

ALBERTA UNION OF PROVINCIAL EMPLOYEES

# CONSTITUTION

AMENDED OCTOBER 2022



## PREAMBLE

“The Constitution of the Alberta Union of Provincial Employees”

It is of, by and for the membership. It is the accumulation of our experiences. It is the anchor of our struggle. It sets out our goals and our rules of operation.

The Spirit of the Constitution, rather than the Word, must guide our actions.

Changes to the Constitution should be dictated only by changes in our environment, attacks on our Union, changes to the law or where there is clearly a deficiency or oversight in its content. Even in these cases, change should not be undertaken lightly and never without total consideration of the impact on the Union.

We must never tolerate constitutional change which serves only to glorify the individual or to wrest office from those empowered to represent us. No change should be considered which does not clearly benefit the collective membership.

We must recognize the frailty in ourselves and forgive the shortcomings of others.

We must serve the membership, not ourselves.

## **STATEMENT OF EQUALITY**

Equality and equity are core union values, and as such AUPE is committed to ensuring that individuals can meaningfully participate and contribute to union activities. Participants are expected to challenge and debate issues and not individuals, as well as engage in behaviours that protect and celebrate our diversity.

AUPE will neither condone or tolerate behaviour that undermines the dignity or self-esteem of an individual or create an intimidating, hostile, or unsafe environment that interferes with the ability of others to participate in union activities. These behaviours prevent us from working together to strengthen our union.

We encourage individuals to acknowledge discrimination and harassment by challenging or reporting inappropriate behaviour in doing so we promote our own solidarity and equality.

If you feel your rights, or the rights of others are being violated, and you are not able to address it, please seek assistance from an AUPE staff member or officer.

## **INDIGENOUS LAND ACKNOWLEDGEMENT**

AUPE will act in the spirit of truth and reconciliation, and all components of the Union shall include acknowledgments of Indigenous land at the beginning of every meeting and function of the Union.

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## **SECTION I - FUNDAMENTAL MATTERS**

### **ARTICLE 1 - NAME**

- 1.01 This organization shall be known as the Alberta Union of Provincial Employees hereinafter referred to as the Union.

### **ARTICLE 2 - HEADQUARTERS**

- 2.01 The Headquarters of the Union shall be located in the City of Edmonton, Province of Alberta.
- 2.02 The Union shall establish such other offices as may be necessary to provide the best service for the membership.

### **ARTICLE 3 - OBJECTIVES**

The objectives of the Union shall be to organize, protect and promote the general well being of working people and shall include, more specifically, the following objectives:

- 3.01 To regulate relations between employers and employees, to bargain collectively on behalf of employees, to apply for certification where necessary, and to act as a bargaining agent under any provincial or federal legislation.
- 3.02 To unite the members of the Union for their mutual improvement socially, mentally and physically and for their protection and common and individual welfare.
- 3.03 To develop the education, training, skill and efficiency of the members of the Union.
- 3.04 To organize all employees in the Province of Alberta both of the public and private sector in a democratic organization capable of acting on their behalf.
- 3.05 To ensure that all people shall be treated equally, with dignity and without discrimination, intimidation, restriction or coercion by reason of race, colour, creed, ethnic origins, political or religious affiliation, gender, sexual orientation, marital status, age or physical or mental disabilities.

- 3.06 To bring about united action and to act on any matter or issue of common interest to the members of the Union including affiliating with any labour organization or having any labour organization affiliate with it.
- 3.07 To act as an agent for such other organizations in such circumstances and subject to such terms as the Provincial Executive deems fit.
- 3.08 To promote the harmony and preserve the dignity of the Union.
- 3.09 To promote and safeguard harmony between employers and members of the Union.
- 3.10 To give, donate, transfer, mortgage or pledge property and assets of the Union; to borrow on behalf of the Union; and to give or loan Union funds to such societies, associations or other companies as may benefit, directly or indirectly, some or all of the members of the Union.
- 3.11 To operate and administer members' group benefits plans on behalf of the Union or its components.

## SECTION II - MEMBERSHIP

### ARTICLE 4 - MEMBERSHIP

- 4.01 Those eligible for membership in the Union shall be such persons who are or have been employees of the Crown in Right of Alberta and those persons who are or have been employees of any other employer, whether public or private.
- 4.02 Persons may be accepted into membership by the Union:
- (a) where they commence employment in a classification covered by a Collective Agreement with the Union which contains a provision requiring the employee to become a member of the Union, unless the employee elects, in accordance with that Collective Agreement, not to become a member; or
  - (b) where they complete an application for membership on the prescribed form.
- 4.03 Upon the Union Headquarters receiving notification of a person's employment under 4.02(a), or receiving their application for membership under 4.02(b), the Union shall, if the person otherwise qualifies for membership, accept that person as a regular member of the Union, and once accepted issue them a membership card.
- 4.04 The Union shall have five types of membership: Regular members, Honorary members, Life members, Local Life members and Affiliate members.
- 4.05
- (a) Regular members: includes all those persons who pay prescribed Union dues and on whose behalf the Union bargains or seeks to bargain, as well as the President and Executive Secretary-Treasurer of the Union.
  - (b) Regular members in good standing shall be entitled to:
    - i) the rights and privileges of membership in the Union including membership and participation in the Chapter, Local or Area Council to which they belong; and

- ii) the right to stand for election as an Officer of the Union and of the Chapter, Local or Area Council to which they belong; and
  - iii) the right to representation with the employer in accordance with the Collective Agreement from time to time in force; and
  - iv) to participate in Union group discount plans.
- (c) Regular members on, or awaiting decisions, regarding Long Term Disability Insurance or Workers' Compensation Benefits shall be entitled to provisions of 4.05 (b) above, shall be included in membership counts, but shall not be required to pay union dues on insured earnings.
- (d) Regular members who are unemployed due to provisions in a Collective Agreement (layoffs, recall, sessional, dismissal) shall be entitled to provisions of 4.05 (b) above, but shall not be required to pay union dues. Such rights shall continue until the member no longer has any rights under the appropriate Collective Agreement.
- (e) Regular members elected to full-time positions as Officers of the Union or to full-time positions with affiliate bodies shall be entitled to all rights and privileges under this Constitution and shall be required to pay dues based upon the salary of the position to which they are elected.
- (f) Regular members appointed to staff positions in affiliate bodies shall be entitled to retain regular membership where it is the requirement of the affiliate body.
- (g) Regular members on military, maternity or educational leave shall be entitled to provisions of 4.05(b) above, shall be included in membership counts, but shall not be required to pay union dues.
- 4.06 (a) Honorary members: consisting of all those persons to whom the Provincial Executive has awarded Honorary membership for distinguished service to the Union or to the labour movement.
- (b) Honorary members shall not be entitled to rights or privileges under this Constitution and shall not be required to pay dues.



- 4.07 (a) Life members: consisting of all those persons to whom the Provincial Executive has awarded Life membership for meritorious service to the Union.
- (b) Life members shall be entitled to attend Convention as guests of the Union pursuant to any Life Members' Policy approved by the Provincial Executive and shall not pay dues.
- (c) A Life member returned to employment within a bargaining unit represented by the Alberta Union of Provincial Employees shall be entitled to the same rights and privileges as Regular members and shall pay dues.
- (d) Life members shall be entitled to participate in Union group discount plans.
- (e) Life members are assigned to an Area Council based on their place of residence. Life members shall be entitled to participate in Area Council events and can attend Area Council meetings as observers.
- 4.08 (a) Local Life members: consisting of all those persons to whom a Local has awarded Life membership for meritorious service to that Local.
- (b) A Local Life member shall not be entitled to any rights under this Article; but may be entitled to rights and privileges as granted by the Local.
- 4.09 (a) Affiliate members: consisting of those persons who were formerly members and upon application and approval pay a prescribed administration fee as set by the Provincial Executive.
- (b) Affiliate members shall be entitled to participate in the Members' Discount Program.
- 4.10 (a) A member remains in good standing by the payment of periodic dues pursuant to Article 5.
- (b) A member who fails to pay prescribed dues shall not be entitled to the benefits of Article 4.05 (b) except as required by law.

- (c) A member in arrears for more than three months dues shall stand automatically suspended from membership unless the Provincial Executive should determine that such failure to pay was not reasonably within the control of the member, and the Union shall so notify the suspended member, and the member's component.
- (d) A member suspended only for failure to pay dues shall be automatically reinstated to good standing upon the payment of arrears, together with such uniform reinstatement fee as may be set by the Provincial Executive.
- (e) A member suspended for failing to pay dues may appeal such suspension in writing, giving reasons to the Provincial Executive, within sixty (60) days of the receipt of their notice of suspension.
- (f) A suspended member is denied all rights and privileges of membership, except those as prescribed by law.

- 4.11 All persons shall concurrently apply for, or be deemed to have applied for, membership in the Union and membership in the Local and Chapter to which, by virtue of their employer, category of employment or geographic location, they are assigned. Application for membership shall indicate the Local and Chapter to which the applicant will be assigned, but no application shall be deemed insufficient or invalid for any misdescription or non-description of the assigned component.
- 4.12 Where a member, by reason of a change in their employer, category of employment or geographic location ceases to fall within a category assigned to one Local or Chapter and falls within the category assigned to another, that member shall, when permitted by law, automatically without further need for application or acceptance become a member of that Local or Chapter.
- 4.13 The Provincial Executive may allow a person to be exempt from membership in the Union where that person has satisfied the Provincial Executive, by a statutory declaration or by such other method as may be authorized in a Collective Agreement, that the person has reasons of legitimate personal belief for not becoming or remaining a member. In the case where such an exemption is granted the person shall continue to pay to the Union a monthly sum equal to

normal dues for so long as the Union remains the bargaining agent with that person's employer.

- 4.14 All persons, by being and remaining members of the Union, agree to abide by and be bound by the provisions of this Constitution. By being and remaining members, they select and designate the Union or the appropriate component part, as the case may be, or the Union may elect, to be their sole and exclusive agent to bargain terms, conditions and benefits of employment with whomever may be their employer.
- 4.15 Persons who are appointed to positions with their employer that excludes them from collective bargaining rights under the relevant labour legislation shall not remain nor become regular members of the Union.
- 4.16 Notwithstanding the provisions of this Article, a member while employed by AUPE shall not perform the duties of any elected position or Union steward and shall remain a Member in good standing.

#### **ARTICLE 5 - DUES**

- 5.01 Regular members shall pay dues of one point twenty-five percent (1.25%) of their salary or as provided for under Article 13.09 (l).
- 5.02 Union dues shall be assessed on all retroactive payments.
- 5.03 Where the Union, as part of a campaign to organize employees into the Union, receives a sum of Two Dollars (\$2.00) or more with an application for membership, and where that applicant subsequently becomes a member, that payment shall be deemed to be the member's full dues payment for the period commencing on the acceptance of membership until the employer is organized. If the campaign does not result in certification, the application fee shall be returned.
- 5.04 Bargaining units shall be allowed to levy special dues for the purpose of executing any special independent members' group benefits packages; such special dues must be approved by a majority of those voting in the bargaining unit.

- 5.05 Special dues collected by the Union on behalf of components for special independent members' group benefits packages, as negotiated by various bargaining groups, shall be kept in special segregated accounts.

**SECTION III - GOVERNANCE - CONVENTION****ARTICLE 6 - CONVENTION**

- 6.01 Convention shall be the governing body of the Union.
- 6.02 There shall be a Convention each year. Each Convention shall be held at such time and place as determined by the Provincial Executive.
- 6.03 The President shall issue the Convention Call to Chapters and Locals not less than ninety (90) days prior to the Convention.
- 6.04 (a) So far as practicable, the Order of Business of all Union Conventions shall be:
1. Registration of Delegates
  2. Interim Report of Credentials Committee (and at commencement of each session)
  3. Rules of Order and Determination of Sessional Hours
  4. Report of the President
  5. Vice-Presidents' Reports
  6. Executive Secretary-Treasurer's Report
  7. Financial Statements and Budget
  8. In an election year, elections shall be held commencing on the morning of the 2nd day for President, Executive Secretary-Treasurer and Vice-Presidents and shall continue until completed.
  9. Reports of Committees
  10. New Business
  11. Good and Welfare
  12. In the event of an election, Pledge of Office

### 13. Adjournment of Convention

- (b) Resolutions and any other business not dealt with by a Convention shall die on the order table.

6.05 Provincial Executive members and Local Chairs shall be delegates as of right. In addition, Locals shall be entitled to elect one delegate for one hundred (100) or less members, and one additional delegate for each additional one hundred (100) members or portion thereof, based on the twelve (12) month average Headquarters records as of October 31st, preceding the Convention. For the purpose of this Article, members shall mean regular members as defined in Article 4.05.

For Locals with Chapters, only properly nominated Chapter members shall be elected as delegates to Convention. Any credentials not used by the properly elected delegates from each Chapter shall be allocated to the next properly elected nominee, then an alternate from the same Chapter.

In the event that neither the Delegate nor an Alternate from the Chapter can attend Convention, the Local Council shall have the authority to allocate that credential to any other properly elected Chapter nominee or alternate from the Local.

6.06 Each Convention delegate shall have credentials in such form as may be determined by the Provincial Executive. A copy of a delegate's credential shall be remitted to the Union's principal Office at least thirty (30) days prior to the date of Convention.

6.07 A Special Convention shall be called:

- (a) by direction of the Convention;
- (b) by order of the Provincial Executive; or
- (c) by order of the President upon written request of twenty percent (20%) of the members of the Union.

6.08 Where a Special Convention is called, the President shall promptly issue the Convention Call to the Provincial Executive, all Chapters and Locals, giving not

less than thirty (30) days notice of the time and place set by the President for the holding of the Special Convention together with a statement of the business to be considered.

- 6.09 A Special Convention shall only consider that business set out in the Convention Call.
- 6.10 Representation at a Special Convention shall be on the same basis as at Conventions.
- 6.11 Fifty percent plus one (50% + 1) of the registered delegates of a Convention shall constitute a quorum for the lawful conduct of business.
- 6.12 Non-delegate members may attend a Convention with prior approval of the President, but shall not be entitled to vote.
- 6.13
- (a) Resolutions for presentation at a regular Convention shall be submitted to the President at least one hundred and twenty (120) days before the opening date of the Convention. A resolution shall not deal with more than one subject matter and shall specify the action proposed. A resolution shall not contain more than one hundred and fifty (150) words, inclusive of the preamble. Resolutions may be submitted by the Executive Committee, the Provincial Executive, Standing Committees of the Union, Members' Benefits Committee, Chapters, Locals or Area Councils.
  - (b) Constitutional amendments for presentation at a regular Convention shall be presented to the President at least one hundred and twenty (120) days prior to the start of the Convention. Resolutions that involve changes or additions to the Constitution are not limited to one hundred and fifty (150) words. Constitutional amendments may be submitted by the Executive Committee, the Provincial Executive, the Legislative Committee, Chapters and Locals.
  - (c) All resolutions for presentation to Convention must be accompanied by the meeting minutes where the resolution was approved.

- 6.14 Late resolutions shall be submitted to the Provincial Executive who shall consider the urgency of the resolution. Only late resolutions deemed to be of an urgent nature shall be placed before Convention.

### **ARTICLE 7 - FINANCES**

- 7.01 Convention shall consider the proposed budget, as approved by the Provincial Executive, and presented by the Finance Committee and may amend or modify that budget, but shall adopt a budget.
- 7.02 Convention shall determine the amount of Union funds to be remitted to the Locals for their operations and the Union shall remit those sums every month.
- 7.03 All funds of the Union shall be disbursed by cheque or other Bill of Exchange in the name of the Union or of the Trustee of the Union. All such cheques and Bills of Exchange shall be signed by the Executive Secretary-Treasurer or the Executive Secretary-Treasurer's designate, and countersigned by such other members of the Provincial Executive as may be determined by the Provincial Executive.
- 7.04 All funds required by Convention or the Provincial Executive to be set aside for the special purposes of the Union shall be deposited in separate accounts, identified as to purpose in a Chartered Bank, Credit Union, Treasury Branch, or other financial institution.
- 7.05 Officers of the Union and its components shall be bonded in accordance with such policy as adopted by the Provincial Executive.
- 7.06 The fiscal year of the Union shall be July 1 to June 30 of the following year.



**SECTION IV - GOVERNANCE - ELECTED OFFICIALS****ARTICLE 8 - OFFICERS**

- 8.01 The Officers of the Union shall be a President, six (6) Vice-Presidents, and an Executive Secretary-Treasurer.
- 8.02 These Officers shall be elected at Convention for a term of two (2) years.
- 8.03 A member may serve any number of terms in an Office without limitation.
- 8.04 All Officers shall be elected by secret ballot at the Union's Convention. All Officers shall be elected by a majority vote (50% plus 1) of accredited delegates present and voting at the Union's Convention.
- 8.05 Officers shall assume their Office immediately upon the completion of the Convention at which they are elected.
- (a) Upon their election they shall, within thirty (30) days, notwithstanding Article 4.05, resign all previously held positions in their component(s) with the exception of Union Steward;
- (b) Shall not be entitled to hold an elected position in any of their components while serving as an elected Officer of the Union.
- 8.06 The Officers of the Union shall be ex-officio members of:
- (a) all Union Committees created by Convention or the Provincial Executive, and
- (b) all components.
- Ex-officio members shall not be entitled to vote except the Vice-Presidents shall retain the right to vote as regular members in their own components.
- 8.07 The Officers of the Union shall be reimbursed for expenses legitimately incurred on Union business.

- 8.08 The remuneration and other benefits for elected Officers of the Union shall be formulated by the Provincial Executive and presented to Convention for ratification.
- 8.09 (a) If the Office of the President should become vacant between Conventions, the Provincial Executive shall promptly elect one of the remaining Executive Committee members to fill the vacant Office until the next Convention.
- (b) If the Office of an Officer of the Union other than the President becomes vacant between Conventions, the Provincial Executive shall promptly elect, from amongst its members, a member to fill the vacant Office until the next Convention.
- (c) Any mid-term election, at Convention, of an Officer of the Union will be for the balance of the term.
- 8.10 (a) An Officer of the Union may be removed from Office by a seventy-five percent (75%) vote of those delegates present and voting at an Annual Convention voting by roll call or secret ballot.
- (b) If an Officer of the Union is removed from Office by a vote at a Convention, the Convention shall subsequently elect a member to fill the vacancy for the balance of the term.

#### **ARTICLE 9 - PRESIDENT**

- 9.01 The President shall be the Chief Executive Officer of the Union.
- 9.02 It shall be the duty of the President to:
- (a) exercise supervision over the affairs of the Union;
- (b) preside at meetings of the Executive Committee and Provincial Executive;
- (c) assign duties and responsibilities to the Vice-Presidents and Executive Secretary-Treasurer;
- (d) call and convene meetings of the Executive Committee not less than six (6) times per year;

- (e) call and convene meetings of the Provincial Executive not less than six (6) times per year;
- (f) interpret this Constitution, and the President's interpretation shall be final and binding upon all members and Officers of the Union unless otherwise reversed or changed by the Provincial Executive or Convention;
- (g) engage, dismiss, promote, demote, assign duties, and direct all staff in accordance with the Staffing Policies of the Union, or delegate all or a portion of the foregoing to a designate;
- (h) report on the execution and administration of the President's Office and duties and on the affairs of the Union to each Executive Committee meeting, to each Provincial Executive meeting and to Convention;
- (i) act as chief spokesperson for the Union on policy matters or major issues;
- (j) be the Chair of the Government Services Negotiating Team and all Sector Bargaining Conferences;
- (k) chair the Union's Convention; and
- (l) be one of the Directors of all subsidiary companies that have been established by the Provincial Executive. The President, along with the Executive Secretary-Treasurer, shall be responsible for the operation of the subsidiary company.

9.03 The President shall have the power to:

- (a) sign all official documents on behalf of the Union;
- (b) call and convene special meetings of the Executive Committee and the Provincial Executive;
- (c) call and convene special meetings of members or groups of members as the President deems appropriate;
- (d) designate spokesperson(s) as may be appropriate;

- (e) designate staff or officials, in writing, to sign documents on behalf of the President;
- (f) authenticate the use of the Union Seal in conjunction with the Executive Secretary-Treasurer; and
- (g) carry out all of the duties delegated to the President by the Constitution.

9.04 For the purpose of the Right of Appeal Article (Article 10), the President or their designate shall have the power to investigate and remedy the matter being appealed. The President, or their designate, may:

- (a) summon member(s) to discuss the matter;
- (b) require that officer(s) turn over books and records pertinent to the matter;
- (c) declare a motion, decision or election of a component meeting invalid;
- (d) declare a meeting invalid and direct that another meeting be held;
- (e) take such other action as is deemed appropriate for the resolution of the appeal.

9.05 The President shall devote full time to the Office and shall receive such remuneration and other benefits as may be set by Convention.

#### **ARTICLE 10 - RIGHT OF APPEAL**

10.01 A member or group of members, whose rights under this Constitution have been denied or substantially prejudiced, may appeal to the President.

10.02 The President shall investigate the facts surrounding the matter appealed and, after discussion with the parties involved, may order such corrective action as the President deems appropriate. The President shall advise the parties of their ruling within twenty (20) days of receipt of the appeal.

10.03 The President's decision under Article 10.02 may be appealed to the Provincial Executive, within twenty (20) days of receipt. The Provincial Executive shall render a decision, which shall be final and binding on all parties.

**ARTICLE 11 - VICE-PRESIDENTS**

- 11.01 The Vice-Presidents shall assist the President in the execution of the President's duties and may act on behalf of the President when so authorized, and shall discharge the duties and responsibilities assigned by the President.
- 11.02 The Vice-Presidents will devote such time as is required to properly discharge their duties and responsibilities, and shall receive such remuneration and other benefits as may be set by Convention.
- 11.03 The Vice-Presidents shall report in writing on the execution and administration of their Offices and duties to the President, the Provincial Executive and Convention.
- 11.04 The Vice-Presidents shall each chair at least one Standing Committee as determined by the Executive Committee.
- 11.05 It shall also be the duty of the Vice-Presidents to:
- (a) establish and maintain communication between members in their assigned territory and the Executive Committee;
  - (b) establish and maintain communication with components in their assigned territory including attending component meetings;
  - (c) promote the Union through worksite visits in their assigned territory;
  - (d) establish and maintain, under the direction of the President, contact with elected officials within their assigned territory;
  - (e) attend community events in their assigned territory; and
  - (f) communicate to the Executive Committee and the Provincial Executive issues that are affecting the members in their assigned territory.

**ARTICLE 12 - EXECUTIVE SECRETARY-TREASURER**

- 12.01 The Executive Secretary-Treasurer shall be the Chief Financial Officer of the Union.

12.02 It shall be the duty of the Executive Secretary-Treasurer to:

- (a) ensure that accurate minutes are kept of meetings of the Executive Committee, Provincial Executive and Convention. Copies of which shall be provided to any member on request;
- (b) have custody of Union books, minutes, records and financial and accounting documents and such documents of components as are required;
- (c) have custody of the Seal of the Union;
- (d) be responsible for all accounting and financial records of the Union;
- (e) ensure that a complete financial statement of the affairs of the Union is prepared for each fiscal year by a firm of chartered accountants as selected by the Provincial Executive, and shall provide that statement to the Provincial Executive, Convention and to any member on request;
- (f) invest surplus funds of the Union on recommendation of the Finance Committee, subject to the approval of the Provincial Executive;
- (g) serve as the Chair of the Standing Finance Committee of the Provincial Executive;
- (h) have prepared a proposed annual budget for presentation to the Finance Committee;
- (i) ensure the proper collection of all membership dues, subscriptions, monthly sums equal to membership dues, and other monies due the Union and the deposit of all funds as prescribed;
- (j) act as a signatory on documents and cheques drawn on Union funds as required in the conduct of Union affairs or delegate this authority to a designate(s);
- (k) be responsible for the efficient management and maintenance of the Union's buildings and property;

- (l) supervise the expenditures of the Union to ensure compliance with the budget;
- (m) report to each Executive Committee meeting and to each Provincial Executive meeting and to the Convention on the execution and administration of the Office of Executive Secretary-Treasurer;
- (n) arrange for the prompt deposit of all Union funds in a Chartered Bank, Credit Union, Treasury Branch, or other financial institution, to the credit of the Union;
- (o) arrange that all bonds and other securities shall be kept in a Safety Deposit Box, or in safe-keeping in a Chartered Bank, Credit Union, Treasury Branch, or other financial institution to be released only upon the signature of the Executive Secretary-Treasurer or President, or their designates, together with one other member of the Finance Committee;
- (p) review, or to have audited, the revenues and expenses of Chapters, Locals and Area Councils at such times as the Executive Secretary-Treasurer deems appropriate, and such audit shall be completed and returned to the component within thirty (30) days from the date the Executive Secretary-Treasurer receives the documents; and
- (q) be one of the Directors of all subsidiary companies that have been established by the Provincial Executive. The Executive Secretary-Treasurer, along with the President, shall be responsible for the operation of the subsidiary company.

12.03 The Executive Secretary-Treasurer shall have the power to:

- (a) sign financial documents on behalf of the Union;
- (b) authenticate the use of the Union Seal in conjunction with the President;
- (c) designate, in writing, signing authority to an alternate;
- (d) require that component Officers provide such books and information as is deemed necessary;

- (e) release books, records, financial and accounting documents to such firm of auditors as selected by the Provincial Executive;
- (f) release copies of minutes of meetings to members;
- (g) carry out all other duties designated to the Executive Secretary-Treasurer in this Constitution; and
- (h) ensure adherence to all financial policies affecting Executive Officers, staff and expenses which are paid by Headquarters.

12.04 The Executive Secretary-Treasurer shall devote full time to the Office and shall receive such remuneration and other benefits as may be set by Convention.



**SECTION V - GOVERNANCE - COMMITTEES****ARTICLE 13 - PROVINCIAL EXECUTIVE**

- 13.01 There shall be a Provincial Executive comprised of duly elected Local representatives, the President, the six (6) Vice-Presidents and the Executive Secretary-Treasurer. The Provincial Executive shall be the governing body of the Union between Conventions.
- 13.02 The President of the Union shall be the Chair of the Provincial Executive, and the Vice-Presidents of the Union shall be the Vice-Chairs of the Provincial Executive.
- 13.03 The Provincial Executive shall meet at such times and places as may be fixed by the President.
- 13.04 The President shall call a meeting within seven (7) days of the receipt of a request for a meeting signed by a majority of the members of the Provincial Executive and shall convene such meeting within twenty-one (21) days of receipt of such a request.
- 13.05 Notice of Provincial Executive meetings shall be given by mail, by telephone or in person to its members. Where practicable, seven (7) days notice of Provincial Executive meetings shall be given.
- 13.06 (a) Where the President or a majority of the Executive Committee deems it advisable, the President shall call a Provincial Executive meeting which may be held by telephone conference call or video conference. Any business transacted by the Provincial Executive in this manner will have the same force as a motion regularly passed at a meeting. The quorum for proceedings under this section will be the same as for a regular meeting.
- (b) In an emergency situation, where it is not possible to convene a meeting or a telephone conference call meeting or a video conference meeting, a telephone or email roll call vote without conference call may be conducted. The quorum for a telephone or email roll call vote shall be seventy-five percent (75%) to be considered valid and must be ratified at the next meeting of the Provincial Executive.

- 13.07 The Provincial Executive shall not carry on business unless a quorum of at least 50% plus 1 of its members are in attendance. In the event that a lack of quorum prevents a meeting being called to order, the meeting shall be adjourned to a time and place one week later. Notice of adjournment shall be given to all its members.
- 13.08 The Minutes of each meeting of the Provincial Executive shall indicate how each member of the Provincial Executive voted on each item of business pertaining to AUPE policies and/or finances.
- 13.09 The duties and responsibilities of the Provincial Executive shall be:
- (a) to represent the interests of all members of the Union;
  - (b) to formulate policy in accordance with the directives of Convention;
  - (c) to ensure that Convention directives and policies are implemented;
  - (d) to appoint any Trust company, authorized under Federal Charter to carry on business in the Province, to be the Trustee or Custodian of assets of the Union, if necessary;
  - (e) to authorize the borrowing of monies on behalf of the Union and to authorize the securing of repayment by mortgaging or pledging the property of the Union or by authorizing notes or securities to be issued on behalf of the Union;
  - (f) to authorize the investment of surplus funds of the Union on the recommendation of the Finance Committee;
  - (g) to make recommendations for inclusion in the proposed Union budget and may amend or modify that budget;
  - (h) to approve a proposed budget for presentation by the Finance Committee to Convention;
  - (i) to determine the total staff complement of the Union, in each category established by the President;

- (j) to appoint auditors to examine and report to the Union Executive on the Financial Statements of the Union;
- (k) to authorize such payments as it deems necessary to assist those members affected by a work stoppage;
- (l) in the event of a strike, to have authority to levy additional dues, not to exceed 0.1% of the salary of all working members, for the duration of the strike;
- (m) to receive and review reports from Standing Committees of the Union and any Committee established pursuant to Article 15, and to take such action as it deems necessary on reports presented to it;
- (n) to report on its activities to Convention through the Report of the President;
- (o) subject to Article 17, to review and amend, from time to time, the established criteria on which Locals, Chapters and Area Councils are to be established, merged, amalgamated, dissolved or divided;
- (p) to act as the final appeal body under the Right of Appeal Article (Article 10);
- (q) to carry out all of the duties delegated to the Provincial Executive by the Constitution; and
- (r) to authorize the incorporation of subsidiary companies and to develop goals and objectives for the companies based on recommendations from the Finance Committee.

13.10 Provincial Executive members, excluding Executive Committee members, shall automatically cease to hold their Office upon the occurrence of any of the following events:

- (a) if they are suspended, expelled or otherwise cease to be a member in good standing of the Union except that if their suspension or expulsion is successfully appealed, they shall be restored to Office for the balance of their original term;

- (b) if by notice in writing to the Union they resign from Office;
- (c) if they are promoted or transferred so as to no longer be a member of the Local from which they were elected;
- (d) they miss three (3) consecutive Provincial Executive meetings without just cause; or
- (e) a seventy-five percent (75%) vote to remove them from Office by the body that elected them.

13.11 Provincial Executive members may be removed from Office by a seventy-five percent (75%) vote of the Provincial Executive upon the occurrence of any one of the following events:

- (a) they suffer a diagnosed mental or physical illness of such a nature as to render them incapable of completing their term of Office; or
- (b) they are found guilty of an indictable offence.

13.12 Provincial Executive members shall be elected as specified in this Constitution. Their term of Office shall be two years and such election shall take place in the same election year as that of the President. The elected Provincial Executive members shall assume the duties of their Office immediately following the annual general meeting at which they are elected.

#### **ARTICLE 14 - EXECUTIVE COMMITTEE**

14.01 There shall be an Executive Committee consisting of the President, six (6) Vice-Presidents and the Executive Secretary-Treasurer.

- 14.02
- (a) This Committee shall act as the Executive body of the Union between meetings of the Provincial Executive, and shall be responsible for the operation and management of the Union and the implementation of Union Policy.
  - (b) This Committee shall report in writing regarding its activities to each Provincial Executive meeting.

- 14.03 The Executive Committee shall meet from time to time at the call of the President or on request of a majority of the Executive Committee.
- 14.04 The quorum of the Executive Committee is fifty percent (50%) plus one (1) of its members.
- 14.05
- (a) Where the President deems it advisable to do so, the President may call an Executive Committee meeting which may be held by telephone conference call or video conference. Any business transacted by the Executive Committee in this manner will have the same force as a motion regularly passed at a meeting. The quorum for proceedings under this section will be the same as for a regular meeting.
  - (b) Where it is not possible to convene a meeting or a telephone conference call meeting or a video conference meeting, a telephone roll call vote without conference call may be conducted. The quorum for a telephone roll call vote shall be seventy-five percent (75%) to be considered valid and must be ratified at the next meeting of the Executive Committee.
- 14.06 The Executive Committee shall be responsible:
- (a) to set the mandate for negotiations for all staff Collective Agreements;
  - (b) to ratify all staff tentative Agreements;
  - (c) to approve any employment contracts not covered by staff Collective Agreements. Such contracts will not contain confidentiality clauses to allow for full disclosure;
  - (d) from time to time, by resolution, establish, merge, amalgamate, dissolve or divide Chapters, Locals and Area Councils in accordance with the criteria set out by the Provincial Executive and may assign a jurisdiction and assign membership to Locals, Chapters and Area Councils thus established; and
  - (e) to carry out all of the duties delegated to the Executive Committee by the Constitution.

- 14.07 Executive Committee members shall automatically cease to hold their Office upon the occurrence of any of the following events:
- (a) if they are suspended, expelled or otherwise cease to be a member in good standing of the Union except that if their suspension or expulsion is successfully appealed, they shall be restored to Office for the balance of their original term;
  - (b) if by notice in writing to the Union they resign from Office;
  - (c) if they miss three (3) consecutive meetings of the Executive Committee without just cause.

#### **ARTICLE 15 - UNION COMMITTEES**

- 15.01 A Convention may direct the President to establish a committee for such purpose as that Convention deems necessary. It shall appoint members to the committee and establish appropriate terms of reference. It may require that committee to report back to it or a subsequent Convention.
- 15.02 The President of the Union may, on the President's own initiative or on the recommendation of the Provincial Executive, establish committees to facilitate the transaction of Union business, subject to the approval of the Provincial Executive.
- 15.03 The Executive Committee shall appoint members from among the members of the Union to committees established under Article 15.02 and to all Standing Committees, and in each case the Chair shall be a member of the Provincial Executive. All names submitted, by individuals or by components, shall be considered for appointment to committees, based on knowledge and merit of the individual. Committee members shall be appointed in as much as possible to ensure fair representation by both Local and geography.
- 15.04 All Committees so established shall have the power to constitute Sub-Committees from among their members and set their terms of reference and appoint and terminate the appointment of members of such Sub-Committees.

15.05 All Committees of the Union shall meet at such times and places as determined by their Chair and shall have such powers as are necessary to conduct their business.

15.06 The Chair of each committee shall:

- (a) report, in writing, to each Provincial Executive meeting;
- (b) report to the President on request;
- (c) provide a written report for Convention;
- (d) ensure that resolutions presented by the committee to the delegates at Convention are appropriately combined, amalgamated, redrafted and prioritized in written form.

15.07 The Union shall have the following Standing Committees. Each Standing Committee shall have no more than nine (9) members including the Chair. Each Standing Committee shall make recommendations to the Provincial Executive in accordance with their prescribed duties. Quorum for all Standing Committees shall be fifty percent plus one (50% + 1).

Each Union Committee shall review legislation and government policy, applicable to the terms of reference of the committee, affecting the Union and its members and make recommendations to the Provincial Executive.

(a) The Legislative Committee shall:

- i) advise on questions relating to this Constitution;
- ii) review from time to time the Constitution and the Policies of the Union and may recommend amendments thereto;
- iii) recommend policies with respect to affiliations with other organizations;
- iv) receive, process and refer resolutions to the appropriate committee prior to Convention;

- v) review from time to time the Constitutions of affiliate organizations and may recommend amendments;
- vi) review all legislation affecting the operation of the Union or its members; and
- vii) assist Components who wish to review the development and implementation of employer and Regulatory Board policies that affect the Union.

(b) The Membership Services Committee shall:

- i) promote the general welfare of the members of the Union not otherwise falling within the jurisdiction of any other Standing Committee of the Provincial Executive;
- ii) consider matters relating to the delivery of services to the membership and may make recommendations thereto;
- iii) promote the training of Union members;
- iv) ensure that the membership is informed of Union affairs;
- v) make recommendations to the Provincial Executive regarding the publicizing of Union affairs and programs;
- vi) promote the training, development and coordination of Union Stewards of all components; and
- vii) implement policies and directives regarding Union Stewards.

(c) The Finance Committee shall:

- i) make recommendations for the proper administration of the finances of the Union;
- ii) ensure that a proper and complete record of the financial affairs of the Union is accurately maintained at all times;
- iii) ensure that expenditures are lawfully made;



- iv) recommend to the Provincial Executive the transfer of budget allocations;
- v) make recommendations to the Provincial Executive with respect to the funding of components;
- vi) ensure monthly financial statements are provided at each Provincial Executive meeting;
- vii) accept applications for grants in aid and recommend approval or denial of such applications to the Provincial Executive;
- viii) make recommendations to the Provincial Executive and to the Executive Secretary-Treasurer in respect of methods of financing and investment of the Union's funds;
- ix) review budgets of components, and where required by this Constitution, approve, amend, or reject those budgets, and where appropriate, make recommendations to a component concerning its budget;
- x) review the proposed annual budget of the Union as presented by the Executive Secretary-Treasurer and may amend or modify that budget;
- xi) present, through its Chair, a proposed annual budget for the Union to the Provincial Executive;
- xii) present the proposed annual budget for the Union, as approved by the Provincial Executive, to Convention; and
- xiii) review major expenditures which are not provided for in the annual budget approved by Convention, or do not pertain to current negotiations.

(d) The Committee on Political Action shall:

- i) review the social and political practices and interests of the Union and promote the education and social action of the members as

- they relate to the interests of the Union on matters of political concern;
- ii) promote the union related political education of the membership;
  - iii) encourage and promote the social action and political participation of members in order to further the interests of the Union;
  - iv) act on behalf of members in matters of concern to them relating to the political process;
  - v) recommend priorities from time to time for the Union's activities in the area of political education; and
  - vi) shall actively pursue election reform to achieve a fair system of proportional representation for Alberta voters.
- (e) The Occupational Health and Safety Committee shall:
- i) review the practices and procedures relating to the Occupational Health and Safety of the members of the Union;
  - ii) promote the Occupational Health and Safety education of the union members;
  - iii) ensure that the membership is informed of all relevant information on Occupational Health and Safety;
  - iv) promote any policy on Occupational Health and Safety as adopted by Convention;
  - v) review and spearhead occupational health and safety legislation and regulations and lobby for positive change;
  - vi) draft policies, briefs and other presentations on issues of concern;
  - vii) initiate action and participate in meetings, conferences, conventions and education courses on issues of concern relating to

Occupational Health and Safety and co-ordinate these with other committees and organizations;

- viii) regularly communicate with each Local's elected Occupational Health and Safety liaison; and
- ix) develop and maintain AUPE policies that govern the appointment and/or election of members to work site Occupational Health and Safety committees.

(f) The Anti-Privatization Committee shall:

- i) promote the education of the members and public as it relates to matters of privatization and contracting out;
- ii) lobby all levels of government with respect to privatization and contracting out of services;
- iii) coordinate with all other public service unions and federations;
- iv) report regularly to the Provincial Executive;
- v) establish a data base, in coordination with other unions, of all efforts at privatization and contracting out and the results of these efforts;
- vi) draft presentations to be made by the President, or the President's designate, regarding matters of this Committee; and
- vii) promote the Policy Paper on Privatization and Contracting Out of Services as adopted by Convention.

(g) The Women's Committee shall:

- i) educate and promote awareness to the members and the public on equality, discrimination, current and related issues especially as they relate to women;
- ii) encourage and support involvement of Women in Union activities, events and educational;

- iii) promote involvement and support by AUPE members-at-large and communities of women's issues;
  - iv) co-operate with, liaise with, and lobby other organizations and various levels of government addressing women's issues;
  - v) prepare and present policies, briefs and information on issues of concern;
  - vi) initiate action and participate in meetings, conferences, conventions and educational courses on issues of concern to women and co-ordinate these with other committees and organizations; and
  - vii) establish a resource base on women's issues including but not limited to, discrimination and equality.
- (h) The Pension Committee shall:
- i) promote the education of the members and public as it relates to pension issues;
  - ii) lobby all levels of government and the respective Pension Boards regarding pension issues of concern to members;
  - iii) coordinate with all other public service unions and federations;
  - iv) report regularly to Provincial Executive;
  - v) liaise with and monitor the activities of the Public Service Pension Board, Local Authorities Pension Board and private pension boards (in accordance with the various pension plans negotiated by components of the Union);
  - vi) review pension legislation and regulations and spearhead any lobby for positive change;
  - vii) draft policies, briefs and other presentations on issues of concern;

- viii) initiate action and participate in meetings, conferences, conventions and education courses on issues of concern related to pensions and coordinate these with other committees and organizations;
  - ix) establish a resource base on issues of pensions to identify, examine, analyze and exchange information with other groups;
  - x) include, in addition to the members appointed by the Executive Committee, the three AUPE members appointed to the Public Service Pension Board (PSPB) and any AUPE members appointed to the Local Authorities Pension Board (LAPB) as ex-officio (non-voting) members.
- (i) The Pay and Social Equity Committee shall:
- i) Educate - to educate members of the Alberta Union of Provincial Employees (AUPE), and the public on the issues related to pay equity and social reform;
  - ii) Lobby - all levels of government, other unions and the public for legislation addressing pay equity and social reform;
  - iii) Information - establish and maintain a database of current information and legislation related to pay equity and social reform;
  - iv) Action - prepare and present policies, briefs and information on pay equity and social reform issues as required;
  - v) Research - pay and social equity issues within AUPE in relation to classifications, gender and systemic discrimination; recruitment and retention strategies; and
  - vi) Research – utilize research initiatives to compare rates of pay and classifications within the public and private sectors.
- (j) The Young Activists Committee shall:

- i) establish ongoing connections with AUPE members 30 years and younger to determine their needs, issues, concerns as younger workers and as AUPE members;
  - ii) establish a network of AUPE's younger members to share common issues, interests, and concerns as younger workers, and to provide a forum to raise their issues and concerns;
  - iii) engage and encourage younger members' participation in AUPE, their worksites and their communities;
  - iv) bring forward issues of concern for younger members to the Provincial Executive and Convention;
  - v) present appropriate resolutions at Convention;
  - vi) to educate younger members on youth movements in the community and to establish links with youth movements which share the same goals and objectives as AUPE;
  - vii) keep younger members informed of the issues affecting AUPE through articles in "Direct Impact" and through a Young Activist Committee web-page; and
  - viii) establish a network of elected Local contacts to develop a line of communication between the Young Activists Committee and the membership.
- (k) The Human Rights Committee shall:
- i) educate and promote awareness to the members and the public on equality, discrimination, current and related issues, especially as they relate to human rights issues;
  - ii) encourage and support involvement of members affected by human rights issues in Union activities, events and educational activities;

- iii) promote involvement and support by AUPE members-at-large and communities affected by human rights issues;
- iv) initiate action and participate in meetings, conferences, conventions and educational events on issues of concern related to human rights issues and coordinate these activities with other committees and organizations;
- v) lobby all levels of government and respectively human rights committees/commissions regarding human rights issues of concern to members;
- vi) coordinate with all other public service unions and federations;
- vii) review human rights legislation and regulations and promote and lobby for positive change;
- viii) draft policies, briefs and other presentations on issues of human rights concern;
- ix) report regularly to Provincial Executive and Convention; and
- x) establish a resource base on human rights issues to identify, analyze and exchange information with other groups.

(l) The Environmental Committee shall:

- i) develop a program to respond to environmental issues affecting AUPE members and the Public;
- ii) promote the education of the members and Public as it relates to matters of environmental issues affecting Albertans;
- iii) lobby all levels of Government with respect to ensuring the government respects and responds to AUPE's environmental concerns;
- iv) co-ordinate with all other coalition groups such as other public service unions and environmental groups;

- v) draft presentations to be made by the President or the President's designate regarding matters of the Committee; and
- vi) regularly report to the Provincial Executive.

15.08 The Standing Committees of the Union shall be Convention Committees. Members of Standing Committees who are not elected delegates to Convention, or who do not attend Convention by right, shall be given Observer status. Committees established pursuant to Article 15.02 may be requested to report in person to Convention.



## SECTION VI - BARGAINING

### ARTICLE 16 - UNION BARGAINING

#### SECTORS

- 16.01 (1) The President shall assign each Bargaining Unit to a Sector.
- (2) For the purposes of this Article, a Bargaining Unit shall be a group of members covered by a bargaining certificate, or groups of members covered by more than one bargaining certificate, who are bargaining together.
- 16.02 As required, a bargaining conference for the Sector shall be held to:
- (a) co-ordinate, develop and recommend bargaining policy for the bargaining units represented; and
- (b) review the progress of bargaining within the group represented.

#### GOVERNMENT SERVICES:

- 16.03 (a) For the purposes of this Article, each Government Services Occupational Group shall be considered a Bargaining Unit. This sector shall be known as the Government Services.
- (b) The Government Services Negotiating Team shall:
- i) be comprised of not less than one member for each bargaining unit which bargains on behalf of the members of the Government Services, in addition to the Negotiator appointed by the President;
- ii) formulate Government Services collective bargaining policy for Master Agreement negotiations and bargain collectively on behalf of the Union when representing employees of the Crown in Right of Alberta;
- iii) advise on the formation of Government Services bargaining policy and co-ordinate the collective bargaining activities of Locals with respect to Master Agreement negotiations, and may liaise with other Locals with respect to collective bargaining;

- iv) elect from amongst its members a Vice-Chair;
- v) each member of the Government Services Negotiating Team shall report regularly to their members through the Negotiating Team from which they are elected.

16.04 The President shall appoint a Negotiator to act as the coordinator and spokesperson of the Government Services Negotiating Team.

16.05 The Government Services Negotiating Team shall negotiate for amendments to improve the Master Agreement and will be allowed the opportunity to attach its recommendations to any proposed settlement on the Master Agreement prior to sending the proposed Agreement to the membership for a ratification vote.

## **GENERAL**

16.06 The President shall sign and execute all Agreements on behalf of the Union, only following ratification by the members of the bargaining unit affected.

16.07 (a) In every case, settlements or Collective Agreements shall be negotiated by Negotiating Teams established under this Constitution comprised of members of the bargaining unit affected by the settlement or Collective Agreement and a negotiator/spokesperson appointed by the President.

(b) No settlement or Collective Agreement shall bind the Union unless it has been ratified by the membership of the bargaining unit or unless it has been imposed by law. In every case of ratification only the members affected by the collective agreement being ratified will be entitled to vote. Ratification will be by means of a majority of members voting.

(c) No settlement or Tentative Agreement shall be put to the membership without prior authorization of the Negotiating Team.

(d) Ratification of settlements and Collective Agreements shall be done in accordance with policy approved by Convention or the Provincial Executive.

- (e) Each Negotiating Team shall report progress and settlement of their collective agreement to the Coordinating Committee to which they belong, through their member on the Committee.

16.08 A Negotiating Team shall be elected for each bargaining unit, for whom the Union bargains, to set bargaining proposals, and bargain collectively on behalf of the members of the bargaining unit from which they were elected. A new Negotiating Team shall be elected, wherever possible, at least three (3) months prior to the expiry date of the contract to be negotiated. The size and composition of the Negotiating Team, where not determined by this Constitution, shall be determined by Provincial Executive Policy.

- (a) Where the members of a bargaining unit are assigned to one Chapter the Negotiating Team shall be elected by and from the members of the bargaining unit, at a meeting of those members called for that purpose by the Chapter Chair. This meeting will also receive input for bargaining and formulate recommendations with respect to collective bargaining policy for the guidance of the Negotiating Team.
- (b) Where the members of a bargaining unit are all assigned to a Local without Chapters, the Local shall elect the Negotiating Team by and from the members of the bargaining unit, at a meeting of those members called for that purpose by the Local Chair. This meeting will also receive input for bargaining, create a communication plan for the round of bargaining and formulate recommendations with respect to collective bargaining policy for the guidance of the Negotiating Team.
- (c) Where the members of a bargaining unit are assigned to one Local but are assigned to more than one Chapter in the Local, the Negotiating Team shall be elected by and from the members of the bargaining unit who sit on the Local Council. The meeting at which the Negotiating Team is elected will also receive input for bargaining, create a communication plan for the round of bargaining and formulate recommendations with respect to collective bargaining policy for the guidance of the Negotiating Team.

- (d) Where the members of more than one bargaining unit are assigned to one Local but are assigned to more than one Chapter in the Local, the Negotiating Team members shall be elected by and from the members of each Chapter.

The meeting at which the Negotiating Team member(s) are elected shall be called by the Chapter Chair. The Negotiating Team shall consist of a minimum of one representative from each chapter. This meeting at which the Negotiating Team member(s) are elected will also receive input for bargaining, create a communication plan for the round of bargaining, and formulate recommendations with respect to collective bargaining policy for the guidance of the Negotiating Team.

- (e) Where the members of more than one bargaining unit are assigned to one Chapter the Negotiating Team shall be elected by and from those members of those bargaining units at a meeting called for that purpose by the Chapter Chair. This meeting will also receive input for bargaining and formulate recommendations with respect to collective bargaining policy for the guidance of the Negotiating Team.

16.09 Each Negotiating Team will be responsible for reporting the progress of bargaining to the membership who elected them through the bargaining unit communication plan where applicable.

16.10 Each Negotiating Team may recommend acceptance or rejection of a proposed collective agreement, and where elected by a Local Council, shall report on the details of any proposed settlement to that Council so as to allow the Council to attach their recommendation to the proposed settlement prior to ratification.

## **SECTION VII - ADMINISTRATION**

### **ARTICLE 17 - COMPONENTS**

- 17.01 The Union shall have the following components:
- (a) Locals;
  - (b) Chapters of Locals; and
  - (c) Area Councils.
- 17.02 Components established under this Constitution shall be governed by the provisions of this Constitution.
- 17.03 Locals and Chapters shall be established so as to facilitate the collective bargaining and contract administration of the Union and shall as far as may appear expedient be so established as to reflect the employee units for which the Union bargains, has bargaining rights or seeks to bargain.
- 17.04 Where, by reason of any labour legislation or any Labour Board policy it is necessary for a Local to hold the certification or bargaining rights for employees in a bargaining unit the Local shall have as full and complete an authority as the Union to apply for, receive and exercise such collective bargaining rights, but nothing herein requires that such application be made on behalf of a Local or precludes such applications being made on behalf of the Union.
- 17.05 Locals and Chapters shall have a communication plan in place to facilitate negotiations; contract support; and general union information and shall use the Worksite Contact(s) to receive and disseminate necessary communication.

### **ARTICLE 18 - COMPONENT OFFICERS**

- 18.01 No member shall hold an elected component position concurrently in more than one Local. Also, no member shall hold an elected component position concurrently in more than one Chapter.

18.02 Executive Board

When a component elects any of the following Officers their duties in such Office will include the following:

(a) Chair

- i) The Chair shall exercise supervision over the affairs of the component and shall sign all official correspondence. The Chair shall preside at all meetings and may assign specific duties to the Vice-Chair. The Chair shall call meetings of the component Executive at least three (3) times a year and shall call meetings of the component as specified.
- ii) If any question arises as to the interpretation of the Constitution as it relates to the affairs of the component, the Chair shall give an interpretation which shall be final and binding on all affected parties unless and until reversed by the appropriate authority.
- iii) Any member of a component may appeal an interpretation of the Chair:
  - a. in the case of Chapters, to the Local Council, who shall make a decision at its next meeting;
  - b. in the case of Locals and Area Councils to the President, who shall render a decision within ten (10) days of receipt of the appeal;
  - c. such decision shall be binding subject to the provisions of this Constitution.
- iv) The Chair shall be a worksite contact.

(b) Vice-Chair

The Vice-Chair shall assist the Chair in the execution of their duties and may act on their behalf when so authorized and shall discharge the responsibilities assigned. The Vice-Chair shall be a worksite contact.

(c) Secretary

- i) The Secretary shall be the Administrative Officer of the component.
- ii) The Secretary shall have charge of and conduct routine correspondence on behalf of the component, and shall ensure that accurate minutes are kept of all meetings of the Council and Executive. The Secretary shall have custody of all books, minutes and records, and shall notify the Union Headquarters within seven (7) days of becoming aware of any changes in the names and addresses of any member of the component Council.
- iii) The Secretary shall be a worksite contact.

(d) Treasurer

- i) The Treasurer shall be the Financial Officer of the component and shall chair the Finance Sub-Committee.
- ii) The Treasurer shall have custody of all financial and accounting documents and shall be responsible for all accounting and financial records of the component.
- iii) The Local Treasurer shall prepare and present to each Council meeting a current financial statement.
- iv) The Treasurer shall prepare and have audited an annual financial statement of the affairs of the component.
- v) The Treasurer shall prepare an annual budget for presentation to the component.
- vi) The Treasurer shall be a worksite contact.

(e) Secretary-Treasurer

Any component at its Annual General Meeting, by a majority vote, may combine the Offices of Secretary and Treasurer. The Secretary-Treasurer

shall perform all the duties otherwise assigned to the Secretary and the Treasurer, but shall not be entitled to cast two votes.

(f) Local Council Representatives (Chapters)

Local Council Representatives shall:

- i) represent the interests of the members of their Chapter at the Local Council;
- ii) attend the meetings of the Local Council;
- iii) report on the functioning of Local Council to the meetings of the Chapter and in writing to the Annual General Meeting of the Chapter; and
- iv) be worksite contacts.

(g) Provincial Executive Member (Locals)

Provincial Executive members shall:

- i) attend the meetings of the Provincial Executive of the Union;
- ii) report in writing at least once a year, to the President and Provincial Executive, the concerns of their Local;
- iii) report in writing at least three (3) times yearly to the members of the Local Council on the execution of their duties;
- iv) attend the Union Convention as a delegate as of right;
- v) represent the interests of all members of the Union;
- vi) present the concerns of their Local to the Provincial Executive; and
- vii) be worksite contacts.



### 18.03 Other Component Positions

When a component has any of the following positions, their duties will include the following:

(a) Chief Steward

- i) The Chief Steward shall act as the coordinator of Steward activities and shall maintain active liaison with the Headquarters of the Union.
- ii) The Chief Steward shall be elected by and from the appointed Union Stewards of that component, and shall serve a two-year term. Elections shall be held in the same election year as that of the President of the Union.

(b) Alternate Provincial Executive Member

Alternate Provincial Executive members, in the absence of the Provincial Executive member, shall:

- i) attend the meetings of the Provincial Executive and the Convention of the Union with voice and vote;
- ii) attend Local Council meetings with voice and vote and shall fulfill the office of the Provincial Executive member in that instance; and
- iii) in the event that the Provincial Executive Representative and Alternate are unable to attend a Provincial Executive meeting, a member of the Local Executive with notification to the President, can attend with both voice and vote.

(c) Local Occupational Health and Safety Liaison

- i) will chair the meetings of the Local Occupational Health and Safety sub-committee, if such exists;
- ii) report in writing at least once per year to the Occupational Health and Safety Standing Committee, the health and safety concerns of the Local;

- iii) report in writing at least three (3) times yearly to the members of the Local Council on the execution of their duties;
- iv) represent the interest of all members of the Union; and
- v) be a worksite contact.

(d) Union Stewards

- i) The Union Steward shall be the official representative of the Union at the worksite.
- ii) The Union Steward shall on request, represent members in disciplinary matters or refer them to another Union Steward or a Union Representative.
- iii) The Union Steward shall maintain all grievance files at the Steward place of residence, and on ceasing to be a Steward shall forward all files to the Executive Secretary-Treasurer.
- iv) The Union Steward shall surrender such files as may be requested by the President of the Union.
- v) Union Stewards shall be worksite contacts.

(e) Worksite Contact

Worksite Contacts shall:

- i) receive information from AUPE or its components for dissemination at the worksites(s);
- ii) provide member feedback to AUPE and/or its components; and
- iii) perform similar tasks as required.

**ARTICLE 19 – TRUSTEESHIP**

Trusteeship is a measure of last resort and will not be undertaken unless deemed by the Union's Executive Committee to be the only reasonable remedy available.

- 19.01           (a)     Where a component
- (i)     has failed to elect an Executive Board to administer its affairs, or
  - (ii)    Executive Board is conducting the affairs of the component with financial impropriety, or
  - (iii)   Executive Board is conducting the affairs of a component in a manner detrimental to the interests of the Union, or
  - (iv)    Executive Board is conducting the affairs of the component in an otherwise improper manner,

the Union's Executive Committee may, subject to Article 19.02, appoint a Trustee who shall take charge of, control and administer the component until such time as the Union's Executive Committee determines that the Trusteeship is no longer necessary.

- (b)     The Trustee will be
- (i)     a lawyer, or
  - (ii)    a chartered accountant, certified management accountant, or certified general accountant as governed by the Regulated Accounting Profession Act; or
  - (iii)   another individual who is considered by the AUPE Executive Committee to be qualified to serve as Trustee.
- (c)     All correspondence regarding the Trusteeship will be copied to the Local if the component being placed into Trusteeship is a Chapter.

- 19.02           In any Trusteeship, the Union's Executive Committee will notify the Executive Board of the component in writing. This notice will be copied to the Executive

Boards of all Chapters in the Local if the component being placed into Trusteeship is a Local.

- a) The notice will include
  - i) the motion approved by the Union's Executive Committee to place the component into Trusteeship;
  - ii) clear and specific detail of the reason(s) for Trusteeship;
  - iii) a statement that a letter will be forwarded to the component's financial institution notifying that agency of the Trusteeship and providing the name of the Trustee. This letter will be copied to the Executive Board of the component;
  - iv) the name, professional designation, business address including postal code, and business phone number of the Trustee.
- b) For reasons noted in 19.01 (a) (i) and (ii), a Trustee may be appointed without prior written notice to the component.
- c) For reasons noted in 19.01 (a) (iii) and (iv), the Union's Executive Committee shall, prior to appointing a Trustee:
  - i) include in the written notice of Trusteeship, notice of the requirement of a meeting to be held between the Union's Executive Committee and the Executive Board of the component;
  - ii) arrange for a meeting to be held within 14 days of notice at a mutually convenient time and place. If the Executive Board of the component refuses or fails to meet with the Union's Executive Committee at the designated time and place, the Union's Executive Committee may proceed with appointment of a Trustee.

19.03 Any component can appeal in writing to the Provincial Executive.

Where the component does appeal to the Provincial Executive, the Union's Executive Committee retains the right to release the component from Trusteeship immediately upon confirmation that reasons for Trusteeship have been satisfied. If the Union's Executive Committee does release the component from

Trusteeship before the appeal is heard by the Provincial Executive, Provincial Executive members will be notified in writing within 7 days of the decision to release.

The component retains the right to make presentation to the Provincial Executive regarding the handling of the Trusteeship whether or not the Union's Executive Committee has released the component from Trusteeship.

After hearing an appeal, the Provincial Executive has the responsibility to direct the Union's Executive Committee to release the component from Trusteeship if the Provincial Executive deems that the reasons for Trusteeship have been satisfied.

19.04 Where a Trustee has been appointed under this Article, the Trusteeship shall be reviewed by the Provincial Executive not less than once every six (6) months. When the Trusteeship is reviewed by the Provincial Executive the Union's Executive Committee shall not vote. The component under Trusteeship shall be entitled to address the Provincial Executive on the matter at any meeting of review.

19.05 A letter only authenticated by the original signature of either the President or Executive Secretary-Treasurer on behalf of the Union's Executive Committee appointing a Trustee for a component shall be sufficient proof of the Trustee's appointment.

Any member or Officer affected by the Trusteeship shall cooperate with the Trustee. When requested in writing by the Trustee the Executive Board of the component will turn over all papers, records, funds and property in their possession or under their control, to the Trustee.

19.06 A letter only authenticated by the original signature of either the President or Executive Secretary-Treasurer on behalf of the Union's Executive Committee appointing a Trustee for a component shall be sufficient authority for any Bank, Trust Company, Credit Union or other financial institution to allow the Trustee to take control of Union funds and accounts and to change signing authorities in such manner as the Trustee sees fit.

- 19.07 Immediately upon release of a component from Trusteeship by the Union's Executive Committee, letters of notification will be sent to the component and the component's financial institution. The letters will be copied to the Local if the component is a Chapter, or to all Chapters if the component is a Local.
- The letters will only be authenticated by the original signature of either the President or Executive Secretary-Treasurer on behalf of the Union's Executive Committee.
- 19.08 The Union's Executive Committee shall reinstate the Executive Board of the component at the same time it releases the component from Trusteeship. All Executive Board members including Officer positions of the component will be reinstated except where an individual is no longer eligible to hold that position.
- 19.09 Expenses for any Trusteeship will be covered under the budget of the Union's Executive Committee.

#### **ARTICLE 20 - ADMINISTRATION OF COMPONENTS**

- 20.01 Components shall be known by the number and if appropriate, the name assigned to them by the Executive Committee.
- 20.02 Only persons who are members in good standing of the Union assigned to a component may serve as Officers of that component and must maintain membership in good standing as a condition of holding Office.
- Persons who are unable to attend an electing meeting and who wish to let their names stand for Office must:
- (a) provide a letter indicating for which Office or Offices they wish to run,
  - (b) be nominated at the electing meeting for that Office(s).
- 20.03 The term of Office of Officers of a component shall be two (2) years except in the case of the first Executive. The elected Officers shall assume the duties of their Office immediately following the meeting at which they are elected. Elections shall be held in the same election year as that of the President of the Union.

- 20.04 If a vacancy occurs in an Office of a component, the component shall elect, from amongst the component members, a member to fill the vacant Office for the balance of the term, or where the Officer creating the vacancy was elected by other than the component, until the next meeting at which the vacancy can be filled for the balance of the term by a membership election.
- 20.05 The Chief Steward shall for the purposes of Executive Board meetings be an ex-officio member of the Executive Board and shall have voice but no vote.
- 20.06 Any member of the Executive Board of a component who fails to attend three (3) consecutive meetings of the component without just cause shall be deemed to have resigned.
- 20.07 Any Council Representative of a component who fails to attend three (3) consecutive meetings of the Local Council without just cause shall be deemed to have resigned.
- 20.08 Outgoing Council Representatives who are Local Committee Chairs or members of the Executive Board shall hold their positions until immediately following the Annual General Meeting of the Local, and will have voice, but no vote.
- 20.09 (a) Any component may recommend to the Provincial Executive that Life membership be conferred on a retired or former member and may also recommend to the Provincial Executive that Honorary membership be conferred on any person for distinguished service to the Union or the labour movement.
- (b) A Local may confer on a retired or former member of that Local, Local Life Membership, and may confer at Local expense such rights and privileges as the Local may deem appropriate.
- 20.10 The fiscal year of the component shall be the same as that of the Union.
- 20.11 The annual budget of a Local, as adopted at its annual meeting, shall be promptly forwarded to the Executive Secretary-Treasurer.
- 20.12 All funds of the components shall be disbursed by cheque or other bill of exchange drawn on the account of the component maintained by the Treasurer and shall be signed by the Treasurer of the component and one other member of

the Executive Board designated by the Executive Board. A third member of the Executive Board may be designated signing authority in the absence of the Treasurer.

- 20.13 Funds and property of the Union under the control of any component remain the funds and property of the Union. The Officers of the component shall be accountable for all such funds and property if the component is merged, amalgamated, dissolved or divided.
- 20.14 Components may formulate Policies for the guidance of the members of the Component and for the governance and financial administration of the Component. Component Policies must conform to the minimum standards established in AUPE Policies and Procedures.
- 20.15 A Local may recommend to the Executive Committee the establishment, merger, amalgamation, dissolution or division of Chapters on the basis that its members in an area have a community of interest, whether as a result of their membership in the Local, or on the basis of the members having common or similar occupational, professional, trade or other qualifications. Chapters shall be comprised of normally not less than twenty (20) members of a Local. The Executive Committee may establish such Chapters which, upon their being established, become component parts of a Local.
- 20.16 Should a component's growth in membership warrant them to additional representation, the component may recommend to the Executive Committee, and upon approval, elect additional representation at their next Annual General Meeting. Special consideration will be given to newly organized groups of members.
- 20.17 The Secretary, or Secretary-Treasurer, of the component shall notify the Union within seven (7) days of the election of the names and addresses of those Officers elected.
- 20.18 Notice of component meetings shall be given to all members in such a manner as the Executive Board of the component deems adequate; and without limiting the generality of the foregoing, may be by mail, bulletin posted on the job site, public announcement or advertisement, or telephone. No meeting shall be held invalid as a result of failure of a member(s) to receive actual notice of any meeting.



**ARTICLE 21 - LOCALS WITHOUT CHAPTERS**

- 21.01 Locals without Chapters shall hold Local membership and/or council meetings at least three (3) times per year, and one (1) such meeting in each year shall be the Annual General Meeting of the Local membership.
- 21.02 The Chair shall, not later than the 31st day of May in each year, convene an Annual General Meeting of the Local.
- 21.03 The Annual General Meeting of the Local:
- (a) shall receive the written reports of the Local Officers;
  - (b) shall receive the proposed budget for the following year, and may amend such budget, but shall adopt a budget;
  - (c) shall elect a Finance Sub-Committee from amongst its members;
  - (d)
    - i) shall elect delegates to the Union Convention;
    - ii) shall elect and rank alternates to the Union Convention in order of priority;
  - (e) may conduct such other business as is necessary for the good order and welfare of the Local;
  - (f) shall, in an election year, elect the Local Executive Board consisting of the Chair, Vice-Chair, Secretary, Treasurer or Secretary-Treasurer and Provincial Executive member. All Executive Board members shall be elected by a majority vote (50% plus 1) of the Local's members present and voting at the election Annual General Meeting. The Executive Board is empowered to nominate Union Stewards for assessment, training and appointment by the Alberta Union of Provincial Employees between annual general meetings of the Local. All members of the Executive Board shall be deemed to be nominated stewards. The Executive Board shall meet from time to time at the call of the Chair;
  - (g) shall accept nominations for the Local Executive Board and, when necessary and feasible, the meeting shall be recessed to allow a full day

(twenty-four (24) consecutive hours) of supervised balloting. The meeting shall be reconvened following the closure of balloting and the results announced;

- (h) shall, in an election year, elect one voting alternate to the Provincial Executive to fulfill the duties of the Provincial Executive member in that member's absence, but such alternate shall be ineligible to hold elected Provincial Executive positions;
- (i) shall in an election year, elect a Local Occupational Health and Safety Liaison;
- (j) shall in an election year, elect Local Council representatives on the basis of one (1) Council Representative for the first one hundred (100) or less members and one (1) additional Council Representative for each additional one hundred (100) members or portion thereof, based on the monthly average of Headquarters records as of the preceding year ending October 31st. This shall be over and above elected Executive positions;
- (k) shall nominate Union Stewards for assessment, training and appointment by the Alberta Union of Provincial Employees as it deems necessary;
- (l) shall appoint or otherwise establish Worksite Contact(s) in a manner to ensure that all component worksite(s) receive and disseminate information so that the unions and component(s) communication needs are met. Components shall be encouraged to liaise with other components in the same worksite/geographic area, so that all members' worksite/building/geographic area are covered by the union's and component(s) communication plan(s);
- (m) may, subject to their criteria, grant Local Life membership;
- (n) may, on behalf of their members, join District Labour Councils or Labour Coordinating Committees, where available; and
- (o) that all members of the Alberta Union of Provincial Employees shall automatically be affiliated with the designated Area Council.

- 21.04 Notwithstanding Article 21.03, a Local may, with the approval of the Union's Executive Committee, make alternate arrangements to conduct its business.
- 21.05 Quorum for all meetings of the Local shall be three (3) members or five (5%) per cent, whichever is greater, except for components with more than five hundred (500) members, where twenty-five (25) members shall constitute a quorum. In the event that a quorum is not in attendance at a meeting, the meeting shall be deemed to be adjourned for at least seven (7) days to any time or place. Five (5) days notice of such adjourned meeting and the business to be transacted shall be given to the members by the Secretary. Once the time and notice requirements are met, the reconvened meeting shall be competent to transact business even though there may be no quorum providing a minimum of three (3) members are present.
- 21.06 The Local Council shall consist of the members of the Local Executive and such Council Representatives as are elected at the Local's annual general meeting. The Local Council shall meet from time to time on the call of the Chair to consider matters of general importance.
- 21.07 (a) There may be established such committees as are deemed necessary by either a Local Council meeting, a Local Executive Board meeting, or a general meeting of the Local. The terms of reference of such committees shall be established by the convening meeting.
- (b) There will be established a Local Occupational Health and Safety committee either in a Local Council meeting, a Local Executive board meeting, or a general meeting of the Local. The terms of reference of this committee shall be established by the convening meeting.
- 21.08 A quorum for meetings of Local Committees, Local Council and the Executive Board shall be fifty percent plus one (50% + 1) of its members.
- 21.09 The Local Council shall exercise executive and administrative control over the affairs of the Local.
- 21.10 The Local Council may propose and adopt resolutions or amendments to the Constitution for consideration by the Convention of the Union.

- 21.11 Where neither the Provincial Executive Committee member nor the Alternate Provincial Executive Committee member are able to attend a Provincial Executive Committee meeting, the Local Executive Board may with notification to the President, designate an Alternate to attend the Provincial Executive Committee meeting only with full voice and vote.
- 21.12 The Local Chair shall be a Convention delegate as of right.

#### **ARTICLE 22 - LOCALS WITH CHAPTERS**

- 22.01 Locals with Chapters shall not be required to hold general membership meetings, and all business of the Local shall be transacted by the Local Council. Locals with Chapters may, where feasible, hold general membership information meetings, but such meetings shall not be competent to transact the business of the Local.
- 22.02 The Chair shall call meetings of the Local Council at least three (3) times a year, and one (1) such meeting shall be the Annual General Meeting of the Local Council. The Annual General Meeting of the Local shall be held not later than the 31st day of May.
- 22.03 The Annual General Meeting of the Local Council:
- (a) shall receive the written reports of the Local Officers;
  - (b) shall receive the proposed budget for the following year, and may amend such budget but shall adopt a budget;
  - (c) shall, in an election year, elect a Finance Sub-Committee from amongst its members;
  - (d) shall elect delegates to the Union Convention;
  - (e) may conduct such other business as is necessary for the good order and welfare of the Local;
  - (f) shall, in an election year, elect from the Local Council Representatives the Local Executive Board consisting of the Chair, Vice-Chair, Treasurer, Secretary, or Secretary-Treasurer and Provincial Executive member. All

Executive Board members shall be elected by a majority vote (50% plus 1) of the Local's members present and voting at the election Annual General Meeting of a Local Council. All members of the Executive Board shall be deemed to be nominated stewards. The Executive Board shall meet from time to time at the call of the Chair. The quorum for each meeting will be fifty percent plus one (50% + 1) of its members;

- (g) shall, in an election year, elect one voting alternate to the Provincial Executive to fulfill the duties of the Provincial Executive member in that member's absence, but such alternate shall be ineligible to hold elected Provincial Executive positions;
- (h) shall, in an election year, elect a Local Occupational Health and Safety Liaison; and
- (i) may, subject to their criteria, grant Local Life membership.

22.04 Notwithstanding Article 22.03, where the number of Council Representatives is less than five (5), then a request may be made to the Union's Executive Committee to allow additional members to be elected to the Council to ensure proper functioning of the Local.

22.05 Notwithstanding Article 22.03, a Local may, with the approval of the Union's Executive Committee, make alternate arrangements to conduct its business.

22.06 Quorum for Council meetings shall be fifty percent plus one (50% +1) of the members of Council. In the event that a quorum is not in attendance at a meeting, the meeting shall be deemed to be adjourned for at least seven (7) days to any time or place. Five (5) days notice of such adjourned meeting and the business to be transacted shall be given to the members by the Secretary. Once the time and notice requirements are met, the reconvened meeting shall be competent to transact business even though there may be no quorum present.

22.07 (a) There may be established such committees as are deemed necessary by either a Local Council Meeting or a Local Executive Board Meeting. The terms of reference of such committees shall be established by the convening meeting.

- (b) There will be established a Local Occupational Health and Safety committee either in a Local Council meeting, a Local Executive board meeting, or a general meeting of the Local. The terms of reference of this committee shall be established by the convening meeting.
- 22.08 The quorum for meetings of Local Committees shall be fifty percent plus one (50% + 1) of its members.
- 22.09 The Local Council shall exercise executive and administrative control over the affairs of the Local.
- 22.10 The Local Council may propose and adopt resolutions or amendments to the Constitution for consideration by the Convention of the Union.
- 22.11 The Chair may call meetings of the Local Executive Board prior to each Local Council Meeting, and from time to time as deemed necessary by the Chair or a majority of the Executive Board.
- 22.12 Where neither the Provincial Executive Committee member nor the Alternate Provincial Executive Committee member are able to attend a Provincial Executive Committee meeting, the Local Executive Board may with notification to the President, designate an Alternate to attend that Provincial Executive Committee meeting only with full voice and vote.
- 22.13 The Local Chair shall be a Convention delegate as of right.

### **ARTICLE 23 – CHAPTERS**

- 23.01 When Chapters have been established, every member of the Local shall be assigned by the Executive Committee to a Chapter.
- 23.02 The functions of a Chapter are:
- (a) to make recommendations with respect to collective bargaining policy to the Local Council;
  - (b) to administer the Collective Agreement;
  - (c) to provide for the educational and general welfare of its members;

- (d) to implement at an area level, Union programs and objectives; and
  - (e) to welcome and provide orientation for new members to the Union.
- 23.03 There shall be an Executive Board consisting of a Chair, Vice-Chair, Secretary, Treasurer or Secretary-Treasurer and the Representatives to the Local Council.
- 23.04 This Board shall act as the Executive body of the Chapter between general meetings of the members of the Chapter, and shall be responsible for the operation and management of the Chapter and the implementation of Union policy within the jurisdiction of the Chapter. This Board is empowered to nominate Union Stewards for assessment, training and appointment by the Alberta Union of Provincial Employees between annual general meetings of the Chapter.
- 23.05 The Executive Board shall meet from time to time at the call of the Chair and the quorum for all meetings shall be fifty percent plus one (50% + 1) of its members.
- 23.06 The Chair shall hold meetings of the Chapter at least three (3) times a year, and one (1) such meeting shall be the Annual General Meeting of the Chapter.
- 23.07 The Chair shall at the request of the Local Council Representative(s) call special meetings to hear reports on such matters as the Council Representative(s) deems necessary.
- 23.08 The Chapter may propose and adopt Resolutions or amendments to the Constitution for consideration by the Convention of the Union.
- 23.09 Notwithstanding 23.11 the Chair shall, not later than the 30th of April in each year, convene an Annual General Meeting of the members. Where a Chapter does not in an election year hold an Annual General Meeting before April 30th, or fails to elect an Executive at the Annual General Meeting, it ceases to have representation on the Local Council and nominees to Convention until it holds such a meeting and elect Officers.
- 23.10 The Annual General Meeting of the Chapter:
- (a) shall receive the written reports of the Chair, Vice-Chair, Secretary, Treasurer or Secretary-Treasurer, and Council Representative(s);

- (b) shall receive the proposed budget for the following year, and may amend such budget but shall adopt a budget and forward same to the Local Treasurer;
- (c) shall in an election year, elect a Chair, Vice-Chair, Secretary, Treasurer or Secretary-Treasurer, by a majority vote (50% plus 1) of the Chapter's members present and voting at the election Annual General Meeting;
- (d) shall accept nominations for elections and, when necessary and feasible, the meeting shall be recessed to allow a full day (twenty-four (24) consecutive hours) of supervised balloting. The meeting shall be reconvened following the closure of balloting and the results announced;
- (e) shall, in an election year, elect representatives based on the number of votes received, to the Council of the Local on the basis of one (1) Council Representative for the first one hundred (100) or less members and one (1) additional Council Representative for each additional one hundred (100) members or portion thereof, based on the monthly average of Headquarters records as of the preceding year ending October 31st;
- (f) shall elect and rank in order of priority voting Alternate Council Representatives, based on the number of votes received, to attend the Local Council Meeting in the event of the absence of the elected Council Representatives, but such alternates shall be ineligible to hold elected Council positions;
- (g) shall nominate for assessment, training and appointment by the Alberta Union of Provincial Employees such Union Stewards as it deems necessary;
- (h) shall appoint or otherwise establish Worksite Contact(s) in a manner to ensure that all component worksite(s) receive and disseminate information so that the unions and component(s) communication needs are met. Components shall be encouraged to liaise with other components in the same worksite/geographic area, so that all members' worksite/building/geographic area are covered by the union's and component's(s) communication plan(s);



- (i) shall nominate members, for election by Local Council, as delegates to Convention, and the following shall apply:
  - i) one (1) nominee for one hundred (100) or less members and one additional nominee for each additional one hundred (100) members or portion thereof;
  - ii) where possible, one or more alternates for each Convention delegate nominee;
  - iii) where practicable, delegate and alternate nominees are to be ranked in order of priority for election by the Local Council;
- (j) may, by resolution, affiliate with a Local Labour Council or Labour Coordinating Committee, where available;
- (k) may, by resolution, recommend to the Local Council that Life membership be conferred on a retired or former member or that Local Life membership be conferred in accordance with Local criteria;
- (l) may conduct such other business as necessary for the good order and welfare of the Chapter; and
- (m) may, if the Chapter is not a bargaining unit, formulate recommendations with respect to collective bargaining policy for transmission to the annual meeting of the Local Council.

23.11 Notwithstanding Article 23.10, a Chapter may, with the approval of the Union's Executive Committee, make alternate arrangements to conduct its business.

23.12 Quorum for all meetings of the Chapter shall be three (3) members or three (3%) percent, whichever is greater, except for components with more than five hundred (500) members where fifteen (15) members shall constitute a quorum. In the event that a quorum is not in attendance at a meeting, the meeting shall be deemed to be adjourned for at least seven (7) days to any other time or place. Five (5) days notice of such adjourned meeting and the business to be transacted shall be given to the members by the Secretary or Secretary-Treasurer. Once the time and notice requirements are met, the reconvened meeting shall be

competent to transact business even though there may no quorum providing a minimum of three (3) members are present.

23.13 The Chapter may establish such committees as are deemed necessary by either a general meeting or an Executive Board meeting. The terms of reference of such committees shall be established by the convening meeting.

23.14 Where a Local Council Rep is unable to attend a Council meeting and no other elected alternate is available, the Chapter Executive Board, may, with notification to the Chair of the Local, designate an Additional Council Rep to attend that meeting only with full voice and vote.

#### **ARTICLE 24 - AREA COUNCILS**

24.01 The objectives of an Area Council shall be to promote and provide for the social and general welfare of its membership.

24.02 Chapters, or in special cases members, in an area may apply to the Executive Committee to establish an Area Council. The Executive Committee may allow the establishment of such Council, and define the area within which the Council will operate. Any members who have been assigned to a Chapter or Local located outside their regular area of residence may, with the approval of their Executive Board, join the Area Council closest to their regular place of residence or employment. In the case of Locals without Chapters, the Local may affiliate with the appropriate Area Council.

24.03 Each Area Council shall be funded by an approved budget, allocated by Headquarters. The Area Council shall annually submit a budget to the Finance Committee for approval.

24.04 The Area Council shall hold an Annual General Meeting prior to May 31st each year.

24.05 The Area Council shall elect an Executive Board consisting of a Chair, Vice-Chair, Secretary, Treasurer or Secretary-Treasurer. The Executive Board members shall be elected by a majority vote (50% plus 1) of the Area Council's regular members present and voting at the election Annual General Meeting. The Executive Board shall meet from time to time at the call of the Chair; and the

quorum for such meetings shall be fifty percent plus one (50% + 1) of its members.

- 24.06 The Officers shall be elected for a term of two (2) years and such election shall take place in the same election year as that of the President. The elected Officers shall assume the duties of their Office immediately following the Annual General Meeting of the Area Council.
- 24.07 If the Office of a member of the Executive Board becomes vacant, the Area Council shall promptly elect, from amongst its regular members, one member to fill the Office until the next Annual General Meeting of the Area Council.
- 24.08 The Area Council may coordinate joint membership meetings in their area.
- 24.09 (a) The quorum of all meetings of Area Councils consisting of one thousand (1000) or more members shall be seven (7) regular members.
- (b) The quorum of all meetings of Area Councils consisting of nine hundred ninety-nine (999) or less members shall be three (3) regular members.

## **SECTION VIII - RELATIONSHIPS**

### **ARTICLE 25 - AMALGAMATION AND TRANSFER**

- 25.01 The Union may cease to exist as a result of a merger or amalgamation with or transfer of jurisdiction to another Union only by means of a resolution passed by a majority vote of not less than three-fourths (3/4) of delegates present and voting at Convention.
- 25.02 Where the Union assumes the membership and other rights or assets of another Union as a result of merger, amalgamation or transfer of jurisdiction to the Alberta Union of Provincial Employees, it may only do so by means of a resolution passed by a majority vote of the Provincial Executive.

### **ARTICLE 26 - AFFILIATION**

- 26.01 Any Local of AUPE may affiliate or disaffiliate with the Alberta Federation of Labour only upon a two-thirds (2/3's) majority vote of eligible members present and voting at the Annual General Meeting of the Local.
- 26.02 The Union may affiliate or disaffiliate with any other organized labour body only upon two-thirds (2/3's) majority of delegates present and voting at a Union Convention. Between Conventions, the Provincial Executive may, upon a two-thirds (2/3's) majority vote, affiliate with any organized labour body, subject to a two-thirds (2/3's) ratification vote at Convention.
- 26.03 Where delegates are sent to affiliate conventions or schools, they shall be elected at a general meeting or council meeting, as appropriate.

**SECTION IX - MISCELLANEOUS****ARTICLE 27 - THE MEMBERS' BENEFITS COMMITTEE**27.01 The Members' Benefits Committee

The Members' Benefits Benevolent Fund and the Members' Education Assistance Fund shall be administered by the Members' Benefits Committee.

- (a) The Members' Benefits Committee shall consist of the Chair, who shall be a member of the Provincial Executive, and six (6) committee members, who shall be members of the Union. The President shall appoint all members, including the Chair. Appointments to this committee shall recognize regional balance and the need to maintain continuity of the members for the ongoing development of the committee;
- (b) The Officers of the Union shall be ex-officio members of the Members' Benefits Committee;
- (c) The Members' Benefits Committee shall:
  - i) invest the Members' Benefits Benevolent Fund and the Members' Education Assistance Fund;
  - ii) ensure that a proper and complete record of each fund and all grants made by the Members' Benefits Committee is accurately maintained at all times;
  - iii) report to the Provincial Executive regularly, to the President on request, and to the Annual Convention;
  - iv) provide to the Annual Convention the annual audited financial statements of the Members' Benefits Benevolent Fund and the Members' Education Assistance Fund;
  - v) accept and decide upon applications for financial assistance in accordance with the stated purposes of the Members' Benefits Benevolent Fund and the Members' Education Assistance Fund;

- vi) make grants of financial assistance in accordance with those decisions; and
  - vii) consider and make recommendations with respect to such further and other matters relating generally to members' benefits as the President may direct.
- (d) The Members' Benefits Committee shall enact Bylaws for its administration, which Bylaws shall be approved by the Provincial Executive; and
- (e) Any applicant for financial assistance affected by any decision of the Members' Benefits Committee shall have the right to appeal according to Article 10.

## 27.02

The Members' Benefits Benevolent Fund

The purpose of the Members' Benefits Benevolent Fund shall be to make available from the income of the fund grants of financial assistance to members, retired members, their spouses/same-sex partners, and their dependent children under the age of 25 years, dependent handicapped adults and dependents of deceased members for a period of one year, following the death of the member, in circumstances of temporary or urgent need. With respect to the Members' Benefits Benevolent Fund:

- (a) No portion of the capital of the Members' Benefits Benevolent Fund shall be used for the purpose of making grants of financial assistance.
- (b) The surplus income, or any portion thereof, earned from the Members' Benefits Benevolent Fund, if any, after the distribution of grants and the payment of fees, charges and expenses incurred in the administration thereof, may be transferred to the Members' Education Assistance Fund in such amounts as the Members' Benefits Committee in its discretion may direct, subject always to direction from the Convention. The untransferred balance thereof shall be added to the capital of the Members' Benefits Benevolent Fund, at such times and from time to time as directed by the Members' Benefits Committee.

- (c) All reasonable fees, charges and expenses incurred in the administration of the Members' Benefits Benevolent Fund may be payable from the income of the fund, provided that all such fees, charges and expenses shall be approved by the Executive Secretary-Treasurer prior to payment.

27.03 The Members' Education Assistance Fund

The purpose of the Members' Education Assistance Fund shall be to make available grants of financial assistance to members, retired members, their spouses/same-sex partners and their dependent children under the age of 25 years, and spouses/same-sex partners and the dependent children under the age of 25 of deceased members, to enable them to attend post-secondary educational institutions. All reasonable fees, charges and expenses incurred in the administration of the Members' Education Assistance Fund may be payable from the fund provided that all such fees, charges and expenses shall be approved by the Executive Secretary-Treasurer prior to payment.

- (a) No portion of the capital of the Members' Education Assistance Fund shall be used for the purpose of making grants of educational financial assistance.

27.04 Investment of the Funds

- (a) The Members' Benefits Committee, in consultation with the Executive Secretary-Treasurer, shall invest the capital of the Members' Education Assistance and Members' Benefits Benevolent Funds and the funds of any other accounts, which it shall hold or control, in a fiducially responsible manner.
  - i) Normally, such investments will be a mix of bonds, debentures, investment certificates and equities, or other such investments as deemed advisable. Any investment decision must ensure that the capital of any fund should not be unduly placed in jeopardy. However, any investment must create sufficient return to allow the Members' Benefits Committee to provide funds to meet its purpose.

- ii) To assist in investment decisions the Members' Benefits Committee may utilize the services of an investment consultant to assist in developing and maintaining an investment strategy and in the investment and management of any funds. The Members' Benefits Committee shall endeavour to invest in Union sponsored and/or ethically sound investments.
  - iii) Any investment decision shall require the approval of not less than two-thirds (2/3) of the Members' Benefits Committee as a whole. The Chair of the Members' Benefits Committee shall vote in all investment matters.
- (b) In the event of a disagreement between the Members' Benefits Committee and the Executive Secretary-Treasurer in relation to an investment decision, the matter in disagreement shall then be referred to the Provincial Executive. Both parties shall attend the Provincial Executive meeting to present their arguments and any decision from the Provincial Executive shall then be binding.
  - (c) The Chair of the Members' Benefits Committee shall inform the Provincial Executive of any changes in the Members' Benefits Committee's investment strategies.
  - (d) The Members' Benefits Committee shall provide a written report to be available to Convention delegates outlining its investment decisions.

#### 27.05 Additions to the Funds

Additions to the capital of the Members' Benefits Benevolent Fund or the Members' Education Assistance Fund or both may be made by donation and/or in such other manner as the Convention may by resolution determine.

### ARTICLE 28 - GENERAL

- 28.01 The Provincial Executive shall approve a Seal as the Union Seal for use in executing all documents required to be sealed on behalf of the Union.
- 28.02 No Officers or members of the Union or of its components shall, either in an individual or in a representative capacity, resort to any form of litigation in any



manner pertaining to the Union or its components until all remedies provided for within this Constitution have been resorted to and fully exhausted.

- 28.03 Where a member or group of members takes legal action against any member or group of members, the Union shall have no responsibility for any legal costs incurred.
- 28.04 In exceptional circumstances, some or all costs incurred, as a result of a legal action may be reimbursed on appeal to the Provincial Executive. Such appeals shall be heard only subsequent to completion of the legal action.
- 28.05 All Officers of the Union, all Officers of the components, and all members of a Negotiating Team, shall forthwith upon assuming Office take before another member of the Union the Pledge of Office as set out below:

Pledge of Office

I, \_\_\_\_\_, do hereby sincerely pledge my word to the Alberta Union of Provincial Employees that I will, without evasion, truly and faithfully perform the duties of my office in accordance with the Constitution of the Union. I will at all times advance and maintain the principles and policies, while promoting the harmony and preserving the dignity of the Union.

- 28.06 In this Constitution unless the context otherwise requires, a word used in the singular may also apply in the plural and vice versa, and a word used in the masculine may also apply in the feminine and vice versa.
- 28.07 Funds and property of the Union in the possession of, or under the control of any Officers and any representative of the Union, remain the property of the Union; and all Officers and representatives shall account for all funds forthwith when required to do so, and shall deliver all funds and property to their successor or to the Union Headquarters at the completion of their term of Office.
- 28.08 All land owned by the Union shall be held in the names of its Trustees for the time being (such Trustees being hereinafter collectively referred to as the "Land Trustees").
- 28.09 The Land Trustees shall be comprised of firstly, a body corporate (the "First Land Trustee") in whose name title to all of the land owned by the Union shall

be registered and, secondly, a duly chartered and licensed Trust Company which shall hold all of the issued shares of the First Land Trustee.

28.10 The Executive Committee shall select the Land Trustees and shall designate the terms and conditions upon which the land owned by the Union is held in trust by them subject to Article 28.09 above and shall arrange for and do all things necessary to effect, create or settle such trusts.

28.11 In all matters concerning land owned by the Union except the sale and/or mortgaging thereof, the Land Trustees shall at all times act on and in accordance with the direction of the Executive Committee.

28.12 In all matters concerning the sale and/or mortgaging of the Union's lands, the Land Trustees shall act only on the direction of the Provincial Executive between Conventions.

## **ARTICLE 29 – MEMBER CONDUCT, COMPLAINTS AND DISCIPLINE**

### **MEMBER CONDUCT**

29.01 Every member has an obligation to comply with the Constitution and conduct themselves in a manner that upholds the objectives and values of the Union.

29.02 Every member has the right to participate in any level of legitimate Union activity without risk of harassment, discrimination, exclusion, or any other impediment to full democratic inclusion.

29.03 Every AUPE staff member has the right to perform their assigned duties in an environment free of harassment, discrimination and actions that undermine their ability to perform their duties.

29.04 One or more of the following acts shall constitute conduct unbecoming a member of the Union:

- (a) knowingly fail to comply with the Constitution;
- (b) knowingly violate any provision of the Policies of the Union;
- (c) fail, without reasonable excuse, to pay dues, fees, assessments, or fines levied under the Constitution;

- (d) obtain membership through fraudulent means or by misrepresentation, or assist another member to do so;
- (e) cross a picket line of this Union without authorization;
- (f) work behind a picket line or during a work stoppage when under no legal duty to do so, except as authorized by the Union;
- (g) except when carrying out the job responsibilities of one's position with the employer, institute or advocate that a member begin a proceeding in a court or tribunal against the Union, any of its officers, or any of its members, in respect of any matter concerning the affairs of the Union, without first exhausting all internal process as provided in this Constitution;
- (h) without proper authorization:
  - i) communicate or otherwise reveal confidential information about the business, membership, proceedings or other affairs of the Union to anyone not entitled to such knowledge;
  - ii) remove or retain any funds or any other belongings of the Union;
  - iii) destroy, mutilate, or erase any books, records, bills, receipts, vouchers or other property of the Union;
- (i) while holding elected office in the Union:
  - i) do anything intended to cause the withdrawal of any member from the Union;
  - ii) work in the interest of any other organization seeking to provide collective bargaining or union representation for a person represented by the Union;
  - iii) violate the oath of office;
- (j) either verbally or otherwise, publish or circulate false reports about the Union or any member;

- (k) deliberately misrepresent concerns of the Union or any member in respect to any matter connected with the affairs of the Union;
- (l) disrupt or obstruct any meeting of the Union or its component parts to the point where business of the meeting may not be fairly and reasonably conducted;
- (m) bring forth a frivolous, vexatious, or malicious accusation or complaint, which has no foundation in fact and is filed for the purpose of bringing an adverse consequence to the respondent or another member of the Union;
- (n) misappropriate funds of the Union or any component;
- (o) intentionally falsify Union expense claims;
- (p) use, without proper authority, the name of the Union or of a local in order to solicit funds or advertising for another organization;
- (q) harass, coerce, intimidate, or wrongfully prevent a member or any officer or any AUPE staff person or any accredited representative of the Union from carrying out their obligations or duties, or from exercising their rights under the Constitution in a way that impedes the democratic and legitimate involvement in the Union or the ability to properly fulfill their roles and duties; and
- (r) go against the intent of the Union Constitutional objectives by interfering with or retaliating against a participant in the complaint process.

## COMPLAINTS AND DISCIPLINE

29.05 Where a member is alleged to have violated the Constitution, or is alleged to have engaged in conduct unbecoming a member, the Union may, after following the Complaints and Discipline process, discipline the member or direct the member to take corrective actions as set out in this article.

29.06 Where an elected officer of the union is alleged to have violated the Constitution and/or is alleged to have engaged in conduct unbecoming an elected officer the members of the component/body that elected the officer may request a recall

vote and, if so ordered, after following the Conduct and Discipline process, hold a recall vote to remove the officer from their elected position(s).

29.07 Where a member is alleged to have engaged in conduct unbecoming of a member towards an AUPE staff member, and the alleged behavior has been investigated through the AUPE staff collective agreement or harassment policy, the AUPE Executive Director may act as complainant on behalf of the staff member in the Conduct and Discipline process.

29.08 The Conduct and Discipline process has four potential parts: Informal resolution, formal mediation, investigation with decisions and Provincial Executive Review and Appeal Committee hearing. Every effort should be made to resolve or correct situations early, with open communication and in a cooperative manner.

### **Informal Resolution**

29.09 Members will make every effort to resolve the issues themselves. If unsuccessful, members may seek assistance and guidance from the Member Relations department in reaching an informal resolution.

### **Formal Mediation**

29.10 If informal resolution does not result in a mutually acceptable conclusion, the potential complaint will be immediately referred to the Member Relations department to establish and engage in formal mediation between the complainant(s) and respondent(s).

### **Written Complaint**

29.11 If formal mediation does not result in a mutually acceptable conclusion, a written complaint may be filed against any regular member or group of regular members alleging:

- (a) a violation of the Constitution, or
- (b) conduct unbecoming a member of the Union.

- 29.12 A complaint:
- (a) may be filed by a regular member in good standing, a group of regular members, a Local, or a Chapter;
  - (b) must be filed by the President on behalf of the Executive Director, if, after a complaint and investigation under an AUPE staff collective agreement or harassment policy, the Union finds a member is responsible for improper conduct towards a staff member. The Executive Director shall then assume the role of Complainant under this process.
- 29.13 The Complainant must provide sufficient proof, on a balance of probabilities, of the alleged Constitutional breach or conduct deserving discipline or remedy.
- 29.14 A written complaint shall be sent within ninety (90) calendar days of when the alleged violation ought reasonably to have come to the attention of the person complaining, or within thirty (30) calendar days after the conclusion of unsuccessful formal mediation. The complaint shall be delivered in person, by regular mail, by fax or as an attachment by email to:
- (a) the President unless the complaint is against the President;
  - (b) to the Vice President designated by Provincial Executive, if the complaint is against the President.
- 29.15 The written complaint shall:
- (a) be signed by the regular member or group of members, or if the complaint is from a Local or Chapter, signed by an officer of the Local or Chapter;
  - (b) set out the address, phone, and email of the Complainant(s);
  - (c) identify the name of the member or members complained against (the Respondent(s));
  - (d) set out the details of the events on which the complaint is based, including:

- i) a description of the violation or misconduct, including the section of the Constitution breached or the specific misconduct under Article 29.04 Member Conduct;
- ii) the date(s), time(s) and location(s) of incidents;
- iii) any response or action taken by the Complainant(s) prior to the written complaint;
- iv) name(s) of witnesses, if any;
- v) copies of any documents, pictures, and supporting information; and
- vi) the remedy sought by the Complainant(s).

### **President's Actions on Receipt of Complaint**

29.16 The Union President or their designate, upon receipt of a complaint, must do at least one of the following within fourteen (14) calendar days:

- (a) notify the Respondent(s) and include:
  - i) a summary of or a copy of the complaint;
  - ii) information about the Respondent's right to participate and be represented by a person of their choice, but the Union will not pay for any legal advice or representation;
  - iii) the process to deal with the complaint;
  - iv) a request for the Respondent(s) to file a written response, if appropriate; and
  - v) any applicable timelines.
- (b) notify the Complainant(s), and any other member who it appears to the President may be affected by the complaint. Notice should include a description or summary of the complaint;

- (c) review the complaint and, if the President determines that the complaint is frivolous, wholly without merit, or cannot be reasonably substantiated or proven, dismiss the complaint without further investigation or hearing. For the purposes of making this determination, the President shall consider the Complainant's obligation to prove, on a balance of probabilities, the allegations in the complaint, and shall assume that the details alleged in the complaint will be proven. Any complainant has the right to appeal pursuant to Article 10;
- (d) where the behavior may constitute a criminal offence, advise the Complainant(s) to refer the matter to the police for further investigation;
- (e) in cases of harassment or fiscal misconduct, where the safety of a person or finances of the Union or a component are in jeopardy, suspend the Respondent(s) from the benefits and entitlements of membership, pending the outcome of the complaint process; or
- (f) forward the complaint to an Investigation Panel.

### **Investigation**

29.17 The investigation will be conducted by an Investigation Panel of three (3) of the six (6) Vice-Presidents, or, in the case of a complaint filed against a member of the Executive Committee, an Investigation Panel of three (3) of six (6) Local Chairs, as selected by and from the Local Chairs, who will be:

- (a) aware of the Union Constitution, structure, values and Policies;
- (b) trained in conducting investigations and writing reports;
- (c) free from any conflict of interest regarding the nature of the complaint, the Complainant(s) and the Respondent(s);
- (d) committed to conducting fair, impartial, timely, confidential investigations under this process; and
- (e) provided advice and support by external legal counsel or investigation expert in conducting a fair, impartial and timely investigation.



29.18 The Investigation Panel shall:

- (a) sign a non-disclosure agreement in accordance with access and privacy legislation;
- (b) determine the procedures and timelines to use in the investigation, consistent with the parameters of this Article;
- (c) ensure the Complainant(s) and Respondent(s) have an opportunity to present evidence on the complaint and make their views known to the Investigation Panel;
- (d) hear from any relevant witnesses identified by the Complainant(s) and Respondent(s);
- (e) ensure all parties and witnesses are advised to and agree to protect the privacy and confidentiality of the investigation process;
- (f) complete the investigation on the evidence submitted, if, after being given a reasonable opportunity to do so, the Complainant(s) or Respondent(s) or a witness refuses to cooperate; and
- (g) provide a written report of the investigation to the Complainant(s) and Respondent(s).

29.19 In conducting its investigation, the Investigation Panel:

- (a) shall protect personal information received during the complaint process, except as required to reasonably process and conclude the complaint;
- (b) shall act in a sensitive, confidential, professional and timely manner;
- (c) shall conduct any meetings in-camera;
- (d) may receive any evidence it considers appropriate, and is not bound of the rules of law respecting evidence applicable to arbitration proceedings; and
- (e) cannot deal with information that is given anonymously.

29.20 After completing its investigation, the Investigation Panel shall, within sixty (60) calendar days from the date of its appointment to the complaint, prepare a written report and decisions and send it to the Respondent(s) and the Complainant(s). The report shall outline:

- (a) the allegations in the complaint;
- (b) the Investigation Panel's finding on each allegation;
- (c) a summary of the evidence, events and timelines in the complaint;
- (d) a summary of the reasons for the findings;
- (e) the decision on the complaint (substantiated or not substantiated), including the specific Constitutional provision breached or misconduct found;
- (f) where the Investigation Panel finds the complaint is substantiated, the remedy or disciplinary action; and
- (g) a summary of the reasons for the remedy or disciplinary action.

29.21 Where the Investigation Panel finds the complaint has been substantiated, it must make decisions to order the implementation of one or more remedies or disciplinary actions. When ordering the implementation of a remedy or disciplinary action, the Investigation Panel must consider the nature of the conduct or breach, the seriousness of the matter, the impact on the Complainant(s), other members and the Union, any prior record of the Respondent(s), the background of the Respondent(s), and any other relevant matter.

29.22 The Investigation Panel may order the implementation of any combination of the following disciplinary action(s) and remedies:

- (a) an order to stop the offending conduct;
- (b) a recommendation to complete counseling or coaching;
- (c) an order to complete training on a particular topic;

- (d) an order to give a formal apology;
- (e) conditions on future interaction with the Complainant(s) or witnesses to the complaint for a determined period;
- (f) denial of access to Union property;
- (g) an order to repay any misappropriated funds or return Union property;
- (h) reprimand;
- (i) monetary penalty;
- (j) removal from office(s);
- (k) suspension of rights and privileges of membership, except those protected by law, for a period no longer than four (4) years;
- (l) expel a person from membership;
- (m) an order that the member pay all or part of the costs of the investigation and hearing; and
- (n) an order that the Union reimburse the Complainant(s), or any other affected party for their costs in an amount not to exceed five hundred dollars (\$500.00) each; and
- (o) in the case of a request for a recall vote of an elected officer, order that a special meeting be convened solely for the purpose to hold a vote to remove an elected officer from office. This vote requires a 75% majority of those in attendance at the special meeting.

29.23 If not appealed to the Review and Appeal Committee within thirty (30) calendar days from the date of the Investigation Panel's decision, pursuant to Article 29.25, the decisions of the Investigation Panel will be final and binding on all parties.

29.24 If not appealed to the Review and Appeal Committee pursuant to Article 29.25 within thirty (30) calendar days, the Investigation Panel will disclose in whole, or in part, their decision, and the implementation of any remedy or disciplinary

actions, to those persons or components who need to be made aware of the decision and the implementation of any remedy or disciplinary actions, while providing necessary privacy protection as determined by privacy legislation and with regard to appropriate considerations of involved parties.

### **Appeal of Investigation Panel Report and Decisions**

29.25 The Complainant(s) or Respondent(s) may, within thirty (30) calendar days of the date of the Investigation Panel's decision and subject to the Review and Appeal Committee process, appeal in writing to the chair of the Review and Appeal Committee to object to the Investigation Panel's decision on any of the following grounds:

- (a) using erroneous or incomplete evidence to make its findings;
- (b) making findings unsupported by the evidence;
- (c) considering conduct outside the scope of the Constitution or Code of Conduct; or
- (d) ignoring relevant considerations when selecting the remedy or disciplinary action.

### **Complaint Review and Appeal Committee Process**

- Review and Appeal Committee

29.26 The Provincial Executive will establish and appoint a Complaint Review and Appeal Committee to deal with complaints filed under this Article.

29.27 The Review and Appeal Committee will be comprised of five to seven (5 – 7) members of the Provincial Executive who are Stewards with at least three (3) years of Union involvement, but are not members of the Executive Committee.

29.28 Members of the Review and Appeal Committee will:

- (a) receive at least one half day of orientation and training about the role of the Review and Appeal Committee;

- (b) work in panels of at least three (3) persons, selected by the President or Vice-President designated by the Provincial Executive, or in the case of a complaint filed against a member of the Executive Committee selected by the Review and Appeal Committee, from the Review and Appeal Committee members, to handle a particular complaint;
- (c) be impartial and independent of the persons named in the complaint; and
- (d) not participate in any complaint involving persons from their component, close friends or associates that could give rise to a reasonable perception of partiality; and
- (e) be provided advice and support by external legal counsel or appeal expert in conducting a fair, impartial and timely appeal process. This legal counsel or expert will not be the same person who provided advice and support to the Investigation Panel.

29.29 The Review and Appeal Committee may, subject to approval of the Provincial Executive, prepare procedures governing its proceedings, including matters of confidentiality, notice and procedure to be followed by the Review and Appeal Committee and those appearing before it.

- Review and Appeal Committee's Actions when a Written Appeal is filed as per Article 29.25

29.30 When the chair of a Review and Appeal Committee panel receives a written appeal objecting to the decision of the Investigation Panel, the chair shall schedule a hearing on the appeal to be held within sixty (60) calendar days of the date of the decision.

29.31 The purpose of the hearing is to hear any objections from the Complainant(s) or Respondent(s) to the Investigation Panel's decision and to make a final decision on the complaint and any remedy or disciplinary action. The hearing may be held in person, by teleconference, by videoconference, or by documentary review. The Review and Appeal Committee will provide at least fourteen (14) days written notice of any hearing. The Review and Appeal Committee will apply the principles and considerations set out in clauses 29.18, 29.19, 29.20, 29.21, and 29.22.

- 29.32 If either the Complainant(s) or Respondent(s) objects to the content of the Investigation Panel's decision, the objector(s) must bring evidence or argument to prove the objection. The Review and Appeal Committee is limited to hearing evidence and arguments about objections to the Investigation Panel's decision and cannot hear evidence or arguments that duplicate the Investigation Panel's process. Within fourteen (14) calendar days of the hearing, the Review and Appeal Committee will issue a decision that:
- (a) confirms or alters the findings and decisions of the Investigation Panel;
  - (b) confirms, alters or overturns the Investigation Panel's determination about whether the complaint is substantiated or not;
  - (c) confirms, alters or overturns the Investigation Panel's decisions on remedy or disciplinary action;
  - (d) orders the implementation of any remedy or disciplinary actions outlined; and
  - (e) briefly outlines the reasons for the decision.
- 29.33 In the event the Review and Appeal Committee finds the original complaint is not substantiated, it may order the Union to reimburse the Respondent's travel and subsistence expenses and time off for Union business, with pay, if required to travel to and from to attend any meetings or hearings with the Investigation Panel or Review and Appeal Committee.
- 29.34 The decision of the Review and Appeal Committee shall be final and binding on all the parties.
- 29.35 The Review and Appeal Committee will disclose in whole, or in part, their decision, and the implementation of any remedy or disciplinary actions, to those persons or components who need to be made aware of the decision and the implementation of any remedy or disciplinary actions, while providing necessary privacy protection as determined by privacy legislation and with regard to appropriate considerations of involved parties.

**Obligation of Union Officers**

- 29.36 Any Union Officer approached by a member with a verbal concern about breach of the Constitution or improper conduct by a member, should inform the member of these complaint procedures.

**ARTICLE 30 - CONSTITUTION AND AMENDMENTS**

- 30.01 If any provision of this Constitution be declared unlawful, inoperative or invalid by operation of law, or by any court of law or by the jurisdiction of a labour board, the remainder of the Constitution shall remain fully operative, and the Executive Committee shall have the authority to substitute a provision or provisions. Any such substitution shall be valid only until the next Convention, and such substitution shall, without further notice, be brought to Convention as a proposed amendment.
- 30.02 This Constitution may be amended at Convention by means of a resolution passed by a majority vote of not less than two-thirds (2/3) of those delegates present and voting. All amendments shall take effect immediately upon adoption, unless otherwise specified.

**ARTICLE 31 – PUBLIC EMERGENCIES**

- 31.01 In the event of a public emergency which may result in the Union needing to restrict its activities and functions to protect the safety and well-being of members, the President will call a meeting of the Provincial Executive, as per Article 13.06 (a), within 48 hours of the declaration/announcement/occurrence of a public emergency. The Provincial Executive will determine what level of restrictions to member activities and functions are required and need to be implemented to protect the safety and well-being of members.
- 31.02 The Executive Committee will continue to monitor and assess the level of requirement for restrictions based on the changing status of the public emergency. If it is deemed necessary by the Executive Committee to adjust restrictions, the President will call a meeting of the Provincial Executive, as per Article 13.06 (a), within 48 hours of the need to adjust restrictions being deemed necessary. The Provincial Executive will determine if and how restrictions will need to be adjusted. Furthermore, for the purposes of administration of Article

31, and notwithstanding Article 13.04, the President will call a Provincial Executive meeting within seven (7) days of receiving a request from a majority of Provincial Executive members to do so.

31.03 In all cases decisions made by Provincial Executive will be clearly communicated to members, through all internal communication channels, within 48 hours of the decisions being made by Provincial Executive.

### **ARTICLE 32 - RULES OF ORDER**

32.01 Meetings of the Union and its component parts, including Convention, shall be conducted with decorum in accordance with the following rules:

RULE 1 The Chair or, in the absence of the Chair a Vice-Chair, shall preside at the time specified at all regular and special meetings. In the absence of the Chair and Vice-Chair a pro tem presiding Officer shall be chosen by the meeting.

RULE 2 At the commencement of every meeting the agenda for that meeting shall be adopted.

RULE 3 By motion, the adopted agenda may be suspended or changed by a two-thirds (2/3) vote of those present and voting.

RULE 4 Every motion should be worded so as to propose an affirmative action.

RULE 5 Each motion, amendment or sub-amendment must be moved and seconded.

RULE 6 The Chair shall, upon request, have the motion under debate read.

RULE 7 All resolutions and motions shall, if requested by the Chair, be presented in writing.

RULE 8 A member having made a motion can withdraw it with the consent of the seconder if there is no objection.

RULE 9 A member shall indicate to the Chair their desire to speak or present a motion, but shall not proceed further until recognized by the Chair.



RULE 10 When recognized, a member shall state name and component before proceeding. Where the meeting is of such size or nature that the members are known to each other, the application of this rule may be waived.

RULE 11 A member shall speak only to the matter under debate.

RULE 12 No member, except the mover of a motion, shall speak for more than three (3) minutes at any one time or more than once on the same motion until all members wishing to speak have had an opportunity to do so. The Chair of a Committee may speak as required. Members may, with the permission of the Chair, be allowed further opportunity to speak. Such additional opportunity shall not automatically close debate. A member speaking to a motion may not move a subsequent motion during or at the conclusion of their speech. A member having spoken to the main motion retains the right to move amendments or to speak to the amendments.

RULE 13 A member may only interrupt a meeting to speak on:

- a) A Point of Order - when questioning the application of these Rules and may interrupt another speaker.
- b) A Point of Privilege - when the rights or interests of the assembly or an individual are affected, but shall not interrupt another speaker.
- c) A Point of Information (Point of Inquiry) - when a member requires more information on the subject under debate, but shall not interrupt another speaker. The Chair may answer or direct or request another to respond.

RULE 14 If a Point of Order is called, the member speaking shall cease debate until the Point is determined.

RULE 15 1. After three (3) consecutive speakers have spoken to the same side of an issue the Chair will call for a speaker from the opposing side.

2. When the Chair feels that debate has been exhausted or when a pre-determined time limit is reached, the Chair shall put the

question. When the Chair is unsure of the will of the meeting, the Chair shall test the floor. A test of the floor may be requested by any member and the Chair shall comply.

RULE 16 No member shall enter or leave a meeting during the taking of a vote or when the doors are closed by order of the Chair.

RULE 17 Questions shall normally be decided by a majority show of hands (or voting cards) on the basis of one (1) vote for each member present and entitled to vote. In the event that the Chair cannot determine the outcome of a show of hands, the Chair shall direct that a standing vote be taken and counted. A member may request a standing vote. If forty (40) members or ten percent (10%), whichever is least, of those present and entitled to vote, stand to concur with the request, the Chair shall conduct a standing vote. Where at variance with a preceding vote on the motion, the result of a standing vote prevails.

The Chair or a member may request that a roll call vote be taken. If one hundred (100) members or twenty percent (20%), whichever is least, of those present and entitled to vote, stand to concur, the Chair shall conduct a roll call vote. Where at variance with a preceding vote on the motion, the result of the roll call prevails.

A member may, by motion, request a ballot be taken on the matter under consideration. The result of any ballot is final and binding.

On completion of any vote, the Chair shall declare the result, and in the case of a counted vote, shall state the numbers voting for and against. Unless this Constitution states otherwise, all motions shall be decided by a simple majority (% plus one) of those entitled to vote and voting. Neither an abstention nor a spoilt ballot shall be counted in the number used to determine a majority. The number of abstentions and/or spoilt ballots may be counted and entered into the record.

A request for a standing, roll call, or ballot vote shall be made preceding or immediately following the declaration of the result.

Where 50% + 1 is specified in the Constitution to resolve a question, decide an election or establish a quorum, and where 50% does not result in a whole number, then the number shall be reduced to the nearest whole number before the addition of one (1).

To decide an election, if more candidates receive 50% + 1 of the vote than there are positions to be filled, the candidates with the highest number of votes shall be declared elected. If there are several candidates, and after the ballot, the position is not filled; the candidate with the least number of votes drops off and ballots are cast again only for positions not filled. This process will continue until the positions are filled.

RULE 18 The Chair shall not take part in debate nor vote, but may yield the Chair to another in order to speak on any motion or to introduce a motion.

RULE 19 In the event of a tie, a motion shall not prevail.

RULE 20 Notwithstanding Rule 18, the Chair of a Committee shall have the right to participate in discussion and vote on any issue.

RULE 21 When a motion has been properly moved and seconded, only the following motions, in the order listed, shall be in order:

		Debatable	Amendable
1.	To Adjourn	No	No
2.	To Recess (for a definite time)	Yes	Yes
3.	To Challenge the ruling of the Chair	No	No
4.	To Refer or Defer	Yes	Yes
5.	To Stop Debate	No	No
6.	To Limit or Extend Debate	Yes	Yes
7.	To Divide or Amend	Yes	Yes
8.	To Table	No	No

RULE 22 A motion to adjourn the meeting shall always be in order except when a member has the floor or a vote is in progress. The motion must be seconded but is not debatable. The Chair shall indicate what business remains before taking the vote. A motion to adjourn having been put and lost cannot be raised again until some further business has been dealt

with. A motion to adjourn which carries shall terminate the business of the meeting.

RULE 23 A motion to recess for a definite period of time (including to the next day) may be moved when it becomes necessary for a suspension of the proceedings. The motion must state the duration of the recess. The motion must be seconded and is debatable and may be amended as to time.

RULE 24 Notwithstanding Rule 23, the Chair, in the interest of maintaining decorum, shall have the right and responsibility to recess any meeting where, in the opinion of the Chair, the meeting is no longer under control.

RULE 25 A motion challenging the ruling of the Chair may be made when a member feels gravely wronged or believes that the ruling is a violation of procedure or that the best interests of the Union have not been served. The motion must be seconded and is not debatable or amendable. The challenged Chair shall yield the Chair to another Officer. The challenger shall briefly state the reasons for the challenge and the challenged Chair shall give the rationale for the ruling. The presiding Officer shall put the question to the floor in the form "Shall the Chair be sustained?" When the challenge is decided, the Chair shall resume control of the meeting.

RULE 26 A motion to refer or defer shall be in order where it is necessary to obtain information, where action is required, or where more time for study is necessary before a decision can be made. A motion to refer or defer must be seconded and is debatable and amendable, as to advisability.

Referral shall be to:

- a) an individual,
- b) a committee, or
- c) another source.

Individuals and committees to whom a referral is made may be directed to report back at a specified time.

Deferral shall be to later in the same meeting or to a subsequent meeting. Where a deferral is made to a subsequent time/meeting, the matter shall stand on the agenda for that time/meeting.

RULE 27 A motion to stop debate shall be stated in the form: "I move the motion be put." The motion must be seconded and is neither debatable nor amendable. If carried, the Chair shall immediately put the question on the motion, amendment or sub-amendment under debate.

RULE 28.1 A motion to limit debate may be used:

- a) to limit the time allowed for each speaker,
- b) to set up a time for the question to be put, or
- c) to limit the number of speakers or pro and con speakers.

The motion must be seconded and is debatable and amendable.

RULE 28.2 A motion to extend debate is in order only where debate has been limited. The motion must be seconded and is debatable and amendable.

RULE 29.1 A motion to divide is in order only when the motion under consideration can be divided into independent motions. The motion must be seconded and is debatable and amendable.

RULE 29.2 A motion to amend shall be in order where it is necessary to modify the main motion. It shall be strictly relevant and shall not alter the intent of the main motion.

A sub-amendment shall be in order to modify an amendment, but shall not alter the intent of the amendment. No more than one amendment and one sub-amendment shall be in order at one time.

Amendments and sub-amendments must be seconded and are debatable but only an amendment is amendable.

RULE 29.3 Constitutional amendments shall not be subject to further amendment from the floor and shall be debated as presented. Resolutions may be

referred to the appropriate committee with direction subject to Rule 26. The committee shall, where possible, accommodate such direction.

RULE 30 A motion to table is in order where it is necessary to set aside the matter under discussion to deal with more urgent business or where it is not expedient to make a decision. The motion must be seconded and is not debatable or amendable. A tabled motion may be considered only after a motion to lift from the table has been properly moved, seconded and carried. The motion to lift from the table is neither debatable or amendable.

RULE 31 A motion to reconsider shall be in order where it is necessary to review a decision taken at that meeting. It cannot be used in the case of elections, constitutional resolutions, nor in the case of any action which has already been taken and cannot be reversed. A motion to reconsider must be moved and seconded by members who originally voted with the majority and requires a two-thirds (2/3) vote of those present and voting to pass and is debatable but not amendable.

RULE 32 A motion to rescind shall be in order where it is believed that a wrong decision has been taken or when the decision taken is no longer applicable. It cannot be used in the case of elections, constitutional resolutions, nor in the case of any action which has already been taken and cannot be reversed. A motion to rescind must be seconded and is debatable but not amendable, and requires a two-thirds (2/3) vote of those present and voting to carry.

32.02 Where the preceding rules are silent, Bourinot's Rules of Order Fourth Revised Edition shall apply in the following order of precedence:

Part II - Rules & Usages for Assemblies General

Part III - Assemblies and Organizations

Part I - The Parliamentary Basis of Rules and Usages

Part IV - Company Meetings, shall not apply.

32.03 No meeting or resolution shall be held invalid for failure to follow the Rules of Order in this Constitution unless the failure results in a substantial prejudice or harm.

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**AUPE MISSION STATEMENT**

To represent and support AUPE members  
through solidarity and mobilization.



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