

SCHEDULE A

CONSTITUTION OF THE CANADIAN UNION OF PUBLIC EMPLOYEES

(EXCERPTS)

TRANSPARENT, RESPONSIBLE AND ACCOUNTABLE

Article II – GOALS

2.1 Goals

The goals of the Union include:

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- (b) to advance the social, economic and general welfare of workers and retired workers
- (c) to defend and add to the civil rights and liberties of workers in the public service and to preserve the rights and freedoms of democratic trade unions
- (d) to improve the wages, working conditions, job security and other conditions of all workers and the pensions and benefits of retirees
- ...
- (f) to promote peace and freedom in the world and to work with free and democratic labour movements everywhere
- (g) to use the world's natural and human resources for the good of everyone while promoting respect and conservation of the environment and the creation of sustainable communities and jobs

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2.2 Methods

The goals of the Union will be reached by:

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- (b) promoting desirable laws
- (c) educating the public about the challenges facing public employees
- (d) forming and supporting central and provincial bodies of public employees to deal with matters specific to an area or province and to assist the Union in organizing
- (e) working with the Canadian Labour Congress (CLC), its chartered organizations and affiliated unions to strengthen the labour movement
- (f) working with the Public Services International (PSI) and the International Trade Union Confederation (ITUC).

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Article V – GOVERNMENT AND STRUCTURE

5.1 Structure

The government and structure of the Union is:

(a) Convention

- (b) National Executive Board
- (c) National Executive Committee
- (d) National Officers
- (e) Provincial Divisions
- (f) District Councils
- (g) Service Divisions
- (h) Provincial Unions
- (i) Local Unions

(emphasis added)

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Article VI – CONVENTIONS

6.1 Regular Convention

Convention is the supreme authority of the Union. The Union will hold a regular Convention every two years. The National Executive Board will decide the location of the Convention.

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6.11 Resolutions and Constitutional Amendments

- (a) A chartered organization may submit a resolution or constitutional amendment to a regular Convention. The resolution or constitutional amendment must be signed by the President and Secretary of the chartered organization and sent to the National Secretary-Treasurer at least 90 calendar days before the start of Convention. The National Union will post these resolutions and constitutional amendments on its website at least 30 calendar days before the start of Convention. The National Union will send these resolutions and constitutional amendments to any chartered organization that asks for a printed copy.

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Article VII – NATIONAL EXECUTIVE BOARD

7.1 Authority

The National Executive Board is the supreme authority of the Union when Convention is not in session. The Board will take the actions and decisions required to fully carry out the decisions of Convention and to enforce this Constitution.

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7.6 Internal Servicing

The National Executive Board can examine the internal servicing facilities and requirements of Local Unions, District Councils, Provincial Divisions and Service Divisions. The Board can return sufficient money needed to maintain internal servicing in place of direct assistance from employees of the National Union if the Board deems it advisable. The number and result of requests under Article 7.6 must be reported to the next Convention.

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7.8 Administration

- (a) The National President can place a chartered organization under administration in cases of emergency and where members of the chartered organization have provided substantive evidence that administration would be in the best interests of the chartered organization. The administrator appointed by the National President will immediately exercise authority over the chartered organization and its affairs as set out in this Article.
 - (b) The National Executive Committee will review the decision to place the chartered organization under administration within 14 days. The Committee can approve or overturn the decision. If the decision is approved, the administrator will continue to exercise authority over the chartered organization and its affairs. If the decision is overturned, the administrator will stop exercising authority over the chartered organization and its affairs within two days. The decision of the Committee will be communicated to the President and Secretary-Treasurer of the chartered organization.
- ...
- (f) The administrator has full authority to conduct the affairs of the chartered organization and to carry out the duties that would normally be performed by the officers of the chartered organization. The administrator can receive and pay out funds of the chartered organization for the regular and necessary business of the organization but for no other purpose. The funds and assets of the chartered organization remain the property of the chartered organization. The administrator will call membership meetings in the normal way and will inform the members about the administration. The administrator will be subject to the authority of the National President and the National Executive Board and will report regularly to them.
 - (g) Administration over a chartered organization may continue for no longer than 12 months unless the National Executive Board approves an extension of administration by a two-thirds majority of members voting. The National Executive Board can end the administration at any time by a two-thirds vote. An audit of the chartered organization must be completed before the end of administration. When the administration is ended, new elections for officers of the chartered organization will be held.

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7.10 Expenses of the National Union

The National Executive Board decides how the monies of the National Union are withdrawn and how cheques are issued. Monies can only be spent with prior authority through the budget or other approval by the National Executive Board or as specifically provided by decisions of Convention.

7.11 Report to Convention

The National Executive Board will make a complete report to Convention on its activities since the last Convention.

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Article IX – NATIONAL OFFICERS

9.1 National Officers

The National Officers of the Union are the National President and the National Secretary-Treasurer. They are elected by majority vote at each regular Convention.

9.2 National President

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- (d) The National President will report to Convention on the administration of the National President's Office and the affairs of the Union through the report of the National Executive Board. The National President will report to the quarterly meetings of the National Executive Board and will send these reports to all chartered organizations.

9.3 National Secretary-Treasurer

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- (c) The National Secretary-Treasurer will pay, with the approval of the National President, all bills, wages and expenses that are authorized by Convention or by the National Executive Board and will make other payments that are necessary.
- (d) The National Secretary-Treasurer will prepare a budget of expected expenses of the National Union for the next fiscal year. The National Secretary-Treasurer will submit the budget to the National Executive Committee. The National Executive Committee will submit the budget to the National Executive Board before the start of the fiscal year. The National Executive Board can amend the budget and must approve a budget no later than 30 days after the start of the fiscal year.
- (e) The National Secretary-Treasurer is responsible for the books, documents, files and property of the National Union. The National President, the National Executive Committee and the National Executive Board can inspect the books, documents, files and property of the National Union at any time.

- (f) The National Secretary-Treasurer will prepare a financial statement of the National Union for each meeting of the National Executive Board.
- (g) A registered firm of chartered accountants will audit the books of the National Union every year. The National President will select the registered firm of chartered accountants and submit it to the National Executive Board for approval. The audits will be provided to the National Executive Board and to Convention.
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- (i) The National Secretary-Treasurer can inspect all books and records of any chartered organization at any time. The National President or the National Secretary-Treasurer can designate, in writing, a representative to inspect all books and records of any chartered organization.
- ...
- (o) The National Secretary-Treasurer will report to Convention through the report of the National Executive Board on the administration of the National Secretary-Treasurer's office.
- (p) The National Secretary-Treasurer will send a list of the salaries of staff and elected officers of the National Union to all chartered organizations every year.
- (q) The National Secretary-Treasurer will send updated copies of contracts covering employees of the National Union to Provincial Divisions and District Councils.
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Article X – TRUSTEES

10.1 Duties of Trustees

Three Trustees examine the financial practices and audit of the National Union. They exercise general supervision over the property and finances of the National Union to ensure:

- (a) financial accountability of the National Union's policies and practices and financial control; and
- (b) protection of the National Union's property.

10.2 Trustees' Meeting and Reporting

The Trustees meet after the audit at the end of the fiscal year. They review:

- (a) the approved budgets;
- (b) variance from budgets;
- (c) minutes of meetings of the National Executive Board;
- (d) audited financial statements; and
- (e) reports of the auditors.

They must prepare an annual report of their findings and recommendations and present their reports to each regular Convention.

10.3 Election of Trustees

One Trustee is elected at each regular Convention for a term of six years.

Article XI – ELECTIONS

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11.12 Books and Records

The National President and the National Secretary-Treasurer or their accredited representatives can inspect any books, records or other property of the National Union held by any officer at any time.

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Article XIV – REVENUE

14.1 Revenue

The revenue of the National Union is:

- (a) Each Provincial Division will pay \$25 per fiscal year
- (b) Each District Council will pay \$5 per fiscal year
- (c) Each Service Division will pay \$10 per fiscal year
- (d) Each Local or Provincial Union will pay a monthly per capita tax on behalf of all workers, including Rand formula payees, of .85% of the Local or Provincial Union's average regular monthly wages. The per capita tax will be paid no later than the last day of the following month.
- (e) If the National Strike Fund falls below \$15 million, each Local or Provincial Union will pay an additional monthly per capita tax of .04% of the Local or Provincial Union's average regular monthly wages until the National Strike Fund reaches \$25 million.
- (f) Each Local and Provincial Union will pay \$1 for each application for membership.

14.2 National Defence Fund

Four per cent of any per capita tax will be placed in the National Defence Fund for cost-shared, national and major organizing campaigns. The National Executive Board will make regulations governing the National Defence Fund. The regulations must comply with decisions of Convention.

14.3 National Strike Fund

Six per cent of any per capita tax will be placed in the National Strike Fund for strike benefits, campaigns to avert strikes and interest arbitration costs for Local Unions not permitted by law to strike. The National Executive Board will make regulations governing the National Strike Fund. The regulations must comply with decisions of Convention. No loan can be made from the National Strike Fund.

14.4 National Convention and Events Assistance Fund

One-tenth of one per cent of all General Fund revenue will be placed in the National Convention and Events Assistance Fund. The National Executive Board will make regulations governing the National Convention and Events Assistance Fund.

14.5 Interest on Arrears

Interest at the prime rate paid by the National Union plus 2% will be applied to all per capita tax owed by Local or Provincial Unions in arrears for more than two months.

14.6 Relief for Strikes and Lockouts

A Local or Provincial Union involved in a strike or lockout can apply to the National President or the National Secretary-Treasurer for a reduction in per capita tax based on the number of days on strike or lockout.

14.7 Promoting Organizing

- (a) The National President, the National Secretary-Treasurer or their designated representatives may eliminate or reduce any payment by members or prospective members during organizing and until the negotiation of a collective agreement to promote organizing, growth or the interests of the Union. They may also determine the share of any reduction between the National Union and the Local Union.
- (b) The members affected by a decision under Article 14.7(a) will be considered to be members in good standing during this period if they meet the nonfinancial requirements of membership set out in this Constitution.

14.8 Promoting Growth

The National President or the National Secretary-Treasurer may eliminate or reduce the payment of initiation fees or regular monthly dues to promote the growth or interests of the Union.

14.9 Fiscal Year

The fiscal year of the National Union is January 1 to December 31.

Article XV – AMENDMENTS

15.1 Amendment

This Constitution can only be amended at a regular or special Convention by a two-thirds majority of delegates who vote.

Article XVI – GENERAL

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16.4 Affiliation to Provincial Federation of Labour

All Local Unions should affiliate and maintain membership in a Provincial Federation of Labour set up by a central labour body and approved by the National Executive Board.

16.5 Employee Cannot Hold Office

No employee can hold elected office in any chartered organization or on the National Executive Board.

16.6 Election Campaigns

No candidate for elected office in any chartered organization or the National Union can solicit or accept money, in-kind donations or other participation from an employee of the National Union in their election campaign.

16.7 Staff Attendance at Convention

Consistent with demands of work, staff will attend conventions of the National Union and Provincial Division. Staff can speak to Convention except on matters affecting staff collective agreements and amendments to this Constitution. Staff cannot vote.

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APPENDIX B – BYLAWS GOVERNING CHARTERED ORGANIZATIONS

B.I – LOCAL UNIONS

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B.1.3 Funds on Dissolution

When a Local Union is dissolved, all its legitimate debts will be paid and any funds set up for pension or other such purposes will be safeguarded. All remaining funds and properties and all books and records are the property of the National Union under Article 13.2.

B.1.4 Conduct of Members and Officers

All members must uphold the oath of membership and all officers must uphold the oath of office. Conduct that violates the oath of membership or oath of office is an offence against this Constitution and punishable under the Trial Procedure.

B.1.5 National Union not Liable

The National Union is not responsible for acts of Local Unions, their officers or members unless the National Executive Board has authorized the acts in writing.

B.II – OFFICERS

B.2.1 Local Union Officers

Every Local Union must have these officers: President, Vice-President, Secretary-Treasurer, Recording Secretary and three Trustees. A Local Union can have more officers if it needs them to conduct its affairs. Any member in good standing as set out in Article B.8.3 can run for and hold office in the Local Union. The Local Union can also elect or employ a Business Agent.

B.2.2 Executive Board

Every Local Union must have an Executive Board made up of its President, Vice-President(s), Secretary-Treasurer, Recording Secretary and other officers or members of the Executive Board needed by the Local Union to conduct its affairs. Trustees cannot be part of the Executive Board. No member can hold more than one position on the Executive Board.

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B.III – DUTIES OF OFFICERS

B.3.1 President

The President chairs all meetings of the Local Union, approves payments that are authorized by the Local Union and appoints committees where there is no other method of appointment. The President also does whatever is necessary for the proper functioning of the Local Union and carrying out the duties of President.

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B.3.3 Recording Secretary

The Recording Secretary keeps correct, full and impartial minutes of all membership meetings and all meetings of the Executive Board. The minutes will include a copy of the full financial report presented by the Secretary-Treasurer as required by Article B.3.6. The Recording Secretary performs other duties required by the Local Union, its bylaws or this Constitution.

B.3.4 Secretary-Treasurer

The Secretary-Treasurer keeps all financial records of the Local Union and keeps a correct record of all its members. The Secretary-Treasurer must maintain and organize all financial records including all documents, authorizations, invoices and vouchers for all payments made, records and supporting documents for all income received by the Local Union and receipts for all money sent to the National Union.

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B.3.6 Financial Reports

The Secretary-Treasurer will regularly make full financial reports to meetings of the Executive Board. The Secretary-Treasurer will make a written report to each regular membership meeting. The written report will contain details of all income and expenditures since the last report.

B.3.7 Information to Trustees

The Secretary-Treasurer will give all financial records, invoices, original bank statements and other supporting documents to the Trustees for an audit at least once in each calendar year. The Secretary-Treasurer will also provide a statement from each bank where the Local Union has an account setting out the monies on deposit. The Secretary-Treasurer must respond in writing and within a reasonable time to any concerns or recommendations in the written report made by the Trustees as set out in Article B.3.12(a).

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B.3.9 Return of Property by Officers

All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of office.

B.3.10 Trustees

Trustees audit the financial records of the Local Union and exercise general supervision over all property and assets of the Local Union. They ensure that the Secretary-Treasurer meets the requirements of Articles B.3.6 and B.3.7.

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B.3.12 Duties of Trustees

- (a) Trustees must audit the financial records of the Local Union and examine or inspect all property and assets of the Local Union at least once a year. After completing the audit, the Trustees must make a written report of any recommendations or concerns about how the Secretary-Treasurer keeps the financial records, funds and accounts of the Local Union. The written report will be sent to the President and Secretary-Treasurer.
- (b) After completing the audit, the Trustees will report in writing on the condition of the funds and accounts and the number of members in good standing, admitted, expelled, suspended or withdrawn to the next regular membership meeting of the Local Union. The written report will also contain:
 - (i) any information that the Trustees find necessary for the honest and efficient administration of the Local Union;
 - (ii) a copy of the written report made to the President and Secretary-Treasurer under Article B.3.12(a); and
 - (iii) a copy of the written response of the Secretary-Treasurer.

- (c) The Trustees must send to the National Secretary-Treasurer and to the assigned National Representative:
- (i) a Trustees' Report on the form provided by the National Secretary-Treasurer;
 - (ii) a copy of their written report to the membership;
 - (iii) a copy of the written report made to the President and Secretary-Treasurer under Article B.3.12(a); and
 - (iv) a copy of the written response of the Secretary-Treasurer.

B.3.13 Audit by Accountant

A qualified accountant or accounting firm hired by a Local Union to audit its financial records must report as set out in Article B.3.12. The Trustees of the Local Union must still fulfill their duties to exercise general supervision over all property and assets of the Local Union as set out in Article B.3.10 and to make a written report to the membership as set out in Article B.3.12. The Secretary-Treasurer must still respond to any concerns or recommendations made in the audit.

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B.3.15 Employment and Duties of a Business Agent

The employment or election of a Business Agent must be done at a regular membership meeting of the Local Union. The duties and terms of employment of the Business Agent must be consistent with this Constitution and the bylaws of the Local Union and must be included in the minutes of the meeting. Despite any other provision of this Constitution, a Business Agent has voice but no vote at meetings of the Local Union and cannot be a delegate to a District Council, Provincial Division or Convention unless the Business Agent is a member of the bargaining unit.

B.IV – REVENUE AND EXPENDITURES

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B.4.2 Assessments

- (a) Any assessment must be approved by a majority of members voting in a referendum or at a regular or special membership meeting. All members must receive adequate notice of the proposed assessment. If the vote is held at a special meeting, the notice must be adequate and at least seven days. A majority of members can require a vote by secret ballot. An assessment must be approved by the National President before it is applied.
- (b) An assessment must be applied for a specific purpose and for a specific length of time. A continuing assessment must be reviewed at least every six months at a regular membership meeting unless it was approved in a referendum vote.

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B.4.4 Expenditures

Funds can only be spent for the valid purposes of the Local Union and as permitted in the bylaws or as approved by a majority vote at a regular or special membership meeting. The funds cannot be divided among individual members. A petty cash fund may be set up, if approved by a majority vote at a regular membership meeting. The petty cash fund may be used to pay small expenses. All other expenses must be paid by cheque signed by the Secretary-Treasurer and the President or another signing officer.

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B.V – ADDITIONAL BYLAWS

B.5.1 Additional Bylaws

A Local Union can amend or add to its bylaws only if:

- (a) the amended or additional bylaws do not conflict with this Constitution;
- (b) the amended or additional bylaws are approved by majority vote at a regular membership meeting or at a special membership meeting called for that purpose; and
- (c) notice of the intention to propose the amended or additional bylaws was given at least seven days before at a previous membership meeting or 60 days before in writing.

The amended or additional bylaws do not come into effect until they have been approved in writing by the National President. The National President will decide whether to approve the amended or additional bylaws within 90 days of receiving them and will withhold approval only where they conflict with this Constitution.

B.VI – MEMBERSHIP MEETING AGENDA

B.6.1 Meeting Agenda

The President will chair the meeting and follow this order of business:

1. Roll call of officers
2. Reading of the Equality Statement
3. Voting on new members and initiation
4. Reading of the minutes
5. Matters arising from the minutes
- 6. Secretary-Treasurer's Report**
7. Communications and bills
8. Executive Committee Report
9. Reports of committees and delegates
10. Nominations, elections, or installations
11. Unfinished business
12. New business
13. Good of the Union
14. Adjournment

(emphasis added)

B.XI – TRIAL PROCEDURE

B.11.1 Offences

A member who does any of these acts is guilty of an offence against this Constitution:

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(g) steal or dishonestly receives any property of the National Union or any chartered organization

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