breakers and Essential Services Violations of Bylaw 13, Article 6**

**1306-01** - All members shall be notified in writing of their obligations during strike situations and of the potential of being disciplined in accordance with Section 25, Sub-Section 5(n) and Regulation 19, Section 6 of the Constitution of the Public Service Alliance of Canada. That notification will be sent by the National President.

**1306-02** - All members performing services deemed essential are to be notified in writing of their obligations of Section 24, Sub-Section 7 of the Constitution of the Public Service Alliance of Canada and the expectations required of them during a strike situation. That notification will be sent by the National President.

**1306-03** - Locals shall be responsible for the identification and the collection of amounts owed and the communication of that information with their members performing services deemed essential. Locals shall also be responsible for forwarding all funds collected to the Public Service Alliance of Canada's Regional Executive Vice-President's office.

**1306-04** - Locals shall be responsible for conducting disciplinary procedures against members and Local Officers alleged to have violated Section 24, Sub-Section 7 or Section 25, Sub-Section 5(n) of the Constitution of the Public Service Alliance of Canada. The following procedures shall be followed.

- (a) A signed allegation identifying the violation by Section must be raised by a member of the Local Executive or their representative.
- (b) The Local Executive (less any Local Officer(s) alleged of violation) shall establish an internal or external impartial Investigation Committee consisting of three (3) people to investigate and assess the charge(s).
- (c) The Local Executive shall develop the mandate for the Investigation Committee to include direction on what they are reviewing and the procedures they are to follow.
- (d) The member(s) alleged to have violated either Section 24, Sub-Section 7 or Section 25, Sub-Section 5(n) will be provided a copy of the allegation and a letter from the Local indicating the member making the charge, the member charged and any witness(es) have the right to appear before the Investigation Committee. The letter shall also contain information of the Investigation Committee makeup and its mandate.
- (e) The Investigation Committee shall conduct interviews with the member(s) making the charge(s), the member(s) charged and any witness(es).

- (f) The Committee shall be responsible for preparing its report that shall consist of one or two parts depending on whether the charge(s) are upheld by the Committee.
- (g) Part I will include a finding of fact that either confirms or not that the member(s) have violated Section 24, Sub-Section 7 or Section 25, Sub-Section 5(n).
- (h) Part II will recommend the specific disciplinary action in the event that the Committee finds the member(s) have violated Section 24, Sub-Section 7 or Section 25, Sub-Section 5(n). Disciplinary actions could include removal of office or suspension of membership while Section 25, Sub-Section 5(n) violations include a fine in accordance with Section 25, Sub-Section 3.
- (i) The Committee's findings and recommendations shall be submitted to the Local Executive (less any Local Officer(s) alleged of violation) and, if disciplinary action is recommended the Local shall advise all parties (less witnesses) identified in the Investigation report of the outcome of its investigation. A letter outlining their rights that include the right to have a representative and to attend the meeting with no voice or vote as well as information regarding location and time of meeting shall be sent. A copy of the Investigation Committee report shall also be included.
- (j) The Committee's report shall be placed before a special or general meeting of the Local in two parts. Part I of the report cannot be amended however is subject to a simple majority vote to receive it. Part II of the report shall be subject to the acceptance of two-thirds (2/3) of the ballots cast (less spoiled ballots). The member(s) making the charge(s) and the member(s) charged shall be denied voice and vote during the decision-making process. The Chairperson shall also not vote in any decision making process. All votes cast shall be recorded in the minutes clearly reflecting yeas, nays, abstentions and spoiled ballots.
- (k) If the Local meeting accepts a recommendation of removal from office, the Local Executive (less any Local Officer(s) alleged of violation) shall convey in writing that decision to the member(s) concerned and their right to submit an appeal to the National Executive. The notification shall also include that the member(s) cannot act in an official capacity upon receipt of the disciplinary notification and throughout the appeal period.
- (l) If the member(s) choose to submit an appeal, the member(s) shall submit a written notice to appeal to the Local Executive (less any Local Officer(s) alleged of violation) within sixty (60) calendar days of receipt of the disciplinary notification. The Local Executive (less any Local Officer(s) alleged of violation) shall supply the Vice-President of the Region with a copy of all documentation including the written charge(s), the Investigation Committee's report (Parts I and II), the written notification of the right to appeal, the notice of meeting and the minutes of the meeting where recommendations were adopted.

- (m) The Vice-President of the Region shall, after ensuring the procedure has been followed, forward all information to the National President.
- (n) Upon receipt of an appeal, the National Executive shall review and determine the merit of the appeal. The decision of the National Executive will be binding on all parties to the appeal.
- (o) All expenses for the appellant(s) and any witnesses on behalf of the appellant(s) incurred during the appeal shall be the responsibility of the appellant(s). All other expenses shall be the responsibility of the Union except that if the appellant(s)' appeal is successful all costs shall be the responsibility of the Local originating the investigation.
- (p) If the Local meeting accepts a recommendation to suspend or expel from membership, the Local Executive (less any Local Officer(s) alleged of violation) shall convey in writing that decision to the member(s) as well as the information regarding the next steps in the process that include the National Executive and the Public Service Alliance of Canada requirements to determine final suspension of the member(s) and their right to appeal. The notification shall also include that the member(s) cannot act in an official capacity upon receipt of the disciplinary notification and throughout the appeal period.
- (q) The Local Executive (less any Local Officer(s) alleged of violation) shall advise the Vice-President of the Region in writing and provide all relevant documentation including the written charge(s), the Investigation Committee's report (Parts I and II), the written notification of the right to appeal, the notice of meeting and the minutes of the meeting where recommendations were adopted.
- (r) The Vice-President of the Region shall, after ensuring the procedure has been followed, forward all information to the National President.
- (s) The National President shall, after satisfying himself/herself that the investigation was properly conducted, submit the case to the National Executive for review. Should the National Executive accept the Local's recommendation to suspend or expel from membership, the National President shall then submit the matter to the National Board of Directors of the Public Service Alliance of Canada for decision.
- (t) If the decision to suspend or expel from membership is upheld by the National Board of Directors of the Public Service Alliance of Canada, the member(s) shall have the right to submit an appeal in accordance with the provisions laid out in the notice of the National Board of Directors' decision.

**1306-05** - The National Executive shall be responsible for conducting disciplinary procedures against any member of the National Executive alleged to have violated

either Section 24, Sub-Section 7 or Section 25, Sub-Section 5(n) of the Constitution of the Public Service Alliance of Canada. The following procedures shall be followed.

- (a) A signed allegation of violation of Section 24, Sub-Section 7 or Section 25, Sub-Section 5(n) must be received by the National President.
- (b) The National President shall establish an Investigation Committee consisting of three (3) Vice-Presidents of the Regions to investigate and assess the charge(s).
- (c) The National President shall develop the mandate for the Investigation Committee.
- (d) The member(s) of the National Executive alleged to have violated Section 24, Sub-Section 7 or Section 25, Sub-Section 5 (n) will be provided a copy of the allegation and a letter from the National President indicating the member(s) making the charge, the member(s) charged and any witnesses have the right to appear before the Investigation Committee. The letter shall also contain information of the Investigation Committee makeup and its mandate.
- (e) The Investigation Committee shall conduct interviews with the member(s) making the charge(s), the member(s) charged and any witness(es).
- (f) The Committee shall be responsible for preparing its report that shall consist of one or two parts depending on whether the charge(s) are upheld by the Committee.
- (g) Part I will include a finding of fact that either confirms or not that the member(s) of the National Executive have violated either Section 24, Sub-Section 7 or Section 25, Sub-Section 5(n).
- (h) Part II will recommend the specific disciplinary action in the event that the Committee finds the Vice-President of the Region(s) have violated the Constitution of the Public Service Alliance of Canada or the Union's Bylaws. Disciplinary actions could include removal of office or suspension of membership while Section 25, Sub-Section 5(n) violations include a fine in accordance with Section 25, Sub-Section 3.
- (i) The Committee's findings and recommendations shall be submitted to the National President and, if disciplinary action is recommended, the National President shall advise all parties (less witnesses) identified in the Investigation report of the outcome of its investigation. A letter outlining their rights that include the right to have a representative and to attend the meeting with no voice or vote as well as information regarding location and time of meeting shall be sent. A copy of the Investigation Committee report shall also be included.

- (j) The Committee's report shall be placed before the National Executive in two parts. Part I of the report cannot be amended however is subject to a simple majority vote to receive it. Part II of the report shall be subject to the acceptance of two-thirds (2/3) of the ballots cast (less spoiled ballots). The member(s) making the charge(s) and the member(s) charged shall be denied voice and vote during the decision-making process.
- (k) If the National Executive accepts a recommendation of removal from office, the National President shall convey in writing that decision to the member(s) concerned and their right to submit an appeal to the National Board of Directors of the Public Service Alliance of Canada as required by Regulation 19, Section 7 (f) of the Constitution of the Public Service Alliance of Canada. The notification shall also include that the Vice-President of the Region cannot act in an official capacity upon receipt of the disciplinary notification and throughout the appeal period.
- (l) If the Vice-President of the Region(s) choose to submit an appeal, they shall submit a written notice to appeal to the National Board of Directors of the Public Service Alliance of Canada within sixty (60) calendar days of receipt of the disciplinary notification.
- (m) Upon receipt of an appeal, the National Board of Directors of the Public Service Alliance of Canada will establish a Tribunal as outlined in Regulation 19, Sections 12, 13 and 14 of the Constitution of the Public Service Alliance of Canada.
- (n) If the National Executive accepts a recommendation to suspend or expel from membership, the National President shall convey in writing that decision to the Vice-President of the Region(s) and the appeal rights of the Vice-President of the Region(s) in accordance with Regulation 19, Section 12 of the Constitution of the Public Service Alliance of Canada.
- (o) The National President shall also submit such recommendation to the National Board of Directors of the Public Service Alliance of Canada together with all relevant documentation.
- (p) If the decision to suspend or expel from membership is upheld by the National Board of Directors of the Public Service Alliance of Canada, the Vice-President of the Region(s) shall have the right to submit an appeal in accordance with the provisions laid out in the notice of the National Board of Directors' decision.

**1306-06** - Since the Chairperson of the membership meeting held to recommend suspension of any member(s) cannot vote in any decision making process, he/she shall be the Component's representative during any appeal process meeting the requirements of Regulation 19, Article 12(b) of the Constitution of the Public Service Alliance of Canada.



**1306-07** - All disciplinary procedures under this Regulation must be completed by the responsible body within one (1) year of the completion of the strike.

### **Report on Strike Discipline**

**1308-01** - The National President shall be responsible to meet the Component requirements of Section 25, Sub-Section 7 of the Constitution of the Public Service Alliance of Canada.

**1308-02** - To facilitate the Component's requirement to meet the provisions of Section 25, Sub-Section 7 of the Constitution of the Public Service Alliance of Canada, the Vice-Presidents of the Regions shall apply the following steps to compile their report.

- (a) All Locals within a four (4) month period following a strike situation shall provide a written report to their respective Vice-President of the Region of the steps taken by the Local to meet its obligation of Article 5 of these Bylaws.
- (b) All Locals within a four (4) month period following a strike situation shall provide a written report to their respective Vice-President of the Region of ***the remaining*** steps to be taken by the Local to meet its obligations of Article 5 of these Bylaws.

**1308-03** - The Vice-Presidents of the Regions will compile a regional report that shall include details of disciplinary action undertaken by the Locals and the steps that have been taken to ensure that the disciplinary action is taken. The Vice-Presidents of the Regions shall submit that report to the National President within a five (5) month period following a strike situation.

**1308-04** - The National President shall prepare a full report and submit to the Alliance Executive Committee within six (6) months of any strike situation.

### **Regional Conferences and Education**

**1701-01** – Regional conferences shall be organized at the request of the Locals within the region. The Locals shall be required to submit agenda items.

**1701-02** – Education sessions shall be organized at the request of the Locals within the region. The Locals shall provide information regarding content, number of participants and approximate costs.

**1701-03** – Upon receipt of requests from Locals, the Vice-president of the Region or the designate shall prepare a detailed business case for the National President's approval.

## **POLICY GUIDELINES**

### **Policy Statement**

Policy matters are decided by the National Executive. (Bylaw 6).

### **Bylaws**

1. November 4, 1980

That if the National President is away from the National Office for more than five (5) working days, the National President will be replaced by the Executive Vice-President - this excludes participation at conventions by both National President and Executive Vice-President.

### **Convention**

1. May 29, 1973 (amended 1984 Convention, Victoria, BC; 1999 Convention, Victoria, BC)

That at conventions of the Public Service Alliance of Canada, delegates be brought in at least one day prior, for a caucus.

2. July 28, 1978 (amended 1999 Convention, Victoria, BC)

That the President's report be available in both languages to the National Executive at least sixty (60) days before the Convention starts.

3. 1987 Convention, Halifax, NS

That conventions no longer be held at universities, but rather in hotels suitable for receiving convention participants.

### **Finance**

1. November 23, 1967 (amended 1993 Convention, Edmonton, AB; 1999 Convention, Victoria, BC)

That each National Officer be provided with the appropriate communications tools and equipment to be the property of the Union, on loan to each National Officer during their term of office, on approval of the National President<sup>2</sup>. January 21, 1970

That budget control sheets be issued to the National Executive monthly.

3. May 28, 1973

That National Executive officers retiring from the National Executive, upon completion of at least one full term, be presented with a gift with a value of up to \$100, plus a certificate of merit.

4. October 28, 1981 (amended 1999 Convention, Victoria, BC; amended 2002 Convention, Montréal, QC; amended 2008 Convention, Niagara Falls, ON)

That all collective bargaining team members, facilitators of the Union's courses, labour management relations committee co-instructors on instructor business, appeals representatives and appointments to national portfolios by the National Executive be paid a daily rate of \$250.00 or actual loss of salary, whichever is greater, plus all out of pocket expenses including mileage, meals and incidentals that are not already covered by another entity. All claims for expenses under this policy guideline shall be pre-approved by the National President.

5. 1984 Convention, Victoria, BC (amended 1999 Convention, Victoria, BC; amended 2002 Convention, Montréal, QC; amended 2008 Convention, Niagara Falls, ON)

- (a) That National Executive officers be paid loss of wages or a daily rate of \$250.00, whichever is the greater, while on Union business or while travelling on Union business, on any day of the week, subject to review and approval by the National President. (Union business includes attending education courses; regional conferences, or other assignments which are for the benefit of the Union membership.)
- (b) That National Executive officers be reimbursed loss of wages for the length of any strike of a membership group other than their own group providing they are on leave without pay from the employer and do not cross the group's picket line.

6. Policy Paper - 1993 Convention, Edmonton, AB

Financial Responsibility

In order to achieve the objective of providing the greatest level of service to the membership at the least cost; with the recognition that the Union's staff employees have a right to free collective bargaining; and, that the National Executive must have the freedom to judiciously conduct the affairs of the Union between conventions, the following principles will apply.

- (a) Negotiations with Staff
  - (i) The National Executive shall strive to negotiate with the bargaining agent(s) representing the employees in a manner which reflects the

realities of the wage and benefits packages being negotiated on behalf of the public service employees within the Union.

- (ii) The National Executive will accept the wage and benefit guidelines adopted by the Triennial National Convention as an initial bargaining position to be adopted in negotiations between conventions.

(b) Accounting Practices

The National Executive shall cause the implementation and maintenance of a National HQ Accounting mechanism which will properly identify actual item and programme costs in both the financial reports and budget of the Union commencing as soon as possible after the 1993 Convention. In particular, the following practices should be adopted.

- (i) All travel and travel-related expenses must be clearly identified against a particular programme or Union Action whenever possible. Where it is not possible, the costs should be separated as they are now under the appropriate headings.
- (ii) All programmes and their associated travel, capital, operating and maintenance and other related costs must be maintained as a separate item within the accounting framework.
- (iii) Whenever an over-expenditure of the funds budgeted for a particular item has occurred or is projected to occur, the event and its associated costs should be debated at the semi-annual National Executive meeting and all the principles of the Union's Regulations 0609-02 and 0609-03 shall apply.

(c) National Officers' Salaries and Benefits

The Triennial National Convention Bylaws Committee shall cause a resolution to be brought forward at each Triennial National Convention which reviews the salary structure and salary and benefits of the full-time and paid National Officers of the Union. Moreover, the National Officers whose salary and benefits are subject to such review should ensure that they accept all salary and benefit amounts as they become due in order that the Union's accounting framework is not placed in a position of maintaining a liability on its books for portions of those salary or benefit costs.

7. 1999 Convention, Victoria, BC

All members on authorized Union business, as approved by the National President, shall be paid expenses set by the National Executive.

8. 2008 Convention, Niagara Falls, ON

That members will be paid \$75 for each day of rest when they participate in the Union's training activity.

9. 2008 Convention, Niagara Falls, ON

That convention registration fees be waived for Locals with a membership of less than 50.

10. 2014 Convention, Quebec, QC

That a per diem in the amount of \$75.00 a day be paid to UNDE members who earn less than \$30,000.00 annually in their union-represented job, for their participation in UNDE National and Regional activities on their scheduled day(s) of rest.

### **General**

1. August 8, 1968 (amended 1999 Convention, Victoria, BC)

That the Vice-President be informed if a member of the staff or a National Officer from another region is in that Vice-President's region.

2. January 24, 1970

That the National Executive agenda be sent out to the National Executive members at least two (2) weeks prior to a National Executive meeting.

3. February 16, 1974

That all motions and amendments be given in writing to the Chair.

4. 1975 Convention, St. John's, NF (amended 1996 Convention, Chicoutimi, QC)

That the Union use only unionized hotels when making accommodations for bargaining committees, National Executive meetings and other Union activities whenever possible.

5. September 21, 1976

That the policy of the Union be that Locals send minutes of LMRC meetings to their Vice-President.

6. October 22, 1979

That no tentative DND policy be agreed to pending approval from the National Executive.

7. June 28, 1983 (amended 1993 Convention, Edmonton, AB)

That all EAP referral agents and chairpersons should not hold any other office in their Local.

8. 2002 Convention, Montréal, QC

That Locals who so wish can, as a formal agenda item at all Union meetings, call the list of scabs' names and classification.

9. 2008 Convention, Niagara Falls, ON

That a Health and Safety Conference be held once every three years.

10. 2011 Convention, Calgary, AB

That the Union provide materials in both official languages simultaneously and that members be provided representation in the official language of their choice.

## **Education**

1. 1990 Convention, Montreal, QC

That the Union not implement a "shared accommodations" policy for all in-residence programs and while in travel status for negotiations and conventions.

2. 2008 Convention, Niagara Falls, ON

That as a first option, the Union's courses will be held during the regular work week of Monday and Friday.