

SALIENT FEATURES OF THREE UNION CONSTITUTIONS

B.C. GOVERNMENT EMPLOYEES' UNION
(BCGEU)

CANADIAN UNION OF PUBLIC EMPLOYEES
(CUPE)

ASSOCIATION OF UNIVERSITY AND
COLLEGE EMPLOYEES
(AUCE)

Compiled by Wanda Tilley, President
Capilano College Faculty Association
August 24th, 1979

For the B.C. Faculties' Federation Presidents' Meeting

BCGEU

Article 3 - Objects

The objects of the Union shall be:

- (a) To unite all employees in the Province of British Columbia, both of the public and private sector, in a democratic organization capable of acting on their behalf.
- (b) To obtain for all such employees and employees of Boards, Agencies and Commissions established by provincial legislation or for employees in related employment, where such employees are not represented by any trade union, through the collective bargaining process, the best possible standards of compensation and other conditions of employment.
- (c) To act as the representative of the employees of the Government of British Columbia for the purpose of discussing with the Government the general welfare of the employees and the conditions of their employment.
- (d) Locals of the Union shall affiliate to Labour Councils where such Labour Councils are established.
- (e) The Union shall be non-partisan.

Article 2 Headquarters

The headquarters of the Union shall be located in the Greater Vancouver Area, in the Province of British Columbia.

CUPE

OBJECTS

2.1 The Union has as its objectives:

- (a) The organization of workers generally, and in particular all workers in the public service in Canada.
- (b) The advancement of the social, economic and general welfare of public employees.
- (c) The defence and extension of the civil rights and liberties of public employees and the preservation of free democratic trade unionism.
- (d) The improvement of the wages, working conditions, hours of work, job security and other conditions of public employees.
- (e) The promotion of efficiency in public service generally.
- (f) The promotion of peace and freedom in the world, and the co-operation with free and democratic labour movements throughout the world.
- (g) The total utilization of our nation's natural and human resources primarily for the satisfaction of human need.

1.2 The National Headquarters shall be located in the City of Ottawa, Ontario, Canada.

AUCE

Section 2: OBJECTIVES

The objectives of this Provincial Association shall be:

- A. To bring about fair wage standards and to assure uniform job classification with equal pay for comparable work for all employees, regardless of sex, sexual orientation, age, marital status, color, race, religious or political beliefs, national origin, or whether or not she/he has children.
- B. To bring about improvement in the working conditions of members and to dedicate its efforts toward maximizing the opportunities for personal growth in the work situation of all members.
- C. To charter Local Associations which will bargain collectively on behalf of Local Association members.
- D. To maintain at all times the principles of local autonomy and democracy within this Provincial Association and its Local Associations.
- E. To improve communications and interaction among members of the university and college community.
- F. To work with other members of the university and college community to create an environment which will better meet the needs of the members and those of the larger community.
- G. To promote friendly relations between labor and government and between labor and industry.

Headquarters: Vancouver

Article 4 - Membership

SECTION 1 - Eligibility

Any person employed by the Government of British Columbia and employees of Boards, Agencies and Commissions established by provincial legislation, and employees in related employment where such employees are not represented by any trade union, shall be eligible to make application for membership in the Union. Such application shall be made to the Local of the Union having jurisdiction in the applicant's field of employment.

SECTION 2 - Rejections, Suspensions, Terminations, Reinstatements

- (a) A Local of the Union shall have the right to recommend rejection of any application for membership or recommend suspension of any member of such Local for cause detrimental to the welfare of the Union. Any such recommendation shall be reported to the appropriate Component as well as to the member in question. The Component executive shall have the right to confirm or deny any such recommendation received from one of its constituent Locals, subject to any such rejection or suspension being reported to the member and the Provincial Executive through the General Secretary within seven (7) days.
- (b) The Union's Provincial Executive shall have the right to suspend, terminate or reinstate, the membership of any member of the Union for cause. Any such action shall be reported to the member in question within seven (7) days.
- (c) Any person whose application for membership has been rejected by a Component of the Union and any person whose membership has been suspended by a Component of the Union shall have the right of appeal to the Union's Executive.

JURISDICTION AND MEMBERSHIP

3.1 Any group of the following employees shall be eligible for membership as a Chartered Local Union:

- (a) Employees of any Federal, Provincial or Municipal Government or Local Authority or any subdivision thereof.
 - (b) Employees of any Public Board or Commission established by or related to the Municipal Authority.
 - (c) Employees of any Public Board, Commission or Authority of the Federal or any Provincial Government.
 - (d) Employees of any Hospital, Social or Welfare Agency established to serve a community.
 - (e) Employees of any Public Utility whose charges or rates to the public come under the supervision of a Governmental Body or Agency.
 - (f) The Canadian Union of Public Employees may issue charters to all groups eligible for membership as a Chartered Local Union.
 - (g) The Canadian Union may issue charters and accept into membership in good standing all employee groups that so wish in cases where these groups of employees are recognized under existing labour legislation.
- 3.2 Local Union Charters may be revoked only by a majority roll call vote of the Convention.
- 3.3 The National Executive Board shall have the power to investigate and suspend locals in accordance with the procedures specified in Article 7.7 of the Constitution.
- 3.4(a) A permanent Committee on Jurisdiction shall be appointed by the National Executive Board. All jurisdictional disputes within the Canadian Union of Pub-

Section 3: JURISDICTION

The Provincial Association shall include but not be limited to jurisdiction over employees of any institution of higher education in British Columbia.

Section 4: MEMBERSHIP

- A. Membership shall be open to full and part-time employees coming under this jurisdiction.
- B. Where a Local Association exists, application for membership must be made to the Local Association.
- C. Where no Local Association has been chartered, employees may join as Headquarters Members of the Provincial Association. The Provincial Association shall assist such members in joining or forming a Local Association as soon as possible thereafter. Applications for Headquarters Membership shall be made to the Provincial Executive. Dues for Headquarters Members shall be equal to the per capita tax as set forth in Section 15A except for unemployed members covered under Sections 4H and 4I.
- D. Any Provincial Association Officer or Local Association Officer, or any person designated by either of them, shall have the authority to accept any application for membership, by affixing her/his signature on the application form in the space so provided, thereby giving such applicant membership status.
- E. Each person signing an application for membership and paying the initiation fee will thereby agree to comply with the aims and principles and policies of the Provincial Association.
- F. The initiation fee of this Provincial Association shall be one dollar (\$1.00) for each person wishing to become a member except in the case where laws or regulations of the Province or the laws of the Federal Government require a lesser or larger initiation fee, in which case the provisions of the laws and regulations shall apply, instead and in place of the constitutional requirements.
- G. Any member failing to pay her/his dues including the per capita tax for a period exceeding three months while working within a bargaining unit shall be automatically suspended. The foregoing does not apply to members of a unit until they have signed their first collective agreement and implemented a regular system of dues collection. To be reinstated after suspension, a member must pay an assessment of twenty dollars (\$20.00) or her/his back dues.

Any person whose membership has been suspended or terminated shall have the right of appeal to the CLC Ombudsman whose decision shall be final and binding.

(e) Any action of the Union's Executive with regard to rejections, suspensions or reinstatements of membership in the Union shall be binding on all Components and their Locals. Such actions shall be subject to appeal to the Union meeting in Convention.

(f) The Union's Executive shall have the right to assist financially in any of the foregoing appeals; however, their decision shall be final and binding.

lic Employees shall be referred to this Committee.

(b) The Committee on Jurisdiction shall investigate all cases referred to it, and make its recommendations to the National Executive Board.

(c) The decision of the National Executive Board shall be final and binding on the parties to the dispute, subject to the approval of Convention.

3.5 A local union may transfer all or part of its jurisdiction to another local union, providing that the local union that is transferring its jurisdiction must call a special membership meeting of which notice has been given to its members and at least a two-thirds majority of those in attendance must approve it by a Resolution. Providing furthermore that the local receiving the jurisdiction agrees to accept the transfer by a similar majority. When these procedures are completed and approved under seal by the National Office then the transfer of jurisdiction is completed.

3.6 The merging local unions must seek the approval of the membership at a special meeting of which due notice has been given. The merging resolutions must be passed by a two-thirds majority of those in attendance by all the local unions involved. On receipt of all documents pertaining to merger, the National Secretary-Treasurer may issue a new or amended charter to facilitate the merging of such local unions.

H. When a member becomes unemployed she/he shall retain full membership rights without paying per capita tax for a period of ninety (90) days from her/his last per capita tax payment.

I. Members not employed in an AUCE bargaining unit may retain active membership rights by paying not less than the per capita tax each month. Membership will only lapse if the per capita tax is more than three (3) months in arrears. However, if a member makes application for "Honourary Withdrawal" of up to twelve (12) months, she/he can be reinstated as an active member upon resumption of payment of per capita tax. The foregoing does not apply to members of a unit pending certification.

J. Any member in good standing may transfer from one local to another without being required to re-apply for membership in the union. When a member transfers from one local to another the dues paid to one local remain within that local.

K. Any member in good standing shall have the right to attend any Provincial Association meeting or convention with voice, but no vote.

L. In the organization period prior to certification a member will be considered to be in good standing if she/he has paid the \$1.00 initiation fee to the Provincial Association.

Article 5 - Components, Locals, Area Councils and Affiliates

SECTION 1 - Formation

The Union shall be comprised of components, locals, area councils and affiliates.

(a) Definitions:

(i) Component - a group of members established pursuant to the Public Service Labour Relations Act in the Master Agreement; a group of members certified pursuant to the Labour Code of B.C.; or a group of locals of members certified pursuant to the Labour Code of B.C.

(ii) Local - a group of members within a public service component within a geographic area as defined in Article 5, Section 3 of the Union's Constitution; a group or groups of members holding a certification or certifications pursuant to the Labour Code of B.C.

(iii) Area Council - an Area Council shall be comprised of all eligible union members within a geographic area as described in Article 5, Section 4 of the Union's Constitution. The purpose of the Area Council is to give all union members an opportunity to meet to discuss matters of mutual interest and to act in concert to deal with matters of concern to the union, society, the environment and the community as a whole.

(iv) Affiliate - a group or groups of members established pursuant to Article 5, Section 6 of the Union's Constitution.

(b) The Union's Executive may:

(i) establish new components, locals, area councils or affiliates;

(ii) determine the appropriate component and/or local composition, and/or affiliate jurisdiction;

(iii) amalgamate or divide existing components, locals, area councils or affiliates.

Article IV

PROVINCIAL DIVISIONS, DISTRICT COUNCILS, SERVICE DIVISIONS, PROVINCIAL UNIONS, PROVINCIAL COUNCILS OF UNIONS, COUNCILS OF UNIONS AND PROVINCIAL OCCUPATIONAL GROUPS

4.1 Provincial Divisions

(a) In any given province, one Provincial Division may be established and chartered when deemed advisable and when at least ten chartered Local Unions in the province indicate a desire to form such a Division. Only chartered Local Unions and District Councils shall be entitled to membership in a Provincial Division.

(b) A Provincial Division shall have the authority to formulate policies in addition to, and not at variance with, the policies of the Canadian Union. The Division shall also assist the National Executive Board, the National Officers, and national staff in implementing policies and programs of the Canadian Union.

4.2 District Councils

(a) In any given area of a province, a District Council may be established and chartered when deemed advisable and when at least five chartered Local Unions in the region indicate a desire to form such a Council. Only chartered Local Unions shall be entitled to membership in the Council. The National Executive Committee shall prescribe the jurisdictional area of each District Council.

(b) The Council shall coordinate activities of Locals in its area and assist the National Executive Board, National Officers, and national staff in implementing national and provincial policies and programs of the Canadian Union.

Section 5: CHARTERS

- A. The Provincial Association alone is vested with the power to establish Local Associations and to grant charters thereto in all establishments within its jurisdiction.
- B. Charters shall be issued only by the Provincial Officers and shall be signed by the President and Secretary-Treasurer.
- C. The Local Associations shall comply with the Provincial Constitution at all times.

Section 6: LOCAL ASSOCIATION AUTONOMY

A Local Association may secede only under the following conditions:

- A. Upon receipt of a petition of twenty-five percent (25%) of the membership of the Local Association involved, the Provincial Executive shall conduct a full inquiry and a referendum vote of the Local Association concerned. The Provincial Executive shall circulate notice of referendum outlining the matters in dispute one (1) month prior to the referendum. The vote shall be by secret ballot. A majority of the Local Association membership shall approve the motion for secession before it will be considered passed.
- B. Following approval of secession by a Local Association membership in referendum the Provincial Association shall automatically nullify the Charter of the Local Association and exonerate its members from any further obligations towards the Provincial Association.
- C. In the event that a Local Association decides to secede from the Provincial Association to affiliate to another union or to become an independent body, that Local Association shall have the right to retain its assets and records. If the Local Association votes in like manner to Section 6A to dissolve, the assets and records shall become the property of the Provincial Association.

SECTION 2 - Components

Components shall be established in accordance with the provisions of Article 5, Section 1. The Components shall be responsible for the financing of their member locals through an imprest account system and for the costs of collective bargaining for its members.

SECTION 3 - Locals

- (a) Where the union is recognized as the bargaining agent to represent employees under the Public Service Labour Relations Act, locals shall be established on the following basis:
 - (i) Wherever a component has fifty (50) or more members in an area coincident with the geographic boundaries of an area council, a local shall be formed comprising all members of the component within the said geographic boundaries.
 - (ii) Where there are less than fifty (50) members of a component coincident with the geographic boundaries of an area council, they shall become members of the nearest local established under this section for their component.
 - (iii) Wherever a component is established with more than one component local, then each local shall be entitled as of right to elect at least one member to serve on the component executive.
- (b) Wherever the union is recognized as the bargaining agent to represent employees under the Labour Code of B.C. and such employees are not members of an affiliate, an appropriate local shall be established or determined pursuant to the provisions of Article 5, Section 1 of the Union's Constitution.

4.3 Service Divisions

(a) National or Provincial Service Divisions may be established by the National Executive Board when deemed advisable, and chartered by the Canadian Union of Public Employees. Not more than one National Service Division shall be established for any given classification of service.

(b) The provisions governing the establishment, rights, privileges, and obligations of a Service Division are found in Appendix C of this Constitution.

4.4 Provincial Unions

(a) Local Unions operating on a province-wide basis may be chartered as Provincial Unions by the Canadian Union of Public Employees. A Provincial Union shall have all the rights, privileges, and obligations of a Local Union as defined in this Constitution.

(b) A Provincial Union shall have the authority to formulate provincial policy for its members in addition to, and not at variance with, the provincial and national policies of the Canadian Union.

4.5 Provincial Councils of Unions

Where provincial labour legislation makes it possible and advisable to form a Provincial Council of Unions for the sole purpose of certification and collective bargaining, such a Provincial Council of Unions may be established and chartered by CUPE. The National Executive Board shall make or approve the necessary rules and regulations governing the operation of Provincial Councils of Unions.

4.6 Councils of Unions

Councils of Unions may be established and chartered by CUPE for the purpose of collective bargaining under authority from the National Executive Board. The National

SECTION 4 - Area Councils

Wherever possible, practical and in the best interests of the employees concerned, the union shall establish area councils on a geographic basis. In the event that an area council is established, each component local located within the boundaries of the area council shall be entitled as of right to elect at least one (1) member to serve on the area council executive.

Area councils shall be established on a numerical basis in the following locations, and their geographic boundaries shall be:

(a) *Region 1 (Vancouver Island)*

(1) Victoria and vicinity, consisting of that part of Vancouver Island south of the Malahat Summit.

(2) Nanaimo and vicinity, consisting of the remainder of Vancouver Island and the mainland coast north of Jervis Inlet as far as the Owikeno Lakes and the Gulf Islands.

(b) *Region 2 (Lower Mainland/Fraser Valley)*

(3) Vancouver and vicinity, consisting of the area north of the South Arm of the Fraser River inland as far as Golden Ears Park and north to Jervis Inlet and Pemberton.

(4) Abbotsford and vicinity, consisting of the area south of the South Arm of the Fraser River to the Pitt River and the Fraser Valley and Canyon to include Lytton. Eastward the area council includes Manning Park.

(c) *Region 3 (Okanagan - Cariboo)*

(5) Kamloops and vicinity, which includes the area centred at Kamloops and includes Lillooet, Salmon Arm, Clinton, and the North Thompson to Blue River.

(6) Williams Lake and vicinity, which includes the large central plateau centred at Williams Lake and including Bella Coola, Ocean Falls, Quesnel and the Bowron Lakes.

Executive Board shall have the power to:

- (a) Establish the jurisdiction of the Council;
- (b) approve the by-laws of the Council before they come into force;
- (c) dissolve the Council and/or revoke the charter of the Council subject to appeal to the National Convention.

4.7 Provincial Occupational Groups

Provincial Occupational Groups may be established under the auspices of a Provincial Division to coordinate activities and programs of such groups. The structure and by-laws of such Provincial Occupational Groups shall be subject to the approval of the National Executive Board. It shall not be necessary for all local unions within the province to affiliate to the Provincial Division in order to participate in a Provincial Occupational Group.

4.8 Provincial Divisions and District Councils shall be subject to the by-laws, including Appendix B, and regulations as set out in the Constitution and shall follow the procedure, the necessary changes being made, laid down in Article XII of the CUPE Constitution when adopting or amending their own by-laws.

4.9 Any Provincial Division, District Council, Service Division, Provincial Council of

Unions or Council of Unions may have its charter revoked by the National Executive Board, subject to appeal to the National Convention.

(7) Penticton and vicinity, which includes the Okanagan Valley from Armstrong to the U.S. Border and also includes Princeton.

(d) *Region 4 (Kootenays, East and West)*

(8) Cranbrook and vicinity, which includes the Kootenays east of the Rogers Pass and the Salmo-Creston summit.

(9) Nelson and vicinity, which includes the West Kootenays from Midway and Revelstoke and includes the area east of the Monashee Pass.

(e) *Region 5 (Northern)*

(10) Dawson Creek and vicinity, which centres at Dawson Creek, includes the Peace River country east of Pine Pass and the Alaska Highway to Lower Post.

(11) Prince George and vicinity, including that area served by Prince George west to and including Burns Lake.

(12) Terrace and vicinity, including the north west part of the province and the Queen Charlotte Islands.

Article 6 - Governing Authority

SECTION 1 - Convention

The governing body of the Union shall be the Union Executive and the duly-elected delegates from the membership meeting in Convention. The Convention shall be the legitimate source of all authority in the Union and the Union's final court of appeal, subject to the procedure outlined in Article 4, Section 2(d), rejections, suspensions, terminations, reinstatements.

SECTION 2 - Executive

When the Union is not meeting in Convention, the Union Executive shall be the governing body of the Union, subject to the procedure outlined in Article 4, Section 2(e), and Article 4, Section 2(d), rejections, suspensions, terminations, reinstatements.

SECTION 3 - Discipline

- (a) The Provincial Executive of the Union shall have the authority to assess a penalty upon any member or groups of members for cause detrimental to the Union or for violation of the Constitution, policies, or Bylaws of the Union. Such a penalty should be in keeping with the nature of the offence up to and including the suspension of membership.
- (b) Any such penalty shall also be subject to the appeal procedure under Article 4, Section 2(b), (c), (d), (e), and (f) of the Union's Constitution.

SECTION 4 - Constitutional Interpretation

The President shall have authority to interpret the Constitution and his interpretation shall be conclusive and in full force and effect unless reversed or changed by the Provincial Executive or the Union in Convention.

Article 7 - Convention

SECTION 1 - Biennial Convention

- (a) There shall be a biennial Convention of the

Article V

GOVERNMENT AND STRUCTURE

5.1 The government and structure of the organization shall be as follows:

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

5.2 No Local Union or other subordinate body chartered by the Canadian Union, or any officer or member thereof, shall have the power to act as an agent for the Canadian Union or otherwise bind the Canadian Union except insofar as authorized by the National President, or in his absence, the National Secretary-Treasurer and/or the National Executive Board.

10

BIENNIAL CONVENTION

6.1 The Union shall meet biennially at such place as the National Executive Board shall determine, having regard to the locations and accommodation. The supreme authority of the Union shall be this Biennial Convention.

6.2 (a) Special Conventions may be called by direction of a regular Convention, by order of the National Executive Board, or on request of chartered unions representing a majority of the total number of locals of the organization, as evidenced by the records of the National Secretary-Treasurer reported to the last Biennial Convention.

Section 14: CONVENTIONS

- A. The annual convention of this Provincial Association shall be held normally in the spring. The date thereof shall be announced at least ninety (90) days in advance of the date so set. It shall be the responsibility of the Provincial Executive to make arrangements for the annual convention.
- B. Notwithstanding the foregoing. Special Conventions may be called by the Provincial Executive on two (2) weeks notice.

Union which shall be a meeting of the Union Executive and accredited delegates. Biennial Conventions shall be held in odd-numbered calendar years.

- (b) The Convention shall be held at a time and place to be decided upon at the immediately-preceding Convention. Provided, however, that in order to meet special conditions the Union Executive may alter the date and place of a biennial Convention as set by Convention but in no case shall the interval between Conventions be less than twenty (20) months or more than twenty-eight (28) months.

SECTION 2 - Delegates

Accredited delegates to the biennial Convention shall be elected by the Locals upon the following basis:

- (a) Each Local within a Component may elect one delegate for the first one hundred (100) members or part thereof and one additional delegate for each additional two hundred (200) members or major part thereof.
- (b) When a Local elects its delegates to Convention, nominations shall exceed the number of delegates to be elected by at least two (2). The unsuccessful candidates shall be regarded as alternate delegates ranking in accordance with the number of votes received by them.
- (c) The members of the Union's Provincial Executive shall be delegates to the Convention as of right.
- (d) The travelling and subsistence expenses of Union Executive members attending a Convention shall be paid for out of funds of the Union at a rate to be determined by the Union Executive.
- (e) All travelling, salary and subsistence expenses of delegates attending the Union's biennial Convention shall be paid for out of funds of the Union at the rate to be determined by the Union Executive.

6.3 Not less than 90 calendar days prior to the opening of such regular Convention and 30 calendar days prior to each Special Convention, the National Secretary-Treasurer shall issue a Convention call and furnish each organization entitled to send delegates with credential blanks in duplicate which must be attested as required on the blanks. The original shall be retained by the delegate and the duplicate forwarded to reach the National Office not later than 45 calendar days prior to the opening of the regular Convention, or 15 calendar days prior to a Special Convention. A registration fee of \$20.00 for each delegate shall be attached to the duplicate credential forwarded to the National Office. A fee of \$15.00 shall be charged for each guest registration.

6.4 Representation at Convention shall be:

Local Unions:

Up to 100 members	.....	1 delegate
101 to 200 members	.....	2 delegates
201 to 500 members	.....	3 delegates
501 to 1,000 members	.....	4 delegates
1,001 to 1,500 members	.....	5 delegates
1,501 to 2,000 members	.....	6 delegates
2,001 to 2,500 members	.....	7 delegates
2,501 to 3,000 members	.....	8 delegates

for each additional 500 members or portion thereof — 1 additional delegate.

Provincial Divisions	.....	1 delegate
District Councils	.....	1 delegate
Service Divisions	.....	1 delegate
Councils of Unions	.....	1 delegate

6.5 Representation at Conventions shall be based on the paid-up membership, including Rand Formula payees, to the end of the month previous to the month of the Convention.

Special Conventions shall be for the sole purposes of discussing a specific urgent situation. The President or Provincial Executive must call a Special Convention upon receipt of a petition of twenty-five percent (25%) of the membership of the Provincial Association.

C. Delegates:

- Any member in good standing is eligible to be a delegate to the Annual Convention or Special Conventions. Delegates shall be elected by Local Associations on the following basis: 1-50 members: 2 delegates; 1 delegate for each additional 50 members or majority fraction thereof up to 200 members. Thereafter, 1 delegate for each 100 members or majority fraction thereof. No more than 10 delegates shall be allowed from each Local Association, except where application is made by the Local Association for additional representation and such request is granted by the Provincial Executive, subject to the approval of the Convention.
 - Local Associations shall elect alternates to provide for the inability of any of the delegates to attend.
 - Delegates and alternates will be elected in accordance with Local Association By-Laws.
 - Members of the Provincial Executive shall automatically be delegates to conventions.
 - Delegates elected to the Annual Convention shall serve also for any Special Convention except as decided by a local association.
- D. There shall be a committee known as the Resolutions and Constitution Committee which shall consist of no less than four (4) elected delegates to the Annual Convention. Each local Association shall be entitled to have one of its delegates be a member of the Resolutions and Constitution Committee. If the Provincial Association is composed of less than four Local Associations, the Provincial Executive shall appoint additional members of the Committee to bring its total membership to four. The Committee shall elect one of its members to serve as chairperson. The Resolutions and Constitution Committee shall print all proposed resolutions and constitutional amendments and submit them to the Provincial Association conventions. Resolutions to the Provincial Annual Convention must be received by the Provincial Secretary-Treasurer at least fourteen (14) days prior to the convention date. Emergency resolutions can be accepted from the floor of the Convention.
- E. A majority of the registered delegates to a convention shall be necessary to form a quorum for the transaction of business.
- F. The rules of order shall be presented for approval by a majority of delegates present at the first order of business.

Article 8 - Union Executive

SECTION 1 - Composition

The Union's Provincial Executive shall be comprised of a President, First Vice-President, Second Vice-President, Treasurer, five regional Vice-Presidents and the Chairperson of each Component.

SECTION 2 - President, First Vice-President, Second Vice-President, Treasurer.

The President, First Vice-President, Second Vice-President and Treasurer shall be elected by secret ballot by majority vote of all the accredited delegates present and voting at the Union's Convention.

SECTION 3 - Regional Vice-Presidents

a) One (1) regional Vice-President shall be elected from each administrative region by secret ballot by majority vote of all the accredited delegates to the Convention from each of the Union's five (5) administrative regions.

(b) The delegates from each administrative region shall be entitled to elect one regional Vice-President.

(c) The five administrative regions shall be as follows:

1. Vancouver Island
2. Lower Mainland-Fraser Valley
3. Okanagan-Cariboo
4. Kootenays (East and West)
5. Northern

SECTION 4 - Component Executive Members

a) The Chairperson of each Component shall sit as a matter of right on the Union's Provincial Executive.

b) Each Component shall notify Union Headquarters on or before July 15 annually of the name of their duly-elected Provincial Executive member.

NATIONAL EXECUTIVE BOARD

7.1 The National Executive Board shall be the governing body of the Union when the Convention is not in session. It shall take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the Convention, and to enforce the provisions contained in this Constitution.

7.2 The National Executive Board shall be composed of the National President, the National Secretary-Treasurer, five General Vice-Presidents and ten Regional Vice-Presidents elected by the Convention. The Regional Vice-Presidents shall be from the following regions:

- | | |
|--------------------------|---|
| British Columbia | 1 |
| Alberta | 1 |
| Saskatchewan | 1 |
| Manitoba | 1 |
| Ontario | 2 |
| Northern Ontario | 1 |
| Quebec | 1 |
| Atlantic Provinces | 2 |

For the purposes of this Article, Northern Ontario shall be considered to be the area north of the French River.

7.7 The National Executive Board shall have the power to conduct an investigation of any situation in which there is reason to believe that any chartered organization may be dominated, controlled or substantially influenced, in the conduct of its affairs by any corrupt influence, or that its policies or activities are contrary to the principles or policies of the Canadian Union of Public Employees.

7.9 Sections 7.7 and 7.8 shall not be construed as an encroachment on the autonomy of the chartered organizations as provided in the rest of this Constitution. It is the intent of these Sections to protect both the chartered organizations and the members of these chartered organizations. The intent of these Sections shall be interpreted in the strictest legal sense and any action taken under them may always be subject to appeal to the National Convention of the Union.

Section 7: THE PROVINCIAL EXECUTIVE

A. There shall be a Provincial Executive of the Provincial Association elected annually. It shall be comprised of the four Provincial Officers: President, Vice-President, Secretary-Treasurer, Provincial Organizer, plus two provincial executive members or duly elected alternates elected in accordance with Local Association By-laws, by and from each chartered Local Association of the Provincial Association.

B. i) The ~~Provincial Organizer~~ ^{Secretary Treasurer} shall be the sole paid officer of the Provincial Association. She/he may be paid either full-time or part-time for the entire year or for a fraction of thereof as determined by the Annual Convention. She/he may not run for two consecutive terms. The salary and benefits shall remain at the same rate as if she/he continued in his/her normal job as a member of the Local Association bargaining unit. During a strike or lock-out of the entire Provincial Association, the paid officer shall not receive more than the strike benefits received by the other members.

There shall be no other paid officers of the Provincial Association unless proposed at a Provincial Convention and approved by the Provincial Association membership in referendum.

ii) Notwithstanding Section 7B i), local associations may request the Provincial Executive to pay lost time wages on occasion for the short-term appointment of resource persons who take a short-term leave of absence from their job in an AUCE bargaining unit to perform such duties as may be required by a local association and/or the Provincial Association. There will be a time limit of 60 days on such appointments which may be renewable at the discretion of the Provincial Executive.

C. The qualifications for office in the Provincial Association shall be membership in good standing in a chartered Local Association.

SECTION 6 - Union Dues

The revenue of the Union shall be derived from the monthly dues to be charged to each member of the Union at a rate to be determined at Convention. An initiation fee of five (5) dollars shall be charged each person joining the Union. This fee shall be payable to the Component of the Union to which the member belongs. During an organizing campaign the initiation fee charged to each new member recruited shall be one (1) dollar.

The Union Executive shall determine a portion of the monthly dues paid to the Union which shall be remitted by the Union Executive to Components and Area Councils of the Union for their financial support. The aforesaid remission is to be made pursuant to a method to be determined by the Union Executive.

SECTION 8 - Financial Policy

The Union Executive shall establish a universal financial policy which shall apply equally throughout the Union.

SECTION 9 - Assessments

Membership assessments by way of payroll deduction may only be made upon approval by the Union's Provincial Executive.

SECTION 10 - Arrears

Any member of the Union six (6) months in arrears shall stand suspended and shall be notified thirty (30) days prior to the date of suspension by registered mail of the intent to suspend; and reinstatement or expulsion of suspended members shall be under conditions as determined by the Union Executive.

SECTION 11 - Donations

No donation shall be made from the funds of the Union unless it is approved by a majority vote of the Union Executive or by a majority vote of the accredited delegates meeting in Convention.

SECTION 15 - Fiscal Year

The fiscal year of the Union shall end on the last day of March in each year.

Article XIII

REVENUE

13.1 The revenue of the Canadian Union shall be derived as follows (annual fees prescribed by this Article shall be payable on the basis of the fiscal year):

(a) Each Provincial Division shall pay a fee of \$25.00 per year.

(b) Each District Council shall pay a fee of \$5.00 per year.

(c) Each Service Division shall pay a fee of \$10.00 per year.

(d) Each Local or Provincial Union shall pay a monthly per capita tax, as follows, on all dues collected, including payments under the Rand Formula, from full-time workers:

Effective January 1, 1978 — \$5.15

Effective January 1, 1979 — \$6.00

Each Local or Provincial Union may pay a reduced monthly per capita tax, as follows, on all dues collected, including payments under the Rand Formula, from part-time workers who regularly work 85 or fewer hours per month, provided that the member is paying reduced monthly dues in accordance with Article 4 of Appendix B, and provided also that the Local or Provincial Union submits to National Office a copy of the monthly dues check-off received from management, together with the monthly per capita tax payment.

The reduced per capita tax shall be as follows:

Effective January 1, 1978 — \$2.80

Effective January 1, 1979 — \$3.30

Section 15: REVENUE AND FINANCES

- A. The revenue of the Provincial Association shall be derived from a per capita tax of two dollars (\$2.00) per member per month, excluding those members unemployed as dealt with in Sections 4G, 4H and 4I of this Provincial Constitution. The amount of the per capita tax shall be changed only by a majority of ballots cast in a referendum of the Provincial Association membership.
- B. Twenty-five cent (\$0.25) of the per capita tax shall be deposited in the strike fund.
- C. Should an emergency arise and the Provincial Executive decide that an assessment of the Provincial Association is necessary, a referendum ballot of the Provincial Association members will be taken. Reasons for, and the duration of the proposed assessment will be distributed with the ballots. A majority of ballots cast in favor of said assessment shall be considered approval.
- D. Per capita tax shall be forwarded to the Provincial Secretary-Treasurer on a regular basis each month and deposited in the name of the Provincial Association. Up to date records of membership lists shall be submitted to the Provincial Executive.
- L. DUES AND FINANCES
 1. Monthly dues shall be _____ for every member of the Local Association and shall be payable each month. Dues can only be changed with the approval of the membership of the Local Association involved.
 2. The Local Association shall have the right to levy on its members, for special purposes, one assessment per year of at most five dollars (\$5.00), which shall be voted on by two-thirds (2/3) majority vote of the members at a Local Association membership meeting, provided that proper notice has been given at least fourteen (14) days prior to the vote. Further assessments shall only be levied as a result of a referendum ballot.
 3. All monies in the hands of the Treasurer shall be deposited in the name of the Local Association and a complete record of all monies received and paid out shall be kept. There shall be a yearly audit. The Trustees shall be responsible for inspecting the financial records of the Local Association.

Bylaws - BCGEU

Funding of Area Councils - Area Councils will be funded by a per capita to be deducted from the dues of all employees in the bargaining unit. The Union's Provincial Executive shall determine the portion of the dues to be allocated to Area Councils. This amount will be divided by five (5) and one (1) share will be remitted monthly to each regional Vice-President. The regional Vice-President, and the Chairperson of the Area Councils within the region, will administer the funds.

3. There shall be fourteen (14) Components within the bargaining unit, namely the thirteen (13) Components negotiated between the Employer and the Union and one (1) additional Component which will comprise all members certified under the Labour Code of British Columbia Act. The thirteen (13) Components shall be responsible for negotiating wages and salaries and all conditions of employment peculiar to the Component membership. The Component will be responsible for the financing of their member Locals through an imprest account system.

The Chairperson of each Local shall sit on the Component executive as of right. Additional members shall be elected to the Component executive by Locals from Local executives on a per capita basis as determined by the Component Bylaws.

Effective January 1, 1978, sixty (60¢) cents per member per month of any per capita tax shall be placed in the National Defence Fund; effective January 1, 1979, eighty (80¢) cents per member per month of any per capita tax shall be placed in the National Defence Fund which shall be governed by the regulations established by the National Executive Board in compliance with the National Convention decisions.

(e) Each Local Union shall pay a fee of \$1.00 on each application for membership.

(f) The charter fee to establish a new Local Union shall be \$20.00 which will cover the cost of charter, books and supplies, and also the fee on the membership of the first 20 members. On all additional members a fee of \$1.00 shall be forwarded for each member.

(g) Each local as defined under Section 13.1 (d) involved in a strike or lockout for a period exceeding half a calendar month, may seek a whole or partial dispensation of per capita from the National President or the National Secretary-Treasurer for the duration of such strike or lockout.

13.2 The fiscal year of the Canadian Union shall be from July 1, until June 30.

B.IV. General Provisions, Dues, Initiation Fees, etc.

B.4.1 A Local Union may charge such initiation and readmittance fees as it may from time to time decide upon, but in no case shall the initiation or readmittance fee be less than \$1.00 nor more than \$10.00. When a Service Division is authorized to establish or alter the initiation or readmittance fees on behalf of the local unions of which it is composed, and in their stead, the procedure to be followed is as set out in the by-laws of the Division.

SECTION 16 - Defence Fund

- (a) The Union shall establish a defence fund; the monies in the defence fund to be used by the Union and its Components for the purpose of collective bargaining, subject to the terms and provisions of Article 9, Section 17. The revenue of the defence fund shall be derived by a per capita assessment made on the monthly dues charged to each member.
- (b) The Union in Convention shall establish the proportion of the monthly dues paid to the Union by a member of the Union which shall be apportioned to the defence fund.

SECTION 17 - Use of Defence Fund

Monies from the defence fund will be disbursed in the following manner:

- 1. Strike Pay
 - a) funds to be allocated only when a legal strike ensues as per the Public Service Labour Relations Act or Labour Code of B.C. Act
 - b) BCGEU policy regarding withdrawal of services is strictly adhered to
 - c) payment commences only after the completion of the second week on strike and only for members who have registered for picket duty

Section 16: STRIKES AND LOCKOUTS

- A. A certified bargaining unit shall not strike without the approval of the membership in the unit. Provincial strike benefits will be determined by the Provincial Executive in consultation with any Local Association on strike.

Section 17: DISCIPLINE

- A. The Local Associations have the right to discipline any member for a violation of the Provincial Constitution, Local Association By-Laws, or decisions of Local Association meetings or conventions, only after a fair hearing and a majority vote at the Local Association meeting. The accused shall be presented with the charges in writing at least seven (7) days prior to the hearing and shall have the right to have a member of the Local Association act as her/his counsel.

SECTION 7 - Negotiations

(a) Where the union is recognized as the bargaining agent to represent employees under the Public Service Labour Relations Act, negotiating committees shall be established on the following basis:

(i) A Master Bargaining Committee shall be established for the purpose of making representations to the Government of British Columbia or its duly-authorized representatives on matters relating to service-wide conditions of employment and/or other matters affecting the welfare of the majority of members of the BCGEU. This Master Bargaining Committee shall comprise the Union President and General Secretary as co-chairpersons, together with the Union's Provincial First Vice-President, Second Vice-President and Treasurer, plus an elected provincial executive member or his designate representing each bargaining com-

ponent, with the exception of the General Services Component. Where it is deemed necessary to form sub-committees, such sub-committees shall consist of the President and General Secretary, with additional members who shall be elected by the Master Bargaining Committee. Such sub-committees shall report back to the Master Bargaining Committee.

(ii) Each Component shall establish a negotiating committee for the purpose of making representation to the Government of British Columbia or its duly-authorized representatives on matters in relation to the terms and conditions of employment that apply only to the members comprising the said component. The President and General Secretary shall be members *ex officio* of each component negotiating committee.

- (b) Where the union is recognized as the bargaining agent to represent employees under the Labour Code of B.C., locals shall establish negotiating committees to make representations to their members' respective employers on matters relating to wages, salaries and other working conditions. Where a local is comprised of members covered by more than one (1) certification, a negotiating committee shall be established for each certification.
- (c) No binding agreement may be entered into by any component or local unless it is in writing and signed on behalf of a component or local by the duly-authorized signing

18

Article 12 - Affiliations

The Union may affiliate or disaffiliate with any organized body only as the result of a majority vote cast by secret ballot in a poll of all the members of the Union.

B.1.2 No Local Union may be dissolved while there are twelve members in good standing therein who desire to continue its existence. The funds of the Local Union cannot be divided among individual members and can only be utilized for valid Local Union purposes. In the event of a transfer of jurisdiction and/or merger of local unions in accordance with Sections 3.5 and 3.6 of Article III (Jurisdiction and Membership) this Section shall not apply.