



ASSOCIATION DES EMPLOYÉS DU NORD QUÉBÉCOIS (CSQ)

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ASSOCIATION OF EMPLOYEES OF NORTHERN QUEBEC

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BY-LAWS 2019

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CHAPTER 1: GENERALITIES

Article 1 Constitution

Those who follow the present By-Laws constitute an association of wage-earners, according to the law, known under the name of the "Association of Employees of Northern Quebec", hereafter called the Association.

Article 2 Definitions

2.01 **Category of Employment.** The members of the Association are part of one of the following category of employment:
a) teaching staff;
b) support staff;
c) workers of a daycare center.

2.02 **Centrale.** The Centrale is the Centrale des syndicats du Québec (CSQ).

2.03 **Daycare Center.** A daycare center designates a daycare and family center.

2.04 **Union Delegate.** The Union Delegate is a member elected as foreseen in article 16.

2.05 **School.** A school generally designates a building where is provided teaching of the youth sector.

A school may also designate a building where is provided teaching for the vocational training sector or for the adult education sector under the authority of a center director, of the adult education department or its equivalent.

2.06 **Support Staff.** A support staff is a person hired as such by an employer and who fulfils the conditions of article 9.

2.07 **Teacher.** A teacher is a person hired as such by an employer and who fulfils the conditions of article 9.

2.08 **Establishment.** An establishment designates a building or many buildings of a specific locality where are assigned one or many support staff employees, being understood that the building or the buildings of a locality intended to the administration of a school board, to the vocational training, or to the adult education, or a building where are assigned maintenance workers, are considered separate establishments as long as there are at least 7 support staff members.

2.09 **Members.** Members are the persons who meet the criteria set forth in article 9.

2.10 **Sectoral group.** The "Sectoral group" refers either to the "Fédération des syndicats de l'enseignement (FSE)", the "Fédération du personnel de soutien scolaire (FPSS)", the "Fédération des intervenantes en petite enfance du Québec (FIPEQ)", the "Categorial Units Group (CSQ-RUC)", or any other sectoral group of the Centrale to which the Association may be affiliated.

2.11 **Sector.** A sector designates all members covered by the same accreditation certificate. Notwithstanding the preceding, all the employees of CPEs are part of the same sector. The same applies to the teaching staff in band council schools.

2.12 **Daycare Center Worker.** A daycare center worker is a person hired as such by an employer and who satisfies the requirements of article 9.

Article 3 Aims

The aims of the Association are the defence and the promotion of the professional, economic and social interests of its members, the negotiation and the application of the collective agreements, all this taking into account the characteristics of Aboriginal contexts, including the ones arising from the James Bay and Northern Quebec Agreement.

Article 4 Jurisdiction and Civil Responsibility

- 4.1 **Jurisdiction.** The Association is empowered to represent the following persons:
- a) those who work full-time or do part of their work for an employer, and for which the Association holds a bargaining certificate or is seeking to obtain one;
 - b) those who are on leave of absence with or without pay for an employer, and for which the Association holds a bargaining certificate or is seeking to obtain accreditation, and who are in compliance with the present By-Laws;
 - c) those who were belonging to either of the preceding categories before they were suspended, fired or dismissed, and for which it is still possible to take action or appeal; and
 - d) those deemed eligible and accepted by the Executive Committee.
- 4.2 **Civil Responsibility.** The Association shall undertake to indemnify and to assume the case of any member prosecuted and sentenced by a court arising out of the actual execution of a mandate or a function for which they were responsible, provided that:
- a) the person has immediately advised the Association that such proceedings have been instituted against him/her;
 - b) the person has admitted no liability;
 - c) the person yields to the Association, to the limit of the amount of indemnification, his/her rights and recourse against third parties and signs all document required by the Association;
 - d) the prosecution or sentencing does not result from serious fault or gross negligence or wilful omission; and
 - e) the person is represented and defended by the attorney retained by the Association.

Article 5 Head Office

The Association's head office is located in Montreal.

Article 6 Financial Year

The financial year begins on September 1st and ends on August 31st of the following year.

Article 7 Affiliation and Disaffiliation

- 7.01 **Affiliation.** The Association may affiliate itself with any union central, organization, group or association seeking goals in agreement with its own.
- 7.02 **Disaffiliation from the Centrale.** In order to be valid, a disaffiliation decision must, in a referendum, be upheld by the majority of the members of the Association. Furthermore, the process leading to the decision to disaffiliate must have respected the rules of this article.
- 7.03 A motion to hold a referendum on a question of disaffiliation must be submitted to Congress or in General Meetings at all establishments. The notice of motion to this end shall be sent to each member and to the Centrale at least 30 days before the said Congress or General Meetings are held.

With the notice of motion described in the preceding paragraph, the Association sends the Centrale a copy of the convocation and the planned agenda for the Congress or General Meetings where disaffiliation will be discussed.

At the Congress or any General Meeting where disaffiliation will be discussed, the Association shall accept the presence of representatives from the Centrale who will have asked permission to attend beforehand, and they shall have the right to express their views.

- 7.04 **Referendum on Disaffiliation.** A referendum on disaffiliation may be held in more than one school, center, establishment or daycare center of the territory of the Association as long as the voting periods are concurrent.

All dues-paying members shall be informed in writing of the time and place of the vote. The place and the time shall be chosen so as to facilitate the vote.

The person acting as Union Delegate or Substitute Union Delegate shall serve as scrutineer. He or she shall be accompanied by a witness and shall permit, as the case may be, an observer from the Centrale to be present.

The polling stations shall be open from 8:00 a.m. to 6:00 p.m. on the official day of the referendum.

At 6:00 p.m., the scrutineer shall close the doors of the polling station. He or she shall then proceed to the counting of the votes. After observing the same result in two consecutive counts, he or she shall enter that result on the tally sheet and affix his or her signature as well as that of the witness and, as the case may be, the observer from the Centrale.

When he or she has communicated the result to the Association office by telephone, the scrutineer shall send the tally sheet to the office of the Association by fax or email. He or she shall also ensure that the ballots are placed in an envelope, which he or she shall send to the Association by registered mail on the next working day.

The President shall receive all the tally sheets and proceed to a general counting of the results. He or she shall then communicate those final results to the Centrale.

Voting by mail and door to door voting are forbidden.

Article 8 Referendum

- 8.01 **Referendum.** Following the reception of a petition signed by at least 20% of the members to this effect, the Association must hold a referendum. The modalities of the referendum are to be set by the Executive Committee. The decisions, in a referendum, are decided by the majority of the votes casted.
- 8.02 The Executive Committee may decide to hold a referendum.

CHAPTER 2: MEMBRES

Article 9 **Membership**

- 9.01 To become and remain a member, it is necessary to comply with the following requirements:
- a) be an “employee” within the meaning of the Labour Code or an “employee” within the meaning of the Canadian Labour Code;
 - b) be a person covered by one of the accreditation certificates held by the Association;
 - c) have personally paid the membership fee of \$2 or, as the case may be, \$5;
 - d) have signed a membership card or the union membership form;
 - e) be accepted by the Executive Committee;
 - f) pay union dues and any other fee required by the union;
 - g) abide by the by-laws, policies and regulations of the Association.
- 9.02 When a member is appointed head teacher he/she loses his/her status as a member, but remains covered by the provisions of the collective agreement for the duration of his/her appointment.

Article 10 **Union Dues**

- 10.01 The regular amount of union dues is set at 2% of the actual income earned in relation to the bargaining unit(s) concerned. In the event that a member is paid directly by the Association, the regular union dues shall apply.
- 10.02 By referendum, or Regular Congress, or Special Congress, the Association may order the deduction of a special union due. However, that deduction is required only from members.

Article 11 **Eligibility and Resignation of a Union Function**

- 11.01 **Eligibility.** To be eligible to a union function, the person must be a member of the Association and not have any managerial functions in his/her regular or occasional duties.
- 11.02 **Resignation.** Any resignation from a union function must be sent as soon as possible in writing by the member to the Secretary-treasurer of the Association who acknowledges receipt and informs the Executive Committee.

If the member resigns in the course of his/her mandate and has a union leave to fulfill his/her union function, he/she will have to reimburse the Association for any amount claimed by the employer for the period for which the member was no longer fulfilling his/her union function unless exceptional circumstances.

Article 12 **Complaints, Suspension, Exclusion and Removal**

- 12.01 **Complaints.** Any member or group of members of the Association may lodge a complaint against a member of the Association for any of the following reasons:
- a) a serious violation of the By-laws and regulations of the Association;
 - b) a moral or material prejudice caused to the Association;
 - c) any situation involving a conflict of interests; or
 - d) any other serious reason for which the present By-Laws have no provision.
- 12.02 The complaint must be sent to the President or the Secretary-treasurer of the Association who, after having acknowledged receipt to the plaintiff and to the accused member will bring the complaint before the Executive Committee. The Executive Committee must make an investigation of the complaint and take its decision within a delay of 90 days. The Executive Committee may refer the investigation externally. In this case, the 90-day time limit must still be respected.

- 12.03 **Decision.** After an investigation, the Executive Committee decides:
- a) to reject the complaint;
 - b) to impose a disciplinary sanction adapted to the circumstances;
 - c) to suspend the member for a limited period of time;
 - d) to exclude the member from the Association.
- 12.04 Any decision of the Executive Committee concerning a complaint must be communicated verbally and sent in writing to the accused member within 5 days after the decision was taken.
- 12.05 **Appeal.** If a member is not satisfied with the decision held against him/her, he may appeal the decision. The appeal is filed verbally and in writing with the President or the Secretary-treasurer of the Association within a twenty-day period following the date the decision was taken.
- 12.06 As soon as the appeal is known by the President or to the Secretary-treasurer, the executive Committee sets up an Appeals Committee composed of the 3 following persons chosen within a delay of 30 days:
- a) a member chosen by the accused member. If the delay of 30 days is not respected, the appeal is rejected;
 - b) a person chosen by the Executive Committee; and
 - c) a person chosen by the Centrale.

The Appeals Committee is master of its own regulations. Its decision must be taken within a delay of 60 days following the formation of the Committee and is executory.

- 12.07 During the appeal process, the decision of the Executive Committee is suspended.
- 12.08 **Removal of a member, other than a member of the Executive Committee, from his/her Union Duties.** The Executive Committee may remove any member from his/her union duties, other than a member of the Executive Committee, for the following reasons:
- a) a serious violation of the By-Laws and regulations of the Association;
 - b) a failure to assume his/her duties;
 - c) a prejudice caused to the Association.

The appeal procedures described above apply to this clause.

CHAPTER 3: POLITICAL STRUCTURES

Article 13 Regular Congress and Special Congress

13.01 **Composition.** The official representatives to the Regular Congress are:

- a) the members of the Executive Committee;
- b) the union delegates of the schools and centers (including the regional union delegates for adult education and the regional union delegates for vocational training), establishments, and daycare centers.

If the union delegate, or the substitute union delegate, cannot be present, the replacement representative to the Congress must be elected by the general meeting.

The members of the Aboriginal Committee are invited as observers with right to speak only.

The Congress may admit to its meetings, as observers:

- the guests of the Association;
- the employees of the Association.

Each official representative to the Congress has a number of mandates according to what is foreseen in the following clause.

13.02 **Mandates.** In order to determine the official delegation, the number of members per school, center, establishment or daycare center is the one showing in the Staffing Plan. If the Staffing Plan is unavailable, it is the number of regular positions that is taken into account.

Each representative has:

- a) Members of the Executive Committee: one mandate;
- b) Members of KSB Support Staff: one mandate. An additional mandate if there are more than 26 members in the establishment, and one extra mandate there are more than 50 members in the establishment.
- c) Members of CSB Support Staff: one mandate. An additional mandate if there are more than 17 members in the establishment, and one extra mandate there are more than 35 members in the establishment.
- d) Members of KSB Teaching Staff: one mandate and an additional mandate if there are more than 31 members in the school.
- e) Members of the CSB Teaching Staff: two mandates and an additional mandate if there are more than 50 members in the school.
- f) Members of the daycare centers: one mandate and an additional mandate if there are 17 members or more working at the Center.
- g) Members of a school managed by a band council: one mandate and an additional mandate if there are more than 20 members in the school.
- h) Members from the Adult Education sectors: one mandate.
- i) Members from the Vocational Training sectors: one mandate.

13.03 **Powers.** The Congress is the final authority of the Association. It decides upon the general policies, the major objectives, the major lines of action and the great priorities. It may also exceptionally adopt particular policies, special objectives or set up immediate action programs. More particularly, the Congress:

- a) disposes of all motions brought forward;
- b) adopts and may modify the present By-Laws;
- c) adopts and may modify the regulations for the smooth running of the Association;
- d) receives the annual report from the Executive Committee and from any other committee formed by it and disposes of these reports;
- e) elects the members of the Executive Committee;
- f) examines and adopts the financial statements published since the last Congress and disposes of the reports from the auditor;

- g) appoints an auditor;
- h) may examine and modify budget estimates prepared and adopted by the Executive Committee;
- i) may set up committees and appoint its members;
- j) may demand reports on all the activities of the Association;
- k) decides to hold a referendum on any question deemed pertinent;
- l) decides upon its procedure;
- m) may declare the levy of a special union due.

13.04 **Meetings.** The Regular Congress meets every third year during the school year.

However, in the event that special circumstances make it impossible to hold the Regular Congress, the official representatives of the regular Congress may, during the preparatory stages leading up to the Congress, decide by referendum to allow the Regular Congress to exercise some of its powers without the official representatives having to meet in the same place. Such a decision shall be valid only in the event it is approved by a 2/3 majority of the official representatives of the Regular Congress who cast their vote.

13.05 **Special Congress.** A Special Congress may be convened at all time by the Executive Committee or following the reception of a petition to this effect signed by at least 50% of the members.

The Special Congress is composed of the Executive Committee members and of the union delegates.

The Special Congress may take place in person or by phone. If it is held by phone, the members of one community must be present at the same place.

The powers of the Special Congress are:

- a) dispose of all submitted propositions;
- b) amend the By-Laws.

The other modalities of the Special Congress will be decided by the Executive Committee.

13.06 **Convocation.** The convocation of the Regular Congress must be sent to the Union Delegate by mail, fax or email in all languages of the Association at least 60 days beforehand.

Congress registrations must be sent to the Association's office at least 45 days before the start of the Congress.

The provisional agenda is sent to the Union Delegate by mail, fax or email in all languages of the Association at least 2 weeks beforehand;

The Sector Director must verify that the convocation and the agenda have been received.

13.07 **Language.** The Congress is held in 4 languages - French, English, Inuktitut and Cree - on request of the official representatives to the Congress.

13.08 **Quorum, Right to Speak and Right to Vote**

A) **Quorum.** The quorum of the Regular Congress is constituted by the majority of its registered official representatives.

B) **Right to Speak and Right to Vote.** The official representatives have the right to speak and the right to vote. The observers have neither the right to speak nor the right to vote.

13.09 Election of the Executive Committee Members

- A) **Election Committee.** The Election Committee is composed of a President of Election and of one person responsible of election per sector, chosen by the Executive Committee. It is better that those persons not be official representatives at the Congress. However, if one of those persons is a member participating in the Regular Congress and is nominated to any office, that person must resign from the Election Committee and the Executive Committee sees that he/she is replaced.
- B) **Ballots.** The Election Committee prepares the ballots for each office, distributes them and collects them. Each official representative to the Congress votes for the candidate of his or her choice. The counting of the votes is done under the responsibility of the Election Committee who informs the official representatives to the Congress of the results.
- C) **Voting Procedures.** In any phase of the election procedure, if it is necessary to vote because there is more than one candidate, it is done by secret ballot. The candidate with the absolute majority of votes is elected.

If none of the candidates receives an absolute majority, a second ballot is held with the elimination of the candidate having obtained the least number of votes. If necessary, the procedure is repeated a third time, and the candidate with the greatest number of votes is elected, even if he or she does not have the absolute majority.

In case 2 candidates with the highest number of votes obtain the same number of votes, there will be as many ballots as necessary, until one of them obtains the absolute majority.

- D) **Elective Positions.** All the members of the Executive Committee are elected during the Regular Congress. The election takes place under the care of the Election Committee. The President, Vice-president and Secretary-treasurer are elected by all the official representatives at the Regular Congress. The Sector Directors are elected by the official representatives of their sector.
- E) **Candidacies.** Only the members attending the Regular Congress can be elected to the Executive Committee. Furthermore, to be eligible, the member who wishes to apply must not owe any debt to the Association.

A candidate for any of the offices must be proposed by another member and seconded by 2 other members. He or she must have accepted the candidacy. A candidate may run for more than one office.

All candidacies must be received by the Chair of the Election Committee no later than 30 days prior to the date of the beginning of the Congress. No candidacies shall be accepted after that time.

All candidacies must be accompanied by an election statement not exceeding 400 words (based on the French version) addressed to the official representatives to the Congress.

At the time of the opening of the Regular Congress, the Chair of the Election Committee shall post the names of all candidates at the entrance to the meeting hall.

When a proposal of amendment to the By-laws regarding the composition of the Executive Committee is adopted, the Election Committee will let, during the same Congress, the candidates to whom it applies adjust their candidacy to take into consideration said amendment. Being understood that the candidates may only apply on the positions touched by the amendments and for which the candidacy was first made at the nomination of candidates.

If no candidacy was received on one or more positions before the deadline foreseen in the 3rd subparagraph of the present paragraph, a new candidacy period for the positions in question

is opened from the beginning of the Congress until the end of the lunch break of the second day.

- F) **Presentation.** Before the vote is taken, each candidate shall have 5 minutes to address the official representatives to the Regular Congress.

In addition, following the presentations by the candidates for all positions, there shall be a period of a maximum of 45 minutes for the official representatives to the Regular Congress to ask questions to the candidates.

In addition, following the open question period, candidates for all positions shall have 3 minutes to summarize their position in an address to Congress delegates before the vote is taken.

- G) **Election Procedure** The election takes place in 4 phases. Where necessary, at each of these phases, clause 13.07 C) applies.

In the first phase, the election of the President is held. A defeated candidate may run for any other office.

In the second phase, the election of the Vice-president is held. For the position of Vice-president, only the candidates coming from another category of employment than the President are eligible. A defeated candidate may run for any other office.

In the third phase, the election of Sector Directors is held. Any candidate must belong to the sector concerned. A defeated candidate may run for the position of Secretary-Treasurer.

In the last phase, the election of the Secretary-Treasurer is held.

Article 14 Sector Council

- 14.01 **Composition.** The Sector Councils are composed of the Union Delegates of the Sector and of the Sector Director or the mandatory according with clause 17.10 D).

- 14.02 **Meetings.** The Sector Council meets at least twice a year.

- 14.03 **Convocation.** When the Sector Council meets in person, it is convened by a notice addressed to its members, by mail, email or fax, in the relevant language or languages of the sector, at least 3 weeks beforehand. The convocation must be accompanied by the planned agenda.

In the case of conference calls, the Sector Council is convened by a notice addressed to its members, by mail, email or fax, in the relevant language or languages of the sector, at least one week beforehand. The convocation must be accompanied by the planned agenda.

An emergency meeting by conference call can be held with a 48 hour notice sent by fax or by telephone. In this case the convocation is accompanied by an agenda.

The Executive Committee or the Sector Director convenes the meetings of the Sector Council.

14.04 **Quorum.** The quorum of the Sector Council is constituted by the members present.

14.05 **Powers.** The powers of the Sector Council are:

- a) it may make recommendations to the Executive Committee;
- b) it recommends, in conformity with article 20, persons to serve as members of the Negotiating Committee of the sector;
- c) it elects the members of the other committees of the sector.

On the occasion of special activities, it may associate with other sectors.

Article 15 General Meeting of a School, Centre, Establishment or Daycare Center

15.01 **Composition.** The General Meeting is composed of all the members of a school, centre, establishment or a Daycare Center.

15.02 **Convocation.** The Union Delegate may convene the members of his or her school, centre, establishment or Daycare Center by a notice posted on the union bulletin board or by telephone. At the request of at least 50% of the members of a school, centre, establishment or daycare center, the Union Delegate must convene a General Meeting. Normally, a General Meeting must be convened at least 48 hours beforehand. However, exceptional circumstances may reduce the convocation time.

15.03 **Quorum.** The quorum of a General Meeting is constituted by its members present.

15.04 **Powers.** It plans, organizes and supervises all the union activities of the school, centre, establishment or a daycare center.

Article 16 Union Delegate and Substitute Union Delegate

16.01 **Election.** The election of the union delegates and of the substitute union delegates must take place at the beginning of each school year. However, no election should take place in the first 7 days following the beginning of the school year to allow the members to know each other and to allow the new members to complete the formalities to become members.

In the course of the period of 23 days following the first period of 7 days, the Sector Directors make sure the elections take place.

- A) Teaching staff of the regular sector: the members of the teaching staff must elect a union delegate and a substitute union delegate per school as defined in clause 2.05;
- B) Teaching Staff for the Adult Education sector: the members of the teaching staff for the adult education must elect a regional union delegate and a regional substitute union delegate;
- C) Teaching Staff for the Vocational training: the members of the teaching staff for the vocational training must elect a regional union delegate and a regional substitute union delegate according to the modalities agreed upon between them and the Sector Director;
- D) Support Staff: the members of the support staff must elect a union delegate and a substitute union delegate per establishment as defined in clause 2.08;
- E) Daycare Center Workers: the members of each daycare center must elect a union delegate and a substitute union delegate.

- 16.02 **Term of office.** The Union Delegate and the Substitute Delegate(s) remain in office until they are replaced, they resign, they are dismissed or until they are re-elected at the beginning of the following school year.
- 16.03 **Nomination.** The Executive Committee may name a temporary Union Delegate and/or a temporary substitute Union Delegate in cases where the General Meeting cannot hold an election within the time limit prescribed in this article.
- 16.04 **General duties of the Union Delegate.**
- a) He/she is the official representative of the members of the Association of the same category of employment of his/her school, centre, establishment or daycare center;
 - b) He/she is the liaison officer between the members of his/her school, centre, establishment or daycare center from the same category of employment, his/her Sector Director and the Association;
 - c) She/he organises and chairs the general meetings of his/her school, center, establishment or daycare center.
 - d) He/she performs the mandates assigned to him/her by the Executive Committee, the sector council, his/her sector director or his/her political official, or which are assigned to him/her in his/her collective agreement;
 - e) He/she participates to the Sector Council and to the Congress of the Association.
- 16.05 **General duties of the Substitute Delegate.**
- a) He/she assists the Union Delegate and performs all tasks assigned by the latter;
 - b) In the absence of the Union Delegate, the Substitute Delegate replaces the latter in all his/her functions.

Article 17 Executive Committee

- 17.01 **Composition.** The Association is administered by an Executive Committee composed of a President, a Vice-president, a Secretary-treasurer, and the Sector Directors.
- 17.02 **Powers.** The Executive Committee manages current affairs of the Association. In the exercise of its powers, the Executive Committee shall respect the priorities and decisions voted in Congress. In particular:
- a) it establish an Action Plan taking into account the priorities voted in Congress and insure its implementation;
 - b) it gives effect to the decisions taken by referendum;
 - c) it decides of the dates and convocation of any Congress and coordinates its preparation and organisation;
 - d) it makes recommendations estimated useful to the Congress;
 - e) it adopts budget estimates;
 - f) it decides upon the distribution of workload and the responsibilities of the members of the Executive Committee without prejudice to the provisions of the present By-laws, taking into account, among other things, those issues that are specific or exclusive to Nunavik or Eeyou Itstchee and assigning in priority members who are from the territory in question;
 - g) it may form committees and appoint their members;
 - h) it consults the Aboriginal Committee or the Sector Councils before taking any decision pertaining to their respective mandates;
 - i) it disposes of the recommendations of the Sector Councils, the Aboriginal Committee and general assemblies when there is no Sector Council;
 - j) it sees that there be a sound administration of the Association;
 - k) it seeks the organisation and the operation of the services rendered to the members;
 - l) it proceeds to the admission, suspension or exclusion of members;
 - m) it invests the funds in a bank, in a trust company, in a "caisse populaire" or a credit union, and appoints, by resolution, the persons authorized to sign the business papers for the Association;
 - n) it disposes of any complaint concerning a member of the Association;
 - o) it may hire employees or rent services;

- p) it authorizes all procedures, legal or otherwise deemed necessary to the Association's interests, except those procedures that must, in conformity with the present By-Laws, be decided by the Congress;
- q) it may acquire, administer, sell, rent, exchange, lend moveable property and borrow from its credit account;
- r) it may donate sums of money to groups or organizations aiming goals in conformity with those the Association aims at under the law and its By-Laws, on the understanding that these sums be granted straight out of a budget heading provided for this purpose in the budget;
- s) it may amend the present By-laws in order to admit and welcome new members that may not be part of any of the existing bargaining unit, being understood those amendments will have to be disposed of at the next Regular Congress;
- t) it may establish special policies;
- u) it makes the necessary representations in link with the implementation of regional government in Nunavik or in Eeyou Istchee;
- v) while respecting the By-laws, it mandates, within its members, who will represent the Association at the different decision making bodies of the Centrale, of a sectoral group, or others;
- w) it examines and adopts the financial statements, between Congresses, and disposes of the reports from the auditor.

17.03 **Meetings.** The Executive Committee meets as often as its responsibilities require it.

- A) In-person Meeting: the members of the Executive Committee usually meet four times in person, the first time at the beginning of the school year, the second time just before or right after the holidays, the third time around the end of February or the beginning of March, and the fourth time at the end of the school year. When it is a Congress year, the Executive Committee members may meet in person more often. The provisional agenda must be sent at the same time of the convocation.
- B) Meeting by Conference Call: when needed, a meeting of the Executive Committee may take place by phone. Unless extraordinary circumstances, the convocation must be done at least 48 hours in advance and the closed agenda must be sent at the same time.
- C) Electronic Meeting: when needed, a meeting of the Executive Committee on a consultation or decision item may take place electronically. The consultation delay must be of a minimum of 3 days, except in case of emergency.

17.04 **Minutes and Records of Decisions.** The minutes and the records of decisions must be written after each meeting, no matter the type of meeting.

The records of decisions are placed on-line and sent to the union delegates as soon as possible. The minutes will be put on-line as soon as possible after their adoption.

17.05 **Decision.** The decisions are taken by the majority of the present members, provided that the quorum has been reached. The President has a deciding vote in case of equality.

17.06 **Vote.** The votes have the following meanings:

- A) A vote "in favor" means the person agrees with the proposal and commits to defend the decision taken by the group;
- B) A vote "against" means that the person disagrees with the proposal but that he/she rallies to the majority. He/she commits to defend the decision taken by the group unless he/she express his/her dissent. His/her will to dissent must be announced during the deliberation period and expressed again during the vote. His/her decision to dissent then has to be explained in writing. This writing will be joined to the minutes and to the report of decisions;
- C) An "abstention" means the person has no opinion on the proposal but that he/she rallies to the majority. He/she commits to defend the decision taken by the group.

- 17.07 **Quorum.** The quorum for the meetings of the Executive Committee is constituted by the majority of its members.
- 17.08 **Mandate term.** All the members of the Executive Committee hold office for a 3-year term, which shall begin on the July 1st following the Regular Congress and terminate on the June 30th following the subsequent Regular Congress.
- 17.09 In the case of the resignation, disability, removal from office or death of any member of the Executive Committee, the Executive Committee appoints a replacement, with the understanding that the replacement person must not owe any debt to the Association. The mandate of this replacement person ends upon the return of the member replaced or, at the very latest, on the date when his/her predecessor's mandate would have ended.

17.10 **Mandates of the Executive Committee Members**

- A) **President.** The President of the Association is also the President of the Executive Committee and of the Congress. However, the presidency of assembly for the Executive Committee meetings or of the Congress may be delegated to another person.

He/she is the official representative of the Association.

He/she is the official representative of the Association at decision-making bodies of the Centrale.

He/she coordinates the negotiations.

After consultation with members of the Executive committee, he/she convenes meetings of the Executive Committee.

He/she presents to the Congress a detailed report of his/her activities performed in the context of the mandates described in this article.

He/she presents the annual report of the Executive Committee to the Congress.

He/she manages the Association's business and acts as general supervisor. In doing so, he/she is bound by the resolutions of the Congress and Executive Committee, to which he/she accounts for his/her actions.

He/she is responsible for the organization of the employees' work and their supervision.

The President is a voting member ex officio of the Aboriginal Committee and the Sector Councils.

Together with the Secretary-treasurer, he/she signs the minutes of all meetings of the Executive Committee and of the Congress and the membership cards.

Together with the Vice-president, the Secretary-treasurer or, case need be, the employee mandated to do so, he/she signs the checks and other business papers.

He/she sees that people mandated by the Association carry out their duties.

- B) **Vice-president.** The Vice-president assists the President in the discharge of his/her duties.

He/she is an official delegate to bodies of the Centrale to which the Association is entitled to appoint at least 2 persons.

In case of the resignation, disability or refusal to act, or death of the President, or on his/her request, the Vice-President takes upon himself/herself the functions of the President and may wield his/her powers until a new President is appointed, as per clause 17.09.

Together with the President, the Secretary-treasurer or, case need be, the employee mandated to do so, he/she signs the checks and other business papers.

He/she keeps the President informed of his/her actions and decisions.

- C) **Secretary-treasurer.** The Secretary-treasurer is by right Secretary of the Executive Committee and of the Congress. However, the secretariat of assembly of the Executive Committee meetings or of the Congress may be delegated to another person.

He/she verifies, has approved and signs the minutes of these meetings.

He/she insures the conservation of all the documents belonging to the Association.

Together with the President, the Secretary-treasurer or, case need be, the employee mandated to do so, he/she signs the checks and other business papers.

He/she presents to the Congress and to the Executive Committee the financial statements.

He/she sees to the collection of union dues from members.

He/she has the Association's account audited.

He/she prepares the budget of the Association.

He/she represents the Association before any Equalization Committee.

He/she performs any other tasks assigned by the Executive Committee or the Congress.

- D) **Sector Director.** The Sector Director is the official representative of his/her sector within the Executive Committee.

He/she is the official representative of his/her sector before the employer.

He/she is President of the Sector Council and member ex-officio of all committees in his/her sector.

He/she is a member of the Board Committee or of the Labour Relations Committee.

He/she calls the meetings of the Sector council. He/she is responsible for:

- a) the union life in his/her sector. More specifically, he/she plans, organizes and supervises all the union activities of the sector;
- b) the election, work and training of the Union Delegates; and
- c) the setting up and functioning of the committees of his/her sector.

He/she maintains contact with the President and Vice-president concerning his/her actions and decisions.

He/she presents to the Congress a detailed report of his/her activities in relation with the mandates described in this article.

He/she is responsible for presenting the recommendations of the Sector Council to the Executive Committee and the decisions of the Executive committee to the members of his/her sector.

If there are less than 90 members in the sector, the mandates foreseen in the present clause are, following a decision of the Executive-Committee, attributed to the President or to the Vice-president

Article 18 Removal of an Executive Committee Member

- 18.01 A member of the Executive Committee may be removed from office for one of the following reasons:
- a) serious prejudice towards the Association, towards one or many members of the Association, or towards one or many employees of the Association;
 - b) absence without valid reasons for at least two Executive Committee meetings during the same school year;
 - c) within the same mandate, absence without a valid reason to at least two meetings of a decision making body for which he/she was mandated;
 - d) refusal or incapacity to accomplish his/her duties and obligations;
 - e) refusal to implement the decisions of the Executive Committee without having first express his/her dissent when required.
- 18.02 Any removal proposal must be sent to all Executive Committee members, including the concerned member, at least 15 days before the meeting where this issue will be discussed. The concerned member is entitled to attend this meeting, accompanied or not, to allow him/her to tell his/her side of the story.
- 18.03 If the concerned member is the President, it will be the responsibility of the Vice-president to convene the members of the Executive Committee to an Executive Committee meeting.
- 18.04 To come into effect, a removal proposal must receive a unanimous vote in favour of the proposal by the members of the Executive Committee, except by the concerned member that cannot take part to the vote.
- 18.05 If the concerned member had a union leave, it will be cancelled as soon as possible. Any amount claimed by the employer from the date of cancellation of the union leave will have to be reimbursed by the concerned member.
- 18.06 The decision to remove from office a member of the Executive Committee will have to be justified at the next Congress.
- 18.07 The appeal process foreseen in article 12 applies to the present article.

Article 19 Aboriginal Committee

- 19.01 **Composition.** This committee is composed of the President and one aboriginal person per sector according to the nation concerned.
- 19.02 **Nomination of the Aboriginal Committee Members**
- Within the first 60 days of each triennium, the Executive Committee shall post the positions of the Aboriginal Committee, taking into account the composition of the Committee as provided for in the previous clause. This posting must be for a minimum of 10 business days.
- Each of the Sector Councils shall make a recommendation to the Executive Committee, which shall appoint the members of the Aboriginal Committee taking into account the recommendations of the Sector Councils as provided for in this Constitution.
- 19.03 **Meetings.** This committee shall meet at least four times a year, including at least once in person. A telephone meeting is considered to be a meeting.

- 19.04 **Convocation.** The President convenes the meetings. He or she shall send the agenda, drawn up after consultation with the members of the committee, at the same time as the convocation. At the request of the majority of the Committee members, the President shall convene the members to a meeting of the Committee.
- 19.05 **Mandates.** In accordance with Article 3, the Aboriginal Committee issues opinions and plans, organizes or supervises activities on any subject specifically concerning aboriginals. The President reports to the Executive Committee on the activities of the Aboriginal Committee.
- 19.06 In the case of resignation, disability, removal from office or death of any member of the Aboriginal Committee, the Executive Committee shall post the position, for a period of at least 10 working days. The Executive Committee shall appoint the replacement person, taking into account the recommendation of the Sector Council concerned. The mandate of this replacement ends on the date when the mandate of the replaced person would have ended.

CHAPTER 4: RENEWAL OF COLLECTIVE AGREEMENTS

Article 20 **Negotiations**

20.01 **Definitions**

- A) The “negotiating team” means the persons acting as spokespersons, representatives and negotiators at the negotiating table;
- B) The “negotiating committee” means the persons providing support of the negotiating team;
- C) The “negotiation tables” are those dealing with the collective agreements of personnel who are members of the Association.

20.02 **Consultation.** Members of each of the sectors concerned shall be consulted in the preparatory phase concerning the issues of all upcoming negotiations.

20.03 **The Negotiation Teams.** The members of the negotiation teams are nominated by the Executive Committee who insures the respect of the by-laws and rules of the Association, of the concerned sectoral groups, and of the Central.

20.04 **The Negotiation Committees.** The members of the Negotiation Committees are nominated by the Executive Committee who takes into account the recommendations of the Sector Councils as prescribe in 14.05 b), or in case there is no Sector Council, of the General Meeting of the bargaining unit concerned.

20.05 **Authorization to Call a Strike.** A strike can be called only if it was authorized in a secret ballot by a majority of votes from the members of the Association who are included in the sector concerned and who use their right to vote.

The members concerned must be informed at least 48 hours in advance that a secret ballot is going to be called.

20.06 **Authorization to Sign a Collective Agreement.** The signing of a collective agreement can take place only after it has been authorized in a secret ballot by a majority of votes from the members of the Association included in the sector concerned and who use their right to vote.

CHAPTER 5: AMENDMENTS TO BY-LAWS

Article 21 **Amendments to By-laws**

- 21.01 The By-laws may only be amended or abrogated by the Congress following a vote in favor of a majority of the official representatives to the Congress.
- 21.02 Any amendment proposal or abrogation proposal must be sent to the members, through the union delegates, at least 45 days before the Congress and must include the pursued objective.
- 21.03 An amendment proposal which would not have been sent to the members due to uncontrollable events, the proof of which rests on the mover, must be handed out to the official representatives to the Congress at their registration.
- 21.04 Any amendment proposal may be amended at the Congress.
- 21.05 Unless otherwise specified, the amendments to the By-laws come into effect the July 1st following the Congress where they were adopted.