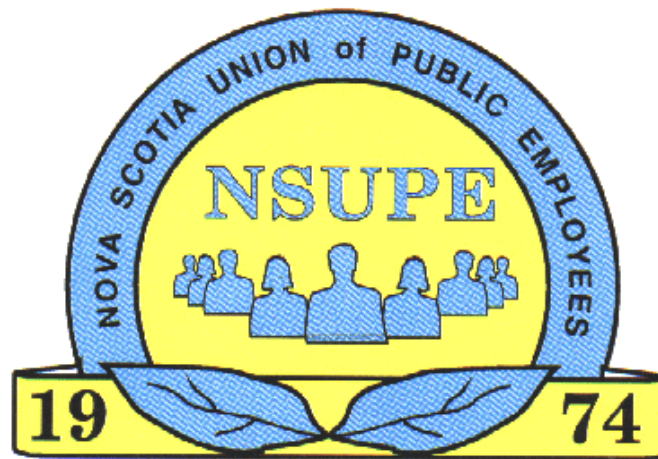


# **NOVA SCOTIA UNION OF PUBLIC & PRIVATE EMPLOYEES**



# **NSUPE**

## **CONSTITUTION**

**and**

## **BY-LAWS**

As amended: September 2008

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**ARTICLE 1 - NAME, DEFINITIONS & AIMS**

**Article 1 - Section 1 Name**

1.1.1 The name of the organization is “Nova Scotia Union of Public and Private Employees” and may be abbreviated as “NSUPE”.

**Article 1 - Section 2 Definitions**

1.2.1 “Bargaining Unit” means the unit defined as appropriate for bargaining by legislation in any Canadian jurisdiction or as deemed appropriate by the Union.

1.2.2 “Bylaw” - means a motion setting out a structure or process that the Union or a Local intends to use on an ongoing basis.

1.2.3 “Convention” means the biennial Convention of the Union.

1.2.4 “Executive Council” means the President, Vice-President, Secretary, Treasurer and Local Executive Council members of the Union.

1.2.5 “Local” means the division of the membership of the Union comprising one or more bargaining units or part thereof in a geographical and/or working area.

1.2.6 “Local Executive” means the Executive elected to administer the Local.

1.2.7 “Majority vote” means more than fifty percent (50%) except where clearly specified otherwise.

1.2.8 “Member in good standing” means a member:

- (a) who is not more than three (3) months in arrears in dues,
- (b) who is not suspended or expelled in accordance with the provisions of this Constitution, and
- (c) who is not subject to sanction as a scab pursuant to Article 10.8.1.

1.2.9 “Office” means any position held by a member, whether elected or appointed, in which the member represents the Union by virtue of belonging to the Union, and includes such positions as: Executive Council, Local Executive, Union Advocates, Committee Chairperson and committee members.

1.2.10 “Regular wages” means gross wages paid at straight-time rates but does not include premium pay such as overtime, shift differential, travel allowance, etc.

1.2.11 "Sixty-six and two-thirds (66 2/3) vote" means a vote by sixty-six and two thirds percent (66 2/3%).

1.2.12 "Union" means the Nova Scotia Union of Public and Private Employees.

**Article 1 - Section 3 Objects & Aims**

1.3.1 The organization of all workers.

1.3.2 The improvement of the economic, social and cultural life of working people and the extension of civil rights and liberties.

1.3.3 The improvement of wages, working conditions and job security of all workers including the right to equal pay for work of equal value.

1.3.4 The promotion of legislation which benefits workers generally and opposition to legislation which is contrary to the best interests of workers.

1.3.5 The promotion of the rights and freedoms of working people and in particular the right to belong to effective and democratic labour organizations.

1.3.6 The establishment of links with other labour organizations wherever possible and beneficial.

1.3.7 The regulation of relations between employees and employers.

1.3.8 The education of members concerning all aspects of working life and in particular that the power and influence of the Union depend on the unity and collective strength of its members.

1.3.9 The establishment, regulation and maintenance of benefit funds as decided by the Union.

1.3.10 The holding, owning, acquiring, selling, leasing, disposing of or otherwise dealing with land and other property as decided by the Union.

**ARTICLE 2 - MEMBERSHIP**

**Article 2 - Section 1      Membership**

- 2.1.1      Executive Council reserves the right to accept or reject a membership application or to delegate such right and authority to the Local Executive.
- 2.1.2      Subject to Article 2.1.1, membership in the Union shall be open to all persons or groups of persons approved by or under the authorization of Executive Council or Convention for membership.
- 2.1.3      For purposes of organizing, where there is a signed membership application, Executive Council is deemed to have approved membership.
- 2.1.4      Notwithstanding the provisions of Articles 1.2.8, a member who is no longer employed as a result of actions by the member or the employer and who continues to be represented or supported by the Union shall remain a member in good standing until the representation or support ceases.
- 2.1.5      Article 1.2.8(a) shall not apply to members absent from their regular place of employment on approved leave without income. Membership while on leave may be maintained for a maximum of two (2) years, but may be extended for one (1) year periods thereafter.

**Article 2 - Section 2      Membership Application Reconsideration**

- 2.2.1      Any person whose membership application is rejected may, within sixty (60) calendar days of being notified of the rejection, apply to Executive Council for a reconsideration. A person who has had a reconsideration of membership application rejected may reapply for membership on an annual basis.
- 2.2.2      A person who ceases to be a member by reason of expulsion may, subject to any time limits imposed at the time of expulsion, make application for membership in accordance with Article 2.2.1.

**Article 2 - Section 3      Jurisdiction, Rights and Privileges**

- 2.3.1      The jurisdiction of the Union shall extend to all persons who are accepted for membership.
- 2.3.2      Every member is bound by the provisions of this Constitution and By-Laws and the applicable Local By-Laws.
- 2.3.3      Subject to other provisions of this Constitution, a membership application form or payment of dues shall constitute evidence of application and entitle the

member to:

- (a) a membership card;
- (b) all rights and privileges of the Constitution.

2.3.4 Every member in good standing is entitled to participate in the affairs of the Union and to be reasonably represented by the Union.

2.3.5 To hold any office within the structure of the Union, a member must be a member in good standing and meet the other criteria set out in this Constitution and in Local By-Laws. Notwithstanding the foregoing, Executive Council may, in special circumstances as determined by the Council, authorize a member holding office to continue in that office after his/her membership ceases, but such authorization shall not continue beyond the end of term for that office.

2.3.6 Subject to any qualifications which may be stipulated in this Constitution, any member in good standing may be nominated for office and may hold office in the Union. However, in the case of Treasurer of the Union, the member must be bondable in the amount stipulated in the By-Laws of the Union.

2.3.7 Subject to Articles 2.1.4 and 2.3.5, if a member ceases to be employed in or is excluded from a bargaining unit, the member shall relinquish all rights and privileges of membership.

**Article 2 - Section 4 Transfer of Membership**

2.4.1 When a member is transferred or takes a new job that places the member in the jurisdiction of another Local, the member shall relinquish all rights, duties and responsibilities of the previous Local and shall automatically assume membership in the new Local.

2.4.2 A member transferring a membership may require the President of the previous Local to forward a letter to the President of the new Local stating the positions held, responsibilities undertaken, and attendance record of the member.

2.4.3 Notwithstanding other stipulations in this Constitution and By-Laws, Locals shall allow a transferred member to transfer his/her attendance records to the new Local and shall allow such attendance record to qualify the member for any office or position to be filled by the Local.

2.4.4 The foregoing provisions of this Article 2, Section 4, shall apply in the same manner to Bargaining Units.

**Article 2 - Section 5      Life and Honourary Membership**

2.5.1            Executive Council may award life membership to any member or retired member who has provided exemplary service on behalf of or to the Union through personal efforts.

2.5.2            Executive Council may award honourary membership to any person who has provided exemplary service on behalf of or to the Union through personal efforts.

**ARTICLE 3 - CONVENTIONS AND SPECIAL CONVENTIONS**

**Article 3 - Section 1 Convention**

3.1.1 Convention shall be the ultimate governing body of the Union.

**Article 3 - Section 2 Time and Notice of Convention**

3.2.1 Convention shall, subject to exceptional circumstances, be held every two (2) years on the third weekend in November. In exceptional circumstances as determined by Executive Council, Convention shall be at a time named by Executive Council, but no later than March 31 of the following year.

3.2.3 Where Convention is to be held at a time other than the third weekend in November, the Secretary shall give as much written notice as possible and at least thirty (30) days notice.

**Article 3 - Section 3 Calling and Notice of Special Convention**

3.3.1 Executive Council may convene a Special Convention of the Union at any time.

3.3.2 Executive Council shall, on request of sixty-six and two-thirds percent (66 2/3%) of the Locals, convene a Special Convention of the Union.

3.3.3 Executive Council or sixty-six and two-thirds percent (66 2/3%) of the Locals, as the case may be, shall, on requesting a Special Convention, state clearly the business to be taken up at the Special Convention. Only that business which has been announced in Convention Call shall be taken up, provided that other business may be taken up subject to the approval of sixty-six and two-thirds percent (66 2/3%) majority vote of the delegates present and the procedure set out in Article 3.12.2 or Article 3.13.2 as the case may be.

3.3.4 The Secretary shall give at least ten (10) days notice in writing of a Special Convention as specified in Article 3, Section 4 and shall include in the notice, the business to be taken up.

**Article 3 - Section 4 Resolutions to Convention**

3.4.1 Locals may bring matters before a Convention for consideration by means of resolutions duly discussed and adopted at a regular or special meeting of the Local.

3.4.2 Executive Council may submit its own resolutions to Convention provided they have been duly discussed and adopted by Executive Council.

- 3.4.3 All resolutions for Convention shall be submitted in detail to the Secretary by June 30 of the year of Convention. Executive Council may accept a resolution at a later date where it determines there will be sufficient time to give appropriate consideration to such resolution. The Secretary shall promptly forward resolutions to the Resolutions Committee.
- 3.4.4 The Resolutions Committee established pursuant to Article 3.17.6 will consider each resolution submitted to it and make a recommendation that the resolution be accepted, rejected, or amended, and give reasons for its recommendation.
- 3.4.5 Resolutions, together with recommendations of the Resolutions Committee, will be forwarded by the Secretary to the Locals and Executive Council by September 15 of the year of Convention. In the case of resolutions accepted by Executive Council after June 30, resolutions and recommendations of the Resolutions Committee shall be sent to the Locals and Executive Council as soon as possible.
- 3.4.6 The Secretary shall arrange that copies of all resolutions and recommendations which are to be submitted to Convention shall be forwarded to all delegates at least ten (10) days prior to Convention, except in the case of a Special Convention. The Secretary shall include, if reasonably possible, written reports and other materials relevant to Convention, with the resolutions and recommendations.

**Article 3 - Section 5 Delegates**

- 3.5.1 Convention shall be composed of:
- (a) members of Executive Council who shall be delegates to Convention as of right; and
  - (b) elected delegates from Locals allocated on the following basis:
    - i) two (2) delegates from each Local; and
    - ii) one (1) additional delegate from each Local for each one hundred and fifty (150) members of part thereof in excess of one hundred (100); and
    - iii) two (2) delegates from each Local Executive.
- 3.5.2 For the purpose of determining the number of delegates to Convention, the membership in a Local shall be those members shown on the membership list of the Local one hundred and twenty (120) days preceding Convention.

**Article 3 - Section 6 Election of Local Delegates to Convention**

- 3.6.1 Election of delegates and their alternates to Union Convention shall take place prior to Convention. In the case of a Special Convention when the Local has not already elected delegates and alternates, the Local shall hold a meeting as soon as reasonably possible before Convention to elect delegates and alternates.
- 3.6.2 The election of delegates from Local Membership shall be through the normal process of nomination and balloting and a nominee must receive a majority of the votes cast in order to be elected.
- 3.6.3 Alternates to the delegates shall be elected in the same manner as delegates in a separate election.
- 3.6.4 Each delegate and alternate must be a member of the Local he/she represents.
- 3.6.5 Local delegates and alternates shall report to the next Local meeting following Convention on business conducted at Convention, either individually or as a group.
- 3.6.6 Local delegates and alternates may be registered up to the start of Convention.

**Article 3 - Section 7 Voting Delegates, Quorum and Committee Members**

- 3.7.1 Delegates at Convention shall be:
  - (a) Executive Council members or their alternates; and
  - (b) Delegates from Locals or their alternates.
- 3.7.2 Sixty-six and two-thirds percent (66 2/3%) of the delegates to a Convention shall constitute a quorum of that Convention, provided that if no quorum is met, those present may adjourn Convention to another date at least (7) calendar days hence and may conduct business at that Convention whether or not a quorum is present.
- 3.7.3 Committee members in attendance at Convention may speak in regard to their committee reports whether or not they are voting delegates.

**Article 3 - Section 8 Observers, Guests from another Union, Special Guests and Media**

- 3.8.1 As space permits and on the approval of Executive Council, members in good standing may attend Convention as observers, but shall not be entitled to vote

or enter into regular debate.

3.8.2 As space permits and with the approval of Executive Council, guests may attend Convention, but shall not be entitled to vote or enter into regular debate.

3.8.3 The Chairperson will consider written submissions from members attending as Observers requesting permission to speak and may, if time permits, grant permission for the Observer to speak.

3.8.4 As time permits the Chairperson may invite observers and guests to speak.

**Article 3 - Section 9 Presiding Officer and Hours of Convention**

3.9.1 The President, or in the absence of the President the Vice-President, shall preside at every Convention and in the absence of the President and the Vice-President, Convention shall elect a voting delegate to preside.

3.9.2 Executive Council shall decide the hours of Convention and may extend the hours if it deems it necessary.

**Article 3 - Section 10 Business of Convention**

3.10.1 At a Convention the following business shall be transacted:

- (a) Reading and adoption of the Convention call and agenda;
- (b) Adoption of the Rules of Order;
- (c) Consideration of the Minutes of the previous Convention and/or Special Convention;
- (d) Business arising out of the minutes;
- (e) President's Report;
- (f) Treasurer's Report;
- (g) Appointment of Nominations Receiving Committee;
- (h) Committee and other Reports;
- (i) New Business;
- (j) Election of Officers.

3.10.2 Notwithstanding the foregoing and subject to provisions in this Constitution for the consideration of Resolutions, other business may be brought forward with approval of voting delegates at Convention.

**Article 3 - Section 11 Votes on Resolutions**

3.11.1 Delegates shall not be bound to vote in accordance with motions or directions made by a Local or Locals.

- 3.11.2 Except as otherwise provided in this Article, resolutions to Convention shall be voted on and passed by majority vote.
- 3.11.3 A resolution amending or altering the Constitution shall require a sixty-six and two-thirds percent (66 2/3 %) majority vote of delegates present.
- 3.11.4 Resolutions for Constitutional and By-Law amendments presented in accordance with this Article 3 shall not be amended at Convention under any circumstances but shall be accepted or rejected as presented.
- 3.11.5 An amendment to the Constitution shall become effective at the conclusion of Convention at which it received the necessary majority vote, unless a later date is specified by Convention.

**Article 3 - Section 12 Extraordinary Resolutions**

- 3.12.1 Extraordinary resolutions shall pertain to matters that have become evident after the expiry date for the receipt of ordinary resolutions.
- 3.12.2 A delegate moving an extraordinary resolution or introducing other business pursuant to Article 3.12.3, shall first make a motion that an extraordinary resolution be accepted for consideration and state briefly the nature of the resolution. The motion shall require a seconder and shall not be debatable but shall be voted on forthwith. If the motion to accept an extraordinary resolution is carried with a sixty-six and two-thirds percent (66 2/3%) majority of delegates present, then the extraordinary resolution shall be immediately moved, seconded, and debated in the normal manner.
- 3.12.3 Convention shall consider extraordinary resolutions and such other business as is approved by sixty-six and two-thirds percent (66 2/3%) majority vote of delegates present. Extraordinary resolutions shall not alter or amend the Constitution or By-Laws.

**Article 3 - Section 13 Extraordinary Amendment to the Constitution or By-Laws**

- 3.13.1 An extraordinary resolution which proposes an amendment to the Constitution or By-Laws shall be eligible for consideration only when it pertains to a matter or a development that has become evident after the expiry date for receipt of such amendments as provided in Article 3.4.5.
- 3.13.2 Notwithstanding the provisions of Article 3.4.5, and subject to a sixty-six and two-thirds percent (66 2/3%) majority consent of delegates present at Convention and the procedure set out in Article 3.12.2, an extraordinary resolution proposing an amendment to the Constitution or By-Laws may be

considered. Such an amendment, after receiving the necessary majority vote to present it, must first be presented to Executive Council which shall, during Convention at a time set by Executive Council, consider the eligibility and effect of the resolution. Executive Council shall then present the resolution to Convention with a recommendation to accept or reject it.

**Article 3 - Section 14 By-Laws**

- 3.14.1 The Union, at Convention, may make By-laws for the conduct of its affairs, provided such By-Laws shall not be inconsistent with this Constitution.
- 3.14.2 In the event that any By-Law of the Union or Local conflicts with or is inconsistent with this Constitution, this Constitution shall prevail.
- 3.14.3 By-Laws may be adopted, repealed or amended by Executive Council provided at least thirty (30) days notice of motion to adopt, repeal or amend is served on all members of Executive Council and on the Secretary of each Local. The Secretary of the Union shall arrange for service of such notices. Where a person entitled to such notice cannot be reached, notice shall be deemed to have been served if sent by ordinary mail, at least thirty (30) days prior to the meeting at which the motion will be considered, to that person's last known address or in the case of the Secretary of a Local to the President of the Local or the President's designate.
- 3.14.4 By-Laws adopted, repealed or amended by Executive Council shall be presented to the next Convention for ratification.
- 3.14.5 All actions taken or not taken as a result of a By-Law having been adopted, repealed or amended by Executive Council are valid even though the adopting, repealing or amending of the By-Law may not be ratified by Convention.
- 3.14.6 The adopting, repealing or amending of any By-Law which is not ratified by Convention shall not be considered again by Executive Council if the effect of the consideration is the same as the consideration that has been rejected by Convention, before the following Convention.
- 3.14.7 A simple majority vote shall be required to adopt, repeal or amend a By-Law by Convention or by Executive Council and it shall become effective immediately upon receiving the necessary majority vote unless a later date is specified by Convention or Executive Council as the case may be.

**Article 3 - Section 15 Nominations Receiving Committee**

- 3.15.1 The person presiding over Convention shall appoint a Nominations Receiving Committee of three (3).

- 3.15.2 The duties of the Nominations Receiving Committee shall be to:
- (a) make available the proper nomination forms for delegates;
  - (b) receive nominations for the positions of President, Vice-President, Secretary and Treasurer of the Union;
  - (c) report on the nominations received periodically throughout Convention and at the end of each day of Convention and accept declinations at those times;
  - (d) make a final report on nominations immediately prior to the Election of Officers and accept declinations at that time.
- 3.15.3 Subject to the exception in Article 3.16.3, nominations shall cease upon presentation of the final report of the Nominations Receiving Committee.

**Article 3 - Section 16 Elections**

- 3.16.1 A nominee for the position of President, Vice-President, Secretary or Treasurer of the Union must be present at Convention or, if unable to be present, must submit notice in writing to the Nominations Committee, specifying the positions for which he/she will accept nomination prior to the Committee's final report. Only voting delegates shall be entitled to make nominations and no seconder is required.
- 3.16.2 Elections shall be conducted in the following order:
- (a) President
  - (b) Vice-President
  - (c) Secretary
  - (d) Treasurer
- 3.16.3 A defeated candidate may be nominated for election in a subsequent ballot for a different office, subject to Article 3.16.1, even though the candidate has not been previously nominated for that office.
- 3.16.4 The procedure for elections shall be:
- (a) The Presiding Officer shall appoint the Elections Chairperson who shall not be a person accepting a nomination for office;
  - (b) The Elections Chairperson shall conduct the elections and report the results to Convention;

- (c) The Elections Chairperson shall ask each nominee to appoint a scrutineer and shall appoint a person who is not a voting delegate as Chief Scrutineer. In the absence of a person who is not a voting delegate the Elections Chairperson shall appoint a Chief Scrutineer from among the delegates but it shall not be a person accepting nomination for office;
- (d) The Elections Officer shall require the scrutineers to count the ballots in secret after each round of voting and announce the results to Convention before the voting for the next position commences;
- (e) The Elections Chairperson shall, immediately after announcing the results of the balloting, ask if there are any further nominations for the next position to be elected from among those candidates defeated in the prior election(s) and shall accept such nominations, if any;
- (f) No vote count will be announced;
- (g) Voting shall be by secret ballot;
- (h) A nominee shall be declared elected upon receiving more than fifty percent (50%) of the unspoiled votes cast. If a majority vote is not obtained by any nominee, a runoff election shall be held in which the nominee who receives the least number of votes and any other nominee who voluntarily withdraws will be eliminated from the ballot. This process will continue until one nominee receives the required number of votes.
- (i) If there is only one nominee for an Executive position, the Elections Chairperson shall conduct a secret ballot vote in which the delegates shall vote to approve or not approve the one nominee. If the vote is to approve, then one (1) nominee shall be declared elected. If the vote is not to approve then the Elections Chairperson shall call for further nominations for the position.
- (j) If there is only one (1) nominee for any other position, the Elections Chairperson shall declare that person elected by acclamation.
- (k) If the results of any round of balloting are challenged by at least ten percent (10%) of delegates present, the Elections Chairperson shall require the Scrutineers to re-count the ballots and shall be in attendance during the re-count. If any ballot(s) is in dispute

among the Scrutineers, the Elections Chairperson shall decide whether it is valid or invalid. After determining the results of the re-count, the Elections Chairperson shall announce the results to Convention.

- (l) The Elections Chairperson shall hold office until Convention ends after which time he/she shall destroy all ballots cast in the elections.

**Article 3 - Section 17 Union Committees**

- 3.17.1 Convention or Executive Council may establish Union committees necessary to facilitate the transaction of the business of the Union, and such committees shall be sub-committees of Executive Council.
- 3.17.2 The following Union committees shall be established: Finance Committee and Resolutions Committee.
- 3.17.3 Terms of reference of Union committees shall require ratification of Executive Council.
- 3.17.4 Where possible, committees will be composed of members from different Locals.
- 3.17.5 To be eligible for election or appointment to a Union committee, a member shall meet the requirements of Union and Local By-Laws.
- 3.17.6 Executive Council shall appoint up to seven (7) of its members to the Resolutions Committee, provided that there will be no more than one (1) member from any one (1) Local. The Resolutions Committee will choose one (1) of its members to act as chair.
- 3.17.7 Following election of officers, Convention shall elect a Finance Committee consisting of three (3) members who shall serve until the end of the following Convention. In the event of a vacancy, Executive Council shall elect a replacement. Notwithstanding Article 3.16.4(i) any member elected to the Finance Committee shall be elected or approved by a majority vote.

**Article 3 - Section 18 Convention Report, Errors and Omissions**

- 3.18.1 The Union Secretary shall make, or cause to be made, a report of Convention or Special Convention which shall be sent to the Secretary of each Local within sixty (60) days of the end of Convention or Special Convention and the Secretary of each Local shall present such report to the Local membership at a meeting.

- 3.18.2 Any error or omission that is not malicious or fraudulent in any notice calling a Convention or any meeting within the Union or with respect to any time limit contained in Article 3 of this Constitution, shall not invalidate anything done or passed at such Convention or meeting.

**Article 3 - Section 19 Convention Expenses**

- 3.19.1 Every delegate attending Convention or any meeting for which the Union is paying any of the expenses shall prepare and deliver to the Union Treasurer an expense statement showing reasonable expenses as allowed and decided upon by Executive Council.
- 3.19.2 Such expense statements must be checked and verified and any necessary adjustments made by the Union Treasurer.
- 3.19.3 Such expenses shall be paid from the General Fund of the Union.

**ARTICLE 4 - OFFICERS**

**Article 4 - Section 1      Officers from Same Local**

4.1.1            In no case shall members from the same Local hold more than two (2) of the positions of President, Vice-President, Secretary and Treasurer.

**Article 4 - Section 2      Duties of the President**

4.2.1            The President shall be the Chief Executive Officer of the Union.

4.2.2            The President shall exercise supervision over the affairs of the Union and shall sign all official documents unless otherwise stipulated in this Constitution. The President shall preside at meetings of Executive Council.

4.2.3            The President may assign duties and responsibilities to the Vice-President.

4.2.4            The President shall call meetings of Executive Council not less than four (4) times a year and there shall be no more than four (4) months between meetings of Executive Council. Executive Council members shall be given at least five (5) clear days notice of Executive Council meetings. The President, on three (3) clear days notice may call a Special Executive Council meeting and shall call Special Executive Council meetings, giving three (3) clear days notice, at the request of a majority of the members of Executive Council or at the request of the majority of Local Executives.

4.2.5            The President shall report on the execution and administration of the President's Office and on the affairs of the Union to Council Committee, Executive Council and Convention.

4.2.6            Executive Council shall have the authority to interpret this Constitution and such interpretation shall be final and binding upon all members and officers unless reversed or changed by a simple majority vote of Convention. In matters of urgency, the President shall have the authority to interpret this Constitution and such interpretation shall be final and binding upon all members and officers unless reversed or changed by a simple majority vote of Executive Council. The President must report any interpretations made at the next available opportunity.

**Article 4 - Section 3      Duties of the Vice-President**

4.3.1            The Vice-President shall assist in the duties of the President and may act on behalf of the President when authorized by Executive Council or by the Constitution or By-Laws and shall discharge the responsibilities assigned by the President.

- 4.3.2 The Vice-President shall preside at meetings of Council Committee and shall call at least four (4) Council Committee meetings a year and such meetings shall be no more than four (4) months apart. In the absence of the Vice-President, Council Committee shall choose one of its members to preside.
- 4.3.3 The Vice-President shall report on the affairs of Council Committee to Executive Council.

**Article 4 - Section 4 Duties of the Secretary**

- 4.4.1 The Secretary shall be responsible for ensuring that minutes of Convention, Executive Council meetings and Council Committee meetings are kept, recorded, preserved and, where required, distributed and for keeping accurate membership lists.
- 4.4.2 The Secretary shall be responsible for receiving correspondence to the Union and for distributing such correspondence to appropriate persons for considerations and action.
- 4.4.3 The Secretary shall ensure that notices of Conventions and Special Conventions, as well as resolutions, recommendations and reports are given to those entitled to receive notice.
- 4.4.4 The Secretary shall receive the names of delegates and alternates to Convention and shall cause them to be registered as delegates or alternates.
- 4.4.5 The Secretary shall ensure that notices of Executive Council meetings, Special Executive Council meetings and Council Committee meetings, as well as reports, recommendations and other materials, are given to those entitled to receive notice.
- 4.4.6 The Secretary may request assistance in the carrying out of these duties. Upon request of the Secretary, Executive Council may appoint a Recording Secretary to assist the Secretary.
- 4.4.7 The Secretary shall send copies of Executive Council and Council Committee Minutes to the Union office.

**Article 4 - Section 5 Duties of the Treasurer**

- 4.5.1 The Treasurer shall be the Chief Financial Officer of the Union.
- 4.5.2 The Treasurer shall ensure deposit is made, in a chartered bank, trust company or credit union named by Executive Council, of all funds of the Union and may invest the funds of the Union in bonds, securities or investments as approved

by Executive Council.

- 4.5.3 The Treasurer shall be responsible for collecting all funds due the Union, for paying all funds owed by the Union and for paying all funds to be paid at the direction of Executive Council, Convention or the Constitution and By-Laws.
- 4.5.4 The Treasurer shall be responsible for all accounting and financial records of the Union.
- 4.5.5 The Treasurer shall ensure that a complete financial statement of the affairs of the Union is prepared for each fiscal year by a firm of chartered accountants approved by Executive Council.
- 4.5.6 The Treasurer shall supervise the expenditures of the Union to ensure compliance with the budget, and review the revenues and expenses of Locals.
- 4.5.7 The Treasurer shall report on the Office of the Treasurer and on the affairs of the Finance Committee to Executive Council and to Convention.
- 4.5.8 The Treasurer shall prepare a biennial budget and ensure that all financial statements, including the Treasurer's Report and the budget, are presented to delegates at Convention.
- 4.5.9 The Treasurer may request assistance in the performance of these responsibilities and may delegate duties and responsibilities, except signing authority, to members of the Finance Committee.
- 4.5.10 The Treasurer shall be responsible for reviewing or causing to be reviewed the financial records of the Locals each year.
- 4.5.11 If the Treasurer leaves office before the end of his/her term, the Finance Committee shall review the financial records in a timely manner.

#### **Article 4 - Section 6      Officer Vacancies**

- 4.6.1 When the position of President becomes vacant between Conventions, the Vice-President shall become President and shall finish out the President's term.
- 4.6.2 If the Vice-President is unable or unwilling to assume the position of President, Executive Council shall elect one of its members as President and the person so elected shall finish the President's term.
- 4.6.3 When the position of Vice-President becomes vacant between Conventions, Executive Council shall elect one of its members as Vice-President and the person so elected shall finish the Vice-President's term.

- 4.6.4 When the positions of Secretary or Treasurer become vacant between Conventions, Executive Council shall elect a replacement from among its members and the person(s) so elected shall finish out the Secretary's or the Treasurer's term.
- 4.6.5 In the event that no member of Executive Council is willing or able to fill a vacant position, Executive Council shall, in writing, ask for nominations to the position. Only Executive Council members and Local Executive members shall be eligible to make nominations. Any member who would be eligible to stand for nomination at Convention may stand for nomination under this Section. Such nominations will close thirty (30) days after the date of notice requesting such nominations. Executive Council shall determine eligibility to stand for office and shall satisfy itself that nominees accept the nomination, and shall then, by secret ballot vote of the members of Executive Council, elect one of the nominees to the vacant office. If only one eligible person is nominated that person shall be declared elected by acclamation. Any person elected to fill a vacancy in this manner shall finish the term of the Office.
- 4.6.6 Notwithstanding Article 4.6.5, Executive Council may decide to call a Special Convention to fill any vacancy in the office of President, Vice-President, Secretary or Treasurer. A person elected in this manner shall finish the term of the Office.

**Article 4 - Section 7 Requirement to Attend Meetings**

- 4.7.1 If the President, Vice-President, Secretary or Treasurer is recorded as absent from three (3) consecutive Executive Council meetings without cause acceptable to Executive Council or from three (3) consecutive Council Committee meetings without cause acceptable to Council Committee, he/she shall resign or be removed from office and replaced in accordance with the provisions of this Constitution. An officer who has resigned or been removed from office may not be a candidate for the replacement.

**Article 4 - Section 8 Officer's Pledge**

- 4.8.1. All elected, appointed and ex-officio members of Executive Council, all members of a Local Executive, all Committee members and all Union Advocates are deemed to have accepted the Officer's Pledge as follows:

"I, \_\_\_\_\_, promise that I will perform the duties of my office; that I will require all members to comply with the duties and obligations of membership; that I will give due consideration to the rights and responsibilities of all members without prejudice or exception; that I will deliver to my successor all property of this Union which has been

entrusted to me; and that I will, at all times, endeavour to promote democracy, dignity, harmony, unity and solidarity within the Union and labour movement. I will endeavour to protect the best interests of the Union at all times."

- 4.8.2 The President, Vice-President, Secretary and Treasurer, when elected at Convention, shall sign the pledge at Convention and any member elected who is unable to be in attendance at Convention or who is elected at a later date pursuant to this Constitution shall sign the pledge at the earliest opportunity.
- 4.8.3 Local Executive Council members and Local Executive Officers shall sign the pledge at the Local meeting at which they are elected or, if this is not possible, at the earliest opportunity.
- 4.8.4 The Officer's Pledge shall be witnessed by a member of the Union and shall be recorded with the Union Secretary. In the case of the Local Executive, the Local Secretary shall keep a copy for the Local's records.

**ARTICLE 5 - EXECUTIVE COUNCIL AND COUNCIL COMMITTEE****Article 5 - Section 1      Makeup of Executive Council**

5.1.1            Executive Council shall consist of the President, Vice-President, Secretary, Treasurer, and Local Executive Council members of the Union.

**Article 5 - Section 2      Local Executive Council Member Elections**

5.2.1            Locals may elect Local Executive Council members as representatives to Executive Council, and may elect alternate members to act in the absence of the Local Executive Council member, pursuant to the Local By-Laws and subject to qualifications in this Constitution. There may be one (1) alternate for each Local Executive Council member.

5.2.2            Each Local shall elect one (1) Local Executive Council member.

5.2.3            To be eligible for nomination as Local Executive Council, a member must be a member in good standing.

**Article 5 - Section 3      Local Executive Council Member Term of Office**

5.3.1            Local Executive Council members shall remain in office until such time as they are replaced by subsequent elections or as provided for in this Constitution and By-Laws and Local By-Laws.

5.3.2            When a vacancy occurs from among the Local Executive Council members, the Local shall fill the vacancy in accordance with its By-Laws and this Constitution.

5.3.3            If a Local Executive Council member is recorded as absent from three (3) consecutive Executive Council meetings without cause acceptable to either the Local or Executive Council, he/she shall resign or be removed from office and the Local will be directed to elect a replacement. A Local Executive Council member who has resigned or been removed from office may not be a candidate for the replacement.

**Article 5 - Section 4      Duties of Local Executive Council Members**

5.4.1            The Local Executive Council members shall assist in the administration of the Union and shall be responsible for tasks assigned to them from time to time.

5.4.2            Local Executive Council members shall be responsible for reporting on the affairs and administration of the Union to their respective Local Executives and to Local membership at Local membership meetings, and for bringing Local concerns to the attention of Executive Council.

5.4.3 There shall be at least one (1) Local Executive Council member on each standing committee. The Local Executive Council member will report to Executive Council on Committee affairs and provide guidance to the Committee on NSUPE policies.

**Article 5 - Section 5 Jurisdiction of Executive Council**

5.5.1 Subject to the direction of Convention and this Constitution, Executive Council shall have exclusive jurisdiction over the affairs of the Union between Conventions including the right to enact rules and regulations for its own management, administration and direction of Bargaining Units and Locals, and any other matter which may, for the essential operation of the Union, be required to be dealt with.

5.5.2 Executive Council shall ensure that the policies and goals of the Union are carried out.

5.5.3 Executive Council shall instruct Council Committee and Officers of the Union as to policies, guidelines and terms of reference within which Council Committee and Officers shall act.

5.5.4 Executive Council may submit its own resolutions to Convention subject to Article 3.4.2.

**Article 5 - Section 6 Jurisdiction over Union Staff and Services**

5.6.1 Executive Council shall determine the staff necessary to carry on the work of the Union and may appoint one of its members or an Executive Director, either of whom, under the direction of Council Committee shall be responsible for:

- (a) the supervision of staff;
- (b) the administration of the affairs of the Union;
- (c) the preservation of all records of the Union;
- (d) such other duties as may be required by Executive Council and the Union.

5.6.2 All staff positions shall be filled in consultation with Council Committee and shall be subject to ratification by Executive Council.

5.6.3 Executive Council shall determine the services required to carry out the work of the Union and shall appoint one of its members to supervise, under the direction of Council Committee, the delivery of such services unless there is an Executive Director in which case the Executive Director, under the direction of Council Committee, shall supervise the delivery of such services.

- 5.6.4 All services shall be contracted in consultation with Council Committee and shall be subject to ratification by Executive Council.

**Article 5 - Section 7 Executive Council Meetings**

- 5.7.1 Executive Council shall meet at least four (4) times per year with no more than four (4) months between meetings.
- 5.7.2 Reasonable efforts shall be made to give all Executive Council members five (5) clear days notice of an Executive Council meeting.
- 5.7.3 Reasonable efforts shall be made to give all Executive Council members three (3) clear days notice of a Special Executive Council meeting, however, in an urgent situation, less notice may be given. A Special Executive Council meeting shall deal only with the business for which the meeting was called, however, other business may be dealt with by vote of a simple majority of Executive Council members present at the Special Executive Council meeting, provided that the business conducted to be dealt with has become evident only after the calling of the Special Executive Council meeting. Any business conducted at a Special Executive Council meeting shall be put before the next Executive Council meeting for ratification.

**Article 5 - Section 8 Make-up of Council Committee**

- 5.8.1 The President, Vice-President, Secretary, Treasurer, and two (2) Local Executive Council members from different Locals, elected by the Local Executive Council members, shall act as a Council Committee and shall be charged with the responsibility of dealing with the affairs of the Union between Executive Council meetings and shall report and make recommendations to Executive Council. No more than two (2) Council Committee members will be from any one (1) Local.

**Article 5 - Section 9 Jurisdiction of Council Committee**

- 5.9.1 Subject to the directions of Convention, this Constitution and Executive Council, Council Committee shall have jurisdiction to manage the affairs of the Union between Executive Council meetings but shall not have the jurisdiction to change policies, By-Laws, or rules and regulations of the Union.
- 5.9.2 Council Committee shall meet at least four (4) times per year with no more than four (4) months between meetings.
- 5.9.3 Reasonable efforts shall be made to give all Council Committee members five (5) clear days notice of a Council Committee meeting, however, in an urgent situation, less notice may be given.

**Article 5 - Section 10 Council Committee Vacancies**

- 5.10.1 A vacancy in the position of President, Vice-President, Secretary or Treasurer shall be dealt with in the manner set out in Article 4, Section 6.
- 5.10.2 If a Local Executive Council member of Council Committee is unwilling or unable to continue to act as a member of Council Committee or is replaced by the Local, he/she shall be replaced by another Local Executive Council member elected by the Local Executive Council members.
- 5.10.3 If a Local Executive Council member of Council Committee is recorded as absent from three (3) consecutive Council Committee meetings without cause acceptable to Council Committee, he/she shall resign or be removed from Council Committee and the Local Executive Council members shall elect a replacement and the member to be replaced may not be a candidate for the replacement.

**Article 5 - Section 11 Quorum of Executive Council and Council Committee**

- 5.11.1 Sixty-six and two-thirds percent (66 2/3%) of the members, to the nearest whole number (a fraction shall be rounded down), of Executive Council shall constitute a quorum of Executive Council. Vacancies on Executive Council will not be included for the purposes of determining quorum.
- 5.11.2 Four members of Council Committee shall constitute a quorum of Council Committee.
- 5.11.3 If there is no quorum at Executive Council meeting or Council Committee meeting, those in attendance shall adjourn the meeting to a date decided by them.
- 5.11.4 Notice of the new meeting date shall be given to Executive Council members or Council Committee members, as the case may be, and the reconvened meeting shall be competent to transact business even though there may be no quorum present. Such notice must be in writing.

**Article 5 - Section 12 Minutes**

- 5.12.1 Approved minutes of Council Committee meetings, Executive Council meetings and Conventions may be inspected by any member in good standing at a reasonable time and upon reasonable notice to the Secretary.
- 5.12.2 The Secretary shall ensure that copies of the draft minutes of all Executive Council meetings and Council Committee meetings are available at the next scheduled meeting respectively and such minutes shall clearly be marked to

indicate they are not yet approved.

- 5.12.3 Executive Council or Council Committee may hold an in camera session where it discusses issues of a confidential or sensitive nature, including but not limited to organizing, member discipline or staffing issues. Notwithstanding Article 5.12.1, minutes of in camera sessions shall only be available to Executive Council and Council Committee members.

**Article 5 - Section 13 Referendum**

- 5.13.1 Executive Council may, at any time, submit any question or questions to the members for consideration and an expression of opinion.
- 5.13.2 Executive Council shall determine whether it is an advisory issue or a compulsory issue and shall indicate such on the referendum. No amendment to the Constitution may be made by referendum.
- 5.13.3 Executive Council shall determine the procedure for distributing, returning, counting and other related requirements applicable to the referendum.
- 5.13.4 In a referendum vote of the total membership on a compulsory issue, a minimum return of more than fifty percent (50%) is necessary to validate the referendum unless Executive Council determines a higher number in advance. A vote of more than fifty percent (50%) of those voting will be sufficient to constitute acceptance or rejection, as the case may be, of the issue voted on.

**Article 5 - Section 14 Indemnity for Officers**

- 5.14.1 All members of Council Committee and Executive Council acting honestly and in good faith in accordance with the Constitution, By-laws and policies of the Union and not dishonestly, fraudulently or for personal gain, shall be indemnified by the Union from all liability arising from contracts made, commitments entered into, decisions, and actions taken in their capacity as Council Committee and Executive Council members.

**ARTICLE 6 - UNION FUNDS, PROPERTY, DUES AND ASSESSMENTS****Article 6 - Section 1      Headquarters and Fiscal Year**

- 6.1.1            The headquarters of the Union shall be at a place designated by Executive Council from time to time.
- 6.1.2            The fiscal year of the Union shall be from the first day of July to the thirtieth day of the following June.

**Article 6 - Section 2      Accounts**

- 6.2.1            The Treasurer shall open and maintain an account to be known as the General Fund and an account to be known as the Defence Fund and may, at the direction of Executive Council or Convention, open and maintain other accounts and shall deposit all monies receivable by the Union in these accounts. The monies allocated for these funds may be invested as directed by Convention or Executive Council provided they are reasonably available for the purposes stated.
- 6.2.2            The General Fund shall be for the day to day operation of the Union and its affairs including, but not limited to, grievances, arbitrations, court and tribunal hearings, organizing, education, staff, supplies, fees, disbursements, donations, expenses for Union business and other expenses. At the discretion of Executive Council, this fund may be used to supplement the Defence Fund. Executive Council, taking into consideration projected expenditures and other factors, shall set the amount to be allocated to this fund prior to the beginning of fiscal year.
- 6.2.3            The Defence Fund shall be used generally to defend the rights of the Union, its members and the principles of democratic trade unionism including, but not limited to, financial and other support for members on strike or under lock-out, and support for the right to bargain collectively all terms and conditions of work. Executive Council may, in special cases, use this fund for other purposes when there are not sufficient funds in the General Fund, in the opinion of Executive Council after receiving a report from the Treasurer. Executive Council, after taking into account directions of Convention and the needs and goals of the Union, shall allocate as much of the surplus left after the allocation of funds to the General Fund and other authorized funds, as possible, to the Defence Fund.

**Article 6 - Section 3      Signing Officers**

- 6.3.1            The Signing Officers of the Union shall be the President, the Vice-President, the Secretary and the Treasurer. The Treasurer shall normally sign if available.

**Article 6 - Section 4 Dues, Assessments, and Fines**

- 6.4.1 Convention or a Special Convention, by a majority of delegates voting, shall establish the dues to be paid to the Union. All dues will be based on a percentage of regular wages.
- 6.4.2 Convention or a Special Convention, by a sixty-six and two-thirds percent (66 2/3%) majority of delegates voting, may establish special assessments in an amount determined by Convention or Special Convention to be paid to the Union by all members.
- 6.4.3 Locals may enact By-Laws providing for the levying of an assessment on all members of the Local provided that such assessment will be based on a percentage of regular wages. Such funds may be kept and used by the Local and are the property of the Local.
- 6.4.4 The Union may establish By-Laws providing for the payment of fines and for penalties. Fines shall be the property of the Union.

**Article 6 - Section 5 Exception to Dues**

- 6.5.1 Executive Council is authorized to make exceptions to the dues set by Convention or Special Convention by authorizing the collection of a lesser amount in circumstances which Executive Council considers to be special.

**Article 6 - Section 6 Payments to Officers of the Union**

- 6.6.1 The Union at Convention or Special Convention, by a sixty-six and two thirds percent (66 2/3%) majority of those present, may establish amounts to be paid to members of Executive Council. Such payments shall be paid out of the Union's General Fund.
- 6.6.2 Locals, by By-Law, may provide for payment to members of a Local Executive. Such payments shall be paid out of Local funds.
- 6.6.3 It shall be an offence against this Constitution for any Officer or any person representing the Union, a Local or a Bargaining Unit to conduct Union business for personal gain except as provided in this Constitution and By-Laws or the By-Laws of a Local.

**Article 6 - Section 7 Union Property**

- 6.7.1 Title to all property, whether real or personal and including money and receivables, acquired through the use of Union funds in whole or in part or through Union effort in whole or in part shall be vested in the Union unless, by

written agreement signed by the Union President and Union Secretary and approved by Executive Council, title is vested in the Local or Bargaining Unit.

- 6.7.2 Upon the complete dissolution of NSUPE, the President shall call a Special Convention to determine the disposition of such property and assets. Notwithstanding the foregoing, if NSUPE amalgamates, joins or affiliates with another trade union or like body, the property and assets shall not be disposed of but the Special Convention shall decide to retain title, in whole or in part, in the property and assets or to grant title, in whole or in part, to the trade union or like body with which it is amalgamating, joining or affiliating. It shall require a sixty-six and two-thirds percent (66 2/3%) majority of delegates voting to approve of a method of disposing of the property and assets or to approve the granting of title to another trade union or like body, and if the required majority is not attained then title shall remain vested in NSUPE.

**ARTICLE 7 - LOCALS****Article 7 - Section 1      Organization**

- 7.1.1            The members of Executive Council or any two (2) of them are hereby authorized and empowered to apply to the Labour Relations Board (Nova Scotia), the Canada Labour Regulations Board or any other certifying body or agency under any other legislation, for certification of any Local unit of employees who have become or who wish to become members of this Union or for the addition of members to or expansion of any existing Local, or to make any other application before such body.
- 7.1.2            All members of Executive Council, all members of any Local Executive, all Union Advocates, all paid staff of the Union and any other person authorized by Executive Council, whether or not a member, shall have the authority to sign up new members and collect initiation fees and dues.
- 7.1.3            The membership shall be organized into Locals based upon the bargaining unit and/or the geographic work location of the members.
- 7.1.4            Recognizing the authority of Convention and Executive Council to direct the Union, Locals shall have the right to operate their internal affairs subject to the Constitution, By-Laws and Union policy.
- 7.1.5            Executive Council may form new Locals and, subject to ratification at Convention and considering the wishes of a majority of the members concerned, may establish or change the composition and/or jurisdiction of any Local.
- 7.1.6            Before a new Local is formed, Local composition or jurisdiction changed or Locals are amalgamated or divided, Executive Council shall ascertain the wishes of the members in the Locals concerned. If a majority of the members concerned are not in agreement with Executive Council, no such action will be taken unless at the direction of Convention.
- 7.1.7            Subject to the requirements of this Constitution and By-Laws, a Local Executive shall have the right and authority to accept or reject applications for membership in the Local.

**Article 7 - Section 2      Inaugural Meeting**

- 7.2.1            At the inaugural meeting of a Local, a temporary Local Executive shall be elected to manage the affairs of the Local until the first meeting of the Local after certification.

**Article 7 - Section 3 Local Executive**

- 7.3.1 The Local Executive shall be as determined by the By-Laws of the Local.
- 7.3.2 The Local Executive shall be elected in accordance with the subsections of Article 7.4 and shall serve a term set out in the By-Laws of the Local, provided that no term shall be for more than two (2) years. Notwithstanding the foregoing, a Local may extend the term of one (1) or more of its Executive members by up to twelve (12) months.
- 7.3.3 The Local Executive, subject to the Constitution, Union By-Laws, Local By-Laws and Union Local policy, shall have jurisdiction over the affairs of the Local between Local meetings.
- 7.3.4 Notwithstanding Article 7.2.1 and the foregoing subsections of Article 7, Section 3, if no Executive is chosen, the management of the affairs of the Local shall be under the jurisdiction of Council Committee. Council Committee may appoint interim officers from the Local or one (1) or more members of Executive Council to conduct the business of the Local until such time as Officers are elected or the Local is dissolved or is placed under administration.
- 7.3.5 Whenever possible, Local Executive decisions will be made by majority vote.

**Article 7 - Section 4 Union Elections**

- 7.4.1 All elections for Union, Local or Bargaining Unit office shall be conducted in accordance with the absolute majority and second-ballot system of voting.
- 7.4.2 Nominations for office may be accepted from any member who is eligible to vote and who is present at the meeting called for that purpose.
- 7.4.3 Nominees must either be present and indicate their willingness to stand for election or, if absent, have indicated in writing their willingness to stand for election and must specify the position or positions for which they are willing to stand for election.
- 7.4.4 Elections shall be by secret ballot. No candidate may be declared elected unless he/she has received a majority of the votes cast, and second and subsequent ballots shall be taken if necessary to obtain such majority. On the second and subsequent ballots the candidate receiving the lowest number of votes on the previous ballot, and any candidate who voluntarily withdraws, shall be struck from the ballot.
- 7.4.5 No vote count will be announced and ballots will be destroyed after the meeting at which the vote is held.

7.4.6 If there is only one nominee for a position, the Chairperson shall declare that nominee elected by acclamation unless Local By-laws provide for a vote to approve or not approve the nominee.

**Article 7 - Section 5 Local President**

7.5.1 The Local President, if any, shall be the Chief Executive Officer of the Local.

7.5.2 The Local President, if any, shall exercise supervision over the affairs of the Local, shall sign all official documents and shall preside at all Local meetings and Local Executive meetings.

7.5.3 The Local President, if any, may assign duties and responsibilities to the Local Vice-President(s).

7.5.4 The Local President, if any, shall call at least three (3) meetings of the Local in a calendar year or more as decided by the Local.

7.5.5 The Local President, if any, shall call at least four (4) meetings of the Local Executive in a calendar year.

7.5.6 The Local President, if any, shall report on the execution and administration of the Local President's office and on the affairs of the Union to the Local meeting.

7.5.7 The Local President, if any, shall have the authority to interpret Local By-Laws and such interpretation shall be final and binding upon all Officers and members unless reversed or changed by a simple majority vote of the Local Executive or the membership at a Local meeting.

7.5.8 Except where the Local President is elected to be a voting member of a Local Committee, the Local President, if any, shall, at her/his option, be an ex officio member of any Local Committees.

7.5.9 The Local President, if any, shall be responsible for informing the Union of the Local's affairs from time to time, and shall require the Local Executive Council member to report on such affairs to the Union on a regular basis.

7.5.10 The Local President, if any, shall carry out other duties required by the By-Laws of the Local.

**Article 7 - Section 6 Local Vice-President(s)**

7.6.1 The Local Vice-President(s), if any, shall assist in the duties of the Local President and may act on behalf of the Local President in the absence of the President and when so authorized and shall discharge the responsibilities

assigned by the Local President.

7.6.2 The Local Vice-President(s), if any, shall carry out other duties required by the By-Laws of the Local.

**Article 7 - Section 7 Local Secretary**

7.7.1 The Local Secretary, if any, shall be responsible for seeing that minutes of Local meetings and Local Executive meetings are kept, recorded and preserved and, where required, distributed.

7.7.2 The Local Secretary, if any, shall be responsible for receiving correspondence to the Local and for distributing it to appropriate persons for consideration and action.

7.7.3 The Local Secretary, if any, shall ensure that notices of Local meetings and Local Executive meetings, as well as reports, recommendations and other materials are given to those entitled to receive notice.

7.7.4 The Local Secretary, if any, shall be responsible for ensuring that credentials of delegates to Convention and their alternates are delivered to the Secretary of the Union.

7.7.5 The Local Secretary, if any, shall carry out other duties as required by the By-Laws of the Local.

**Article 7 - Section 8 Local Treasurer**

7.8.1 The Local Treasurer, if any, shall be the Chief Financial Officer of the Local.

7.8.2 The Local Treasurer, if any, shall deposit, in a chartered bank, trust company or credit union named by the Local Executive, all funds of the Local and may invest the funds of the Local in bonds, securities or investments as approved by the Local Executive, but shall obtain the approval of the Union Treasurer before so investing.

7.8.3 The Local Treasurer, if any, shall be responsible for collecting all funds due the Local, for paying all funds owed by the Local and for paying all funds to be paid at the direction of the Local Executive, the membership in Local meeting or the By-Laws of the Local.

7.8.4 The Local Treasurer, if any, shall be responsible for all accounting and financial records of the Local and shall make such records available to the Union Treasurer or his/her designate for inspection or audit upon request.

- 7.8.5 The Local Treasurer, if any, shall supervise the expenditures of the Local to ensure compliance with the Local's budget.
- 7.8.6 The Local Treasurer, if any, shall report on the office of the Local Treasurer to the Local Executive, the members in Local meetings and the Union Treasurer.
- 7.8.7 The Local Treasurer, if any, shall carry out other duties as required by the By-Laws of the Local.

**Article 7 - Section 9 Local Signing Officers**

- 7.9.1 The signing Officers of the Local, if any, shall be determined by the Locals.
- 7.9.2 The signing Officers, if any, shall meet any reasonable criteria required by the By-Laws of the Local.

**Article 7 - Section 10 Local Name and Local Headquarters**

- 7.10.1 The name of the Local shall be the "Nova Scotia Union of Public and Private Employees, Local \_\_\_\_\_" and may be abbreviated to "NSUPE Local \_\_\_\_\_".
- 7.10.2 The headquarters, if any, of the Local shall be at such place as the Local shall decide.

**Article 7 - Section 11 Application of Union Constitution and By-Laws**

- 7.11.1 The principles of the Union Constitution and By-Laws shall be applied in the conduct of the affairs of each Local.

**Article 7 - Section 12 Local By-Laws**

- 7.12.1 A Local may make By-Laws for the conduct of its affairs provided that such By-Laws are not inconsistent with the Union Constitution and By-Laws or their intent. Such By-Laws may include matters relating to the composition of the Local Executive, elections and appointments, Union Advocates, Local meetings, committees, annual or biannual Local meetings, notices, replacement of Officers, selection of delegates to Convention, etc.
- 7.12.2 Local By-Laws shall be forwarded to Council Committee for ratification within sixty (60) days of being passed. Council Committee shall ratify Local By-Laws unless they are inconsistent with the Union Constitution, By-Laws or policy or other By-Laws of the Local or their intent. Where Council Committee has a concern about whether a Local By-Law is inconsistent with the Union Constitution, By-laws or policy, it shall take the matter before Executive Council for decision.

- 7.12.3 The Union Secretary shall cause a copy of all Local By-Laws to be recorded and preserved in Union custody.
- 7.12.4 The Local shall enact Local By-Laws to provide for the filling of any office which becomes vacant during the term of office, and shall enact By-Laws to provide for the filling of any Office which remains vacant after elections.

**Article 7 - Section 13 Notice of Motions and Elections**

- 7.13.1 Notice of any motion regarding the composition of a Local Executive, an amendment to a collective agreement, an assessment of dues, or similar matter of substance to the Local shall be given at least fourteen (14) days in advance of the meeting where the motion will be considered.
- 7.13.2 Notice of an election of members to the Local Executive, Executive Council, or delegates to Convention shall be given at least fourteen (14) days in advance of the meeting where the elections will be held.
- 7.13.3 A Local Executive may give a notice of motion or a notice of election by distributing the notice to the Local membership in writing using the normal method(s) of communication at least fourteen (14) days in advance of the meeting where the motion will be considered or the election held.
- 7.13.4 A notice of motion may be made by a member at a membership meeting held at least fourteen (14) days prior to the membership meeting where a vote on the motion is to occur.

**Article 7 - Section 14 Local Union Advocates**

- 7.14.1 Locals may establish a Union Advocate program as an integral part of the Local.
- 7.14.2 Union Advocates shall be selected as determined by the Local and shall complete at least one (1) educational course, or have equivalent experience, approved by Executive Council. A Local may choose, in any particular circumstance, to use an Advocate from another Local.
- 7.14.3 Notwithstanding Article 7, Section 12.2, Local and Union Officers may act as Union Advocates. Local and Union Officers who act as Union Advocates are expected to complete at least one (1) educational course, or have equivalent experience, approved by Executive Council.
- 7.14.4 The wishes of the member will be taken into account in determining the Union Advocate in any given situation.
- 7.14.5 The Local Executive shall have the authority to remove a Union Advocate for

misconduct, failure to act or for other sufficient cause related to the representation of members or the enforcement of the collective agreement or for conduct unbecoming a NSUPE representative. Union Advocates will be deemed to have accepted the Officer's Pledge set out in Article 5.13.1.

**Article 7 - Section 15 Local Property**

- 7.15.1 The Title of all property, whether real or personal, that may be acquired by a Local with its own funds and through its own efforts shall be vested in the Local.
- 7.15.2 The title of all property, whether real or personal, acquired by a Local through the use of Union funds in whole or in part, or through Union efforts in whole or in part, shall be vested in the Union unless by written agreement signed by the President and Secretary of the Union and approved by Executive Council, title is vested in the Local.
- 7.15.3 Upon the withdrawal of a Local from NSUPE for the purpose of forming or joining another certified union under the provisions of applicable laws relating to labour relations, the property of the Local shall remain the property of the Local but all property of the Union, whether real or personal, shall remain the property of the Union.
- 7.15.4 Notwithstanding the rest of the subsections of this Article 7.15, if a Local withdraws from the Union and does not form or join another certified union under the provisions of applicable laws relating to labour relations, the title of all property of the Local, whether real or personal, shall immediately become vested in NSUPE.
- 7.15.5 Where a Local is dissolved or becomes inoperative, the property, whether real or personal, of the Local shall be immediately vested in the Union.
- 7.15.6 Each Local annually shall, on a date mutually acceptable to the Union Treasurer and the Local, submit to the Union Treasurer a complete inventory of all of the property of the Local and all property of the Union which may be in the possession, control or trust of the Local.

**Article 7 - Section 16 Contracts**

- 7.16.1 No Local shall enter into a contract other than collective agreements or commitment in the name of the Union without first obtaining consent from Executive Council. Notwithstanding the foregoing, where a matter is urgent, the Local may obtain such consent from Council Committee.
- 7.16.2 A Local may enter into contracts and commitments in the name of the Local

provided such contract or commitment specifically states in writing that it is not binding on the Union. Prior to entering into such a contract or commitment the Local shall make all reasonable efforts to inform the President of the Union of the substance and nature of the contract or commitment. If it is not reasonably possible to give such prior notice, the Local shall give such notice as soon as possible after entering into such a contract or commitment. Neither the Union nor any of its Officers shall be responsible or liable for any default on such a contract or commitment or for any thing to be done or not be done under the terms of the contract or commitment and the Local shall indemnify the Union and the Union Officers from same.

- 7.16.3 A Local may only enter into a contract or commitment upon the signature of the Local President and Local Secretary after they have received approval of the Local Executive and subject to any further conditions contained in Local By-Laws.
- 7.16.4 Officers acting honestly and in good faith and in accordance with the Constitution, By-Laws and policy of the Union and the By-Laws and policy of the Local and not dishonestly, fraudulently or for personal gain, shall be indemnified by the Local from all liability arising from having entered into a contract or commitment on behalf of the Local.
- 7.16.5 Locals which enact By-Laws providing for the entering into of contracts and commitments by the Local shall include a By-Law similar in substance to Article 7.16.4 of this Constitution.

#### **Article 7 - Section 17 Local Termination**

- 7.17.1 Executive Council has the authority and right to declare a Local dissolved or inoperative. Upon such declaration being made, Executive Council shall appoint one of its members as Administrator of the Local and the Administrator, in consultation with the Treasurer of the Union, shall, within seven (7) days, or such other reasonable time as allowed by Executive Council, conduct, or cause to be conducted, an internal review of the Local.
- 7.17.2 An Administrator appointed under this section shall have full authority to act on behalf of the Local and its members and to conduct all business on behalf of the Local and its member including signing authority for all accounts of the Local in conjunction with the Local Treasurer or the Union Treasurer. The Administrator may delegate the whole or part of his/her authority to any person or persons approved by Council Committee.

#### **Article 7 - Section 18 Local Administration**

- 7.18.1 Executive Council shall have the authority and right to conduct an investigation

into any situation in which it has reasonable grounds to believe that a Local or Local Officers are conducting Local activities contrary to the Constitution, By-Laws, objects or policies of the Union, or their intent.

- 7.18.2 If Executive Council determines that such an investigation is necessary it shall appoint two (2) of its members, excluding any member from a Local to be investigated, to conduct, or cause to be conducted, the investigation.
- 7.18.3 The investigators so appointed shall report to Council Committee on a regular basis and shall also report to an Executive Council meeting.
- 7.18.4 Based on the reports of the investigators, Council Committee shall have the authority to place an Administrator in the Local.
- 7.18.5 The Administrator shall have full authority to act on behalf of the Local and its members and to conduct business on behalf of the Local and its members including signing authority for all accounts of the Local in conjunction with the Local Treasurer or the Union Treasurer. The Administrator may delegate the whole or part of his/her authority to any person approved by Council Committee.
- 7.18.6 The Local, after appointment of an Administrator, shall not have authority to dispose of any real or personal property including money without the written approval of the Administrator.

#### **Article 17 - Section 19 Administration Review**

- 7.19.1 Executive Council shall review the appointment of an Administrator at its next meeting, and shall make a determination to continue or end the Administration.
- 7.19.2 The Administrator shall make a report at every Executive Council meeting so long as an Administration continues, and Executive Council may end the Administration at any time.
- 7.19.3 A formal review of an Administration shall be carried out by Executive Council, or a committee appointed by it, no later than six (6) months after an Administration begins and every six (6) months thereafter.

#### **Article 7 - Section 20 Locals Operating Jointly**

- 7.20.1 Subject to this Article 7, Section 20, two (2) or more Locals may, by mutual agreement, operate jointly, including electing a common Executive, enacting common By-Laws, keeping common accounts, holding common meetings and establishing common committees.

- 7.20.2 In the event two (2) or more Locals agree to operate jointly, each Local shall retain its right to elect delegates and alternates to Convention and Special Convention, shall have separate Union Advocate systems, shall elect its own Local Executive Council members and shall select its own candidates for offices appointed by Executive Council and Council Committee.
- 7.20.3 Locals operating jointly shall establish By-Laws for all activities which are operated jointly and for all offices which are elected or appointed jointly and shall provide for division of funds and property upon dissolution of the joint operation or the withdrawal of one (1) or more Locals.
- 7.20.4 Locals operating jointly may elect a common Local President, a common Local Secretary, a common Local Treasurer and other common Local officers determined by the By-Laws, but each Local must have at least one (1) officer on the Local Executive.
- 7.20.5 All provision of this Constitution and By-Laws shall apply to the Locals operating jointly as if they were a single Local.
- 7.20.6 Any Local may withdraw from operating jointly by Notice of Motion to withdraw being given at a membership meeting of the Locals and such Notice of Motion posted in the normal manner among all Locals which are affected for a period of ten (10) days prior to the meeting at which the motion will be voted on. If the member who made the Notice of Motion is not present at the meeting, another member may move the motion and it shall require a seconder. Only members of the Local proposing to withdraw may move, second or vote on such a motion.

**ARTICLE 8 - COLLECTIVE BARGAINING**

**Article 8 - Section 1 Bargaining Units**

- 8.1.1 Bargaining Units shall be as defined by the applicable certifying authority pursuant to legislation relating to labour relations or as approved by Executive Council.
- 8.1.2 Where the members of a Bargaining Unit are members of two (2) or more Locals, Executive Council shall assist them in setting down By-Laws for the Bargaining Unit which shall govern the operation and functions of the Bargaining Unit in addition to this constitution.
- 8.1.3 Where the members of a Bargaining Unit are all members of one Local, they shall set down By-Laws for the operation and functions of the Bargaining Unit in addition to this Constitution.
- 8.1.4 By-Laws set down pursuant to Article 8.1.2 and 8.1.3 shall be added as an Appendix to the By-Laws of each Local in which the Bargaining Unit has members and copies shall be sent to the Union Secretary.

**Article 8 - Section 2 Common Front of Bargaining Units**

- 8.2.1 The members of two (2) or more Bargaining Units may, by majority vote of the members of each Bargaining Unit after five (5) days notice posted in a convenient place for all members of the Bargaining Unit, form a Common Front for the purpose of collectively bargaining with one (1) or more employers. Representation on the Common Front shall be determined by the parties to the Common Front.
- 8.2.2 A Bargaining Unit may withdraw from a Common Front, provided such withdrawal is not likely to impair negotiations under way or about to be under way, by a majority vote of the members of the Bargaining Unit proposing to withdraw. Executive Council shall be final arbiter as to whether or not such withdrawal is likely to impair negotiations.
- 8.2.3 A Bargaining Unit may be expelled from a Common Front, provided such expulsion is not likely to impair negotiations under way or about to be under way, by a majority vote of the Bargaining Unit representatives on the Common Front. Executive Council shall be the final arbiter as to whether or not such expulsion is likely to impair negotiations.
- 8.2.4 Representatives to the Common Front shall select, according to a process determined by them, at least two (2) of their number to comprise a Negotiating Committee and shall name one (1) of the number selected as Chairperson.

**Article 8 - Section 3      Single Bargaining Unit**

- 8.3.1            A Bargaining Unit which is not a member of a Common Front shall, according to a process set down in the Bargaining Unit's By-Laws, select at least two (2) members to a Negotiating Committee.
- 8.3.2            A Chairperson of the Negotiating Committee may be selected according to the By-Laws of the Bargaining Unit.

**Article 8 - Section 4      Negotiating Committees**

- 8.4.1            The Negotiating Committee shall communicate with the employer or employers to negotiate a collective agreement or collective agreements.
- 8.4.2            The Executive of the Local or the Negotiating Committee shall call for proposals from the membership at a convenient time, and preferably prior to the expiration of the collective agreement.
- 8.4.3            In the case of a new Bargaining Unit, the Local Executive or the Chairperson shall call for the proposals from the membership as soon as possible following certification unless the new Bargaining Unit already has a valid collective agreement in which case the Local Executive or the Negotiating Committee shall call for proposals from the membership as in Article 8.4.2.
- 8.4.4            The Negotiating Committee shall be responsible for compiling all proposals and shall present them to the membership for discussion, approval and changes.
- 8.4.5            The Negotiating Committee shall be responsible for reporting on the state of readiness and the state of negotiations to the Local Executive of every Local in which there is a member of the Bargaining Unit and to Council Committee.
- 8.4.6            The Bargaining Unit membership may, by sixty-six and two-thirds percent (66 2/3 %) majority vote of those present, remove any elected member of the Negotiating Committee, provided seven (7) days notice, stating that such a vote will take place, is posted in places convenient for all the Bargaining Unit membership to see. The member or members removed shall be replaced no later than ten (10) days after the vote to remove, according to the By-Laws of the Bargaining Unit.
- 8.4.7            In the event the Negotiating Committee does not carry out its duties, Executive Council may intervene to prepare the Bargaining Unit for negotiations and/or to ensure that competent negotiations are carried out, and may appoint members to the Negotiating Committee.
- 8.4.8            The Negotiating Committee shall provide a full report on the progress and state

of negotiations at each Local membership meeting and may report more often and by other means, as the Committee shall determine or the Local Executive or membership may require.

**Article 8 - Section 5      Acceptance or Rejection of Collective Agreement**

- 8.5.1      The Negotiating Committee may, by majority vote, decide to recommend acceptance or rejection of the employer's offer to the membership. This does not prevent any member of the Negotiating Committee from entering a dissenting opinion.
- 8.5.2      A vote of the membership which is opposite to any recommendation of the Negotiating Committee shall not be seen as a vote of non-confidence in the Negotiating Committee. However, at any meeting of the membership of the Bargaining Unit at which a vote on the employer's proposal is to be taken, a motion of non-confidence in any or all members of the Negotiating Committee may be put forward and voted on. A sixty-six and two thirds percent (66 2/3%) majority vote of those present shall be required to remove any or all of the Negotiating Team. The member or members so removed shall be replaced no later than ten (10) days after the vote to remove, according to the By-Laws of the Bargaining Unit.
- 8.5.3      Acceptance or rejection of the employer's proposal shall be by secret ballot of the members of the Bargaining Unit, held in a manner set out in the By-Laws of the Bargaining Unit. A simple majority of members voting shall be sufficient to accept or reject such proposal.
- 8.5.4      No collective agreement may be entered into and no collective bargaining dispute shall be referred to binding arbitration for settlement except upon direction of the membership by secret ballot vote.

**ARTICLE 9 - STRIKES**

**Article 9 - Section 1 Authorization**

- 9.1.1 No strike in regard to collective bargaining shall be entered into until:
- (a) notice of a strike vote has been given five (5) days in advance of the vote for all members of the Bargaining Unit to see (the day of the notice and the day of the vote shall each count as one (1) of the five (5) days required);
  - (b) the membership votes, by secret ballot, in favour of strike action;
  - (c) the President of the Union is notified of the results of the membership vote.
- 9.1.2 The Negotiating Committee shall have the authority to return to the membership for another vote on an employer's proposal. The membership, by majority vote of those present at a general meeting, may refuse to vote, in which case the results of the immediately preceding vote shall stand.
- 9.1.3 The Negotiating Committee shall have the authority to return to the membership for another vote on the question of strike.

**Article 9 - Section 2 Administration of Strike**

- 9.2.1 A Strike Committee shall be struck, according to the By-Laws of the Bargaining Unit, to administer a strike and may be struck any time in advance of a strike to educate the membership and to make strike preparations. A Strike Committee is accountable to the Local Executive.
- 9.2.2 The Strike Committee may have a Chairperson, selected in accordance with the By-Laws of the Bargaining Unit.
- 9.2.3 Each Bargaining Unit shall have authority to establish committees and By-Laws for the better administration of a strike or to assign duties to existing committees. Such duties and /or Committees may include: picket administration, financial administration, daycare, headquarters administration, public relations and media contact.
- 9.2.4 Public Relations and media contact shall be regulated by the Negotiating Committee under direction of the Local Executive.
- 9.2.5 In order to receive strike support, if such is provided, a member on strike must participate in strike duty unless the member has an acceptable excuse. The

amount and manner of strike duty required and acceptable excuses for not doing strike duty will be established by Union and/or Local Policy.

- 9.2.6 There shall be a Strike Support Committee appointed by the Union to administer strike support. The Committee shall consist of one (1) member from the Local on strike and two (2) members from other Locals.

**ARTICLE 10 - DISCIPLINE****Article 10 - Section 1 Offences**

- 10.1.1 A member who does any of the following has committed an offence against the Union:
- (a) Fails to comply with the Constitution or By-Laws of the Union or the By-Laws of the Local or Bargaining Unit or any instruction properly issued by or under the authority of Executive Council, Council committee, the Local Executive or a Committee of the Union, the Local or the Bargaining Unit;
  - (b) Fails to account correctly for receipts, disbursements, goods or equipment;
  - (c) Disrupts any meeting to the extent that business cannot be conducted in an orderly fashion;
  - (d) Attends any meeting of the Union, a Local, Bargaining Unit or Committee under the influence of alcohol and/or drugs and refuses to leave upon being requested to leave by the Presiding Officer;
  - (e) Institutes, urges or advocates that a member should institute action in a court of law or before any tribunal against the Union, a Local, Bargaining Unit, Committee or Officers, members or representatives of same, in respect of any matter concerning the affairs of the Union, without first exhausting all procedures and remedies provided in this Constitution and in any other By-Laws, rules or regulations;
  - (f) Knowingly, carelessly or recklessly publishes or circulates, publicly or privately, either verbally or otherwise, among the membership or the public at large, false reports or misrepresentations concerning the Union, a Local, Bargaining Unit or Committee or representative of same or concerning any member, in respect of any matter connected with the affairs of the Union;
  - (g) Wrongfully interferes with any office, Officer or accredited representative of the Union in the discharge of their duties;
  - (h) Removing or defacing authorized notices or publications of the Union;

- (i) Presents false evidence at any hearing of the Union or refuses to testify before any hearing of the Union to which he/she is summoned;
- (j) Acts or speaks on behalf of the Union, a Local or a Bargaining Unit without proper authority;
- (k) Advocates or attempts to bring about the de-unionization of any member or group of members of the Union;
- (l) Except as authorized by the Strike Committee, crosses, encourages others to cross, interferes with, or lessens the effectiveness of a legal picket line, established by the Bargaining Unit of which he/she is a member;
- (m) Says anything, including anything to the employer, the media or the public, intended to interfere with the success of a strike;
- (n) Says or does anything which is likely to interfere with the tactics and strategy of the Bargaining Unit in relation to negotiations or a strike;
- (o) Maliciously or frivolously accuses or charges any member of an offence against the Union;
- (p) Endangers the job of any member by reporting to the employer any evidence of job misconduct without first giving reasonable notice of an intention to do so, along with particulars to the member or his/her Union representatives. The carrying out of a member's normal duties for an Employer do not constitute a violation of this provision;
- (q) Discriminates against any member with regard to any matter in relation to Union business because of age, race, colour, national origin, political or religious affiliation, place of residence, sexual orientation, gender, marital status or mental or physical disability;
- (r) Violates the Officers' Pledge set out in Article 4.8.1;
- (s) While acting on behalf of the Union in any capacity, including as an Officer of the Union, an Officer of a Local, a member of a negotiating committee or a Union Advocate, signs the membership card of another Union or advocates or attempts to bring about the withdrawal of any members or groups of members or any Local from the Union; or

- (t) Makes a private agreement with an employer in regards to work matters covered by a collective agreement to which she/he is subject.

**Article 10 - Section 2 Charges**

- 10.2.1 Where Council Committee determines that there are reasonable grounds for believing that one (1) or more of the provisions of Article 10, Section 1 have been violated, it may take whatever interim action it determines appropriate. The matter will be presented at the next Executive Council meeting, and Executive Council will decide how to proceed in accordance with Article 10.3.1.
- 10.2.2 Any member alleging an offence under this Constitution shall set out her/his allegations in writing and submit the complaint to the Secretary of the Union within forty-five (45) days of the alleged offence or knowledge thereof.
- 10.2.3 As soon as possible following receipt of the complaint, the Secretary will forward a copy or a summary of the allegations to Council Committee, and Council Committee will take whatever interim action it deems appropriate. Should a member of Council Committee be a party to the complaint, she/he will be excluded from involvement.
- 10.2.4 At the next Executive Council meeting held following the receipt of the complaint, the Secretary will provide Executive Council with details of the complaint and any interim action taken by Council Committee. Council Committee may also make a recommendation as to how the complaint should be dealt with.

**Article 10 - Section 3 Procedure for Dealing with Charges**

- 10.3.1 Executive Council will, with the exception of any member who is or likely will be connected to the issues involved in the complaint, consider the matter and, in its absolute discretion, decide whether to continue, discontinue or substitute any the interim actions, if any, taken by Council Committee. Executive Council will then:
  - (a) dismiss the complaint as being without merit or not in the best interests of the Union to be further pursued; or
  - (b) appoint one (1) or more individuals to fully investigate the complaint and report back to Executive Council as soon as reasonably possible with a written summary of findings, a recommendation that the complaint be upheld or denied, and a recommendation as to penalty. Executive Council will then decide to accept or reject the recommendation(s) of the investigator(s);

or

- (c) appoint a panel of three (3) of its members to hold a hearing into the complaint as soon as possible and render a written decision as to whether the complaint is upheld or denied and the reasons therefor, together with a decision as to penalty; or
- (d) render a decision to uphold the complaint and determine the appropriate penalty; or
- (e) appoint one (1) or more individuals to attempt to mediate or settle the complaint.

10.3.2 Where an investigation or hearing is held pursuant to the foregoing Article 10.3.1, the investigator(s) or hearing panel will determine its own procedure, provided that:

- (a) the complainant and respondent will both be given full opportunity to present relevant evidence and submissions and to answer the evidence and submissions of the other party; and
- (b) the complainant and respondent may, at her/his own expense, be represented by counsel or an advocate; and
- (c) should the complainant or respondent or accused or a witness fail to follow the procedure set by the investigator(s) or hearing panel, including failing to appear or present evidence and submissions, the investigator(s) or hearing panel may, at its own discretion, adjourn or continue or determine the charges.
- (d) the burden of establishing that the charges should be sustained is on the complainant on a balance of probabilities.

10.3.3 Council Committee, Executive Council, the investigator(s) or the hearing panel may, as each determines appropriate, be assisted by counsel.

#### **Article 10 - Section 4 Penalty**

10.4.1 Where a complaint is upheld, the respondent may be reprimanded, fined, removed from office, suspended, expelled or dealt with in any or all of the foregoing ways.

10.4.2 A fine shall be a minimum of fifty dollars (\$50.00) and a maximum of five hundred dollars (\$500) per offence and such fine shall be deemed to be a debt owing and due to the Union.

**Article 10 - Section 5 Appeal**

- 10.5.1 Where either the complainant or respondent is dissatisfied with a decision made in accordance with Article 10.3.1, she/he may appeal the decision to Executive Council. Such appeal will be submitted in writing to the Secretary and the opposing party within thirty (30) days of receipt of the decision and will include her/his reasons for the appeal.
- 10.5.2 Executive Council, with the exception of any of its members who were an investigator or member of a hearing panel, will consider the appeal and make whatever inquiries it deems necessary, including determining if it is necessary to have the complainant and/respondent appear before it prior to making its decision.
- 10.5.3 Executive Council will either uphold or dismiss the decision or remit the matter to the same or a different process set out in Article 10.3.1. Any decision of Executive Council with respect to an appeal, including the procedures it followed in determining the appeal, will be final and binding upon the Union and all members.

**Article 10 - Section 6 Hearing Expenses**

- 10.6.1 The Union shall obtain union leave for, or reimburse any regular wages lost by, any member for time spent before an investigator or hearing panel or Executive Council. There will be no compensation for time spent before an investigator or hearing panel or Executive Council outside of regular working hours.
- 10.6.2 Where application is made, Executive Council may, at its discretion, reimburse a member for legal expenses incurred by a complainant or respondent to a maximum of one thousand dollars (\$1,000.00).

**Article 10 - Section 7 Removal as Representative**

- 10.7.1 Any member who is a union representative in any capacity, including an Officer of the Union, an Officer of the Local, a member of a negotiating committee or a Union Advocate, who does anything, whether or not it is connected to Union affairs, that by her/his continued service as a union representative would bring the Union into disrepute or cause serious harm to the Union's credibility, may be requested to resign by Executive Council. Where the member refuses to resign, she/he may be removed from office by Executive Council. The member may appeal the decision to Executive Council by setting out her/his position in writing within thirty (30) calendar days, and Executive Council shall make a final and binding decision on the matter.

**Article 10 - Section 8 Scabs**

- 10.8.1 Any person who is not a member of a NSUPE Local on strike who scabs on a Local on strike and who later becomes a member of the Local, shall not be permitted to hold office for a period of five (5) years following becoming a member of the Union or participate in Union matters for a period of two (2) years following becoming a member of the Union unless required by law or unless lesser times are determined by Local by-law.

**ARTICLE 11 - BY-LAWS****Article 11 - Section 1 Life and Honourary Membership**

- 11.1.1 Nominations for Life Membership and Honourary Membership in the Union may be made by any member, in writing, to Executive Council and shall include a list of accomplishments in regard to the Union and the Labour movement, of the nominee. Nominations shall be investigated by Council Committee.
- 11.1.2 Nominations for Life Membership and Honourary Membership shall be considered by Executive Council at a meeting prior to Convention and if approved by a sixty-six and two thirds percent (66 2/3%) majority of Executive Council, Life Membership shall be granted to the nominees at Convention.
- 11.1.3 Life Members, who must be persons no longer working for an employer whose employees are represented by the Union, and Honourary Members shall be entitled to all rights and privileges of membership in the Union except the right to move and second motions, the right to vote and the right to hold office, providing the Life Member or Honourary Member is not barred from participation in the affairs of the Union by reason of being a managerial or confidential exclusion or by reason of discipline.
- 11.1.4 A Life Member or Honourary Member shall have his/her Life Membership or Honourary Membership placed in suspension for the duration of his/her employment in a confidential or managerial capacity or employment or in any position where he/she is barred from participation on the affairs of the Union.
- 11.1.5 A list of Life Memberships and Honourary Memberships shall be established and maintained by the Union Secretary.
- 11.1.6 A Life Member or Honourary Member of the Union shall not be required to pay dues or assessments.

**Article 11 - Section 2 Local Reports**

- 11.2.1 Within a reasonable time of any change, the Local Secretary shall forward to the Union Secretary:
- (a) a list of Local Officers, Local Executive Council members and alternates;
  - (b) a list of Local Committees and Chairpersons;
  - (c) a list of Union Advocates.

**Article 11 - Section 3 Rules of Order**

- 11.3.1 The Rules of Order shall apply at Convention of the Union and, with appropriate changes, shall also apply to all meetings of the Union, Locals and Bargaining Units.
- 11.3.2 The Presiding Officer shall call the meeting to order at the time specified, provided that if no quorum is present the Presiding Officer may delay calling the meeting to order for up to one-half (½) hour. By majority vote of those present and entitled to vote, the call to order may be delayed more than one-half (½) hour.
- 11.3.3 When a member is entitled to speak wishes to speak, he/she shall raise his/her hand or, where provided, proceed to a microphone provided for the purpose, and wait to be recognized by the Presiding Officer. When recognized, the member shall be entitled to speak. If at Convention, or meeting other than a Local meeting, or when required by the Presiding Officer, the member shall state his/her name and the Local he/she represents.
- 11.3.4 Speakers shall confine their remarks to the question at issue.
- 11.3.5 Speeches shall be limited to a maximum of five (5) minutes.
- 11.3.6 A member shall not speak more than once on a subject until all others who wish to speak have had an opportunity to do so, unless with the permission of the Presiding Officer.
- 11.3.7 A member shall not interrupt another speaker unless it is to call a point of order.
- 11.3.8 If a member is called to order, he/she shall, at the request of the Presiding Officer, take his/her seat until the question of order has been decided.
- 11.3.9 If a member persists in unparliamentary conduct, the Presiding Officer shall name him/her and submit the member's conduct to the judgement of Convention or the meeting. The member whose conduct is in question may have two (2) minutes to explain or apologize and shall then be seated and Convention or the meeting shall determine what course to pursue in the matter.
- 11.3.10 When a motion is on the floor, no other motion will be accepted until the motion has been dealt with or withdrawn. However, amendments and amendments to amendments shall be in order provided they are not in conflict or contradictory with the motion or other amendments or amendments to amendments already on the floor.

- 11.3.11 After discussion on a motion, amendment or amendment to amendment, the Presiding Officer shall ask if the meeting is ready to vote. If no other member wishes to speak the vote shall be held.
- 11.3.12 Unless otherwise required by this Constitution, and By-Laws or by the meeting, votes shall be by voice, show of hands or by a standing vote. A roll call vote may be demanded by the Presiding Officer or by one-third (1/3) of the members present and entitled to vote. In all cases, each member shall be entitled to one (1) vote.
- 11.3.13 The mover and seconder of a motion, amendment or amendment to an amendment may, together, withdraw the motion, amendment or amendment to an amendment if the vote has not been called.
- 11.3.14 Two (2) members entitled to vote may appeal the decision of the Presiding Officer and give reasons for their appeal. The Presiding Officer shall then state: "Shall the decision of the Chair be upheld?" The question is not debatable and shall be voted on immediately except that the first member to appeal the decision of the Presiding Officer shall be entitled to two (2) minutes to explain his/her appeal after which the Presiding Officer shall be entitled to two (2) minutes to explain his/her decision.
- 11.3.15 In any case of a tie vote, the Presiding Officer, if he/she is entitled to vote, shall cast the deciding vote even though it shall be his/her second vote.
- 11.3.16 If a member moves the previous question and such motion is seconded, there shall be no further debate or amendment of either motion. The Presiding Officer shall ask: "Shall the previous question now be voted on?" If the meeting votes in the affirmative, then the Presiding Officer shall immediately call for the vote on the original motion and any amendments, without debate. If the meeting votes in the negative, then discussion shall continue on the original motion.
- 11.3.17 In applying the Rules of Order, it shall be the duty of the Presiding Officer to conduct the meeting in such a way as to encourage and enable members to express their opinions and to hear the opinions of others. Therefore, the Presiding Officer is encouraged to apply these rules in a liberal manner.
- 11.3.18 Committees may combine resolutions or prepare a composite to cover the intent of the question at issue, but no such combination or composite shall contradict the intent of the original resolution. A motion to refer a resolution, motion or recommendation back to a Committee shall be in order and is not debatable but shall be voted on forthwith.
- 11.3.19 If the report of a Committee is adopted, it becomes the decision of the meeting. If defeated it may be referred back to the Committee for further consideration.

- 11.3.20 A motion may be reconsidered provided that written notice of motion is given for reconsideration at the next meeting and the notice of motion is supported by sixty-six and two thirds percent (66 2/3%) of the delegates present. A motion that is affirmed or defeated for a second time may not be brought forward again for a period of at least six (6) months.
- 11.3.21 In all matters not regulated by these Rules of Order or by other provisions of this Constitution and By-Laws or by Local or Bargaining Unit By-Laws, the Presiding Officer shall determine the procedure subject to Article 11.13.17.

**ARTICLE 12 - TRANSITION AND MISCELLANEOUS**

**Article 12 - Section 1 Repeal of Previous Constitution and By-Laws**

12.1.1 Upon acceptance of this Constitution and By-Laws pursuant to the existing Constitution and By-Laws of the Union, all previous Constitutions, By-Laws and amendments and provisions to same shall be immediately repealed and shall be null and void.

**Article 12 - Section 2 Effective Date of Constitution and By-Laws**

12.2.1 This Constitution and By-Laws shall become effective, immediately upon acceptance and shall remain effective thereafter, subject to amendments made in accordance with this Constitution and By-Laws.

**NOVA SCOTIA UNION OF PUBLIC AND PRIVATE EMPLOYEES  
NOMINATION FORM**

I, \_\_\_\_\_, nominate \_\_\_\_\_

for the position of \_\_\_\_\_.

DATED: \_\_\_\_\_, \_\_\_\_\_.

AND SIGNED BY: \_\_\_\_\_

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FOR OFFICIAL USE ONLY:

Date Received: \_\_\_\_\_

Date Confirmed Nominator: \_\_\_\_\_

Nominee:    Accepts Nomination    \_\_\_\_\_

                 Declines Nomination    \_\_\_\_\_



**NOVA SCOTIA UNION OF PUBLIC AND PRIVATE EMPLOYEES  
CONVENTION CREDENTIALS  
LOCAL DELEGATES & ALTERNATES**

Delegate: \_\_\_\_\_

Alternate: \_\_\_\_\_

NSUPE Local: \_\_\_\_\_

This is to certify that \_\_\_\_\_ has been chosen to represent the above named Local in the capacity shown at the NSUPE Convention beginning the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ and that the above named member is properly qualified to represent the Local in this capacity.

DATED: \_\_\_\_\_

LOCAL PRESIDENT: \_\_\_\_\_

LOCAL SECRETARY: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

APPROVED BY NSUPE SECRETARY: \_\_\_\_\_

**NOVA SCOTIA UNION OF PUBLIC AND PRIVATE EMPLOYEES  
CONVENTION CREDENTIALS  
EXECUTIVE COUNCIL**

This is to certify that \_\_\_\_\_ is a member of the NSUPE  
Executive Council and thereby entitled to attend, as a delegate, the NSUPE Convention  
beginning the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

DATED: \_\_\_\_\_

NSUPE PRESIDENT: \_\_\_\_\_

NSUPE SECRETARY: \_\_\_\_\_