



ASSOCIATION DES EMPLOYÉS DU NORD QUÉBÉCOIS (CSQ)
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ASSOCIATION OF EMPLOYEES OF NORTHERN QUEBEC
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2023 BY-LAWS

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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 "AENQ".

Article 2 Definitions

- 2.01 **Category of Employment.** The members of the AENQ 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 **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.
- 2.05 **Support Staff.** A support staff is a person hired as such by an employer and who fulfils the conditions of article 9.
- 2.06 **Teacher.** A teacher is a person hired as such by an employer and who fulfils the conditions of article 9.
- 2.07 **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 for administrative purposes ~~to the administration of a school board~~, to the vocational training, or to the adult education, or a building where are assigned ~~maintenance workers~~ support staff employees, are considered separate establishments as long as there are at least 7 support staff members.
- 2.08 **Members.** Members are the persons who meet the criteria set forth in article 9.
- 2.09 **Union Delegate.** The Union Delegate is a member elected or nominated as foreseen in article 16.
- 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 AENQ 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 AENQ 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 Indigenous contexts, including the ones arising from the James Bay and Northern Quebec Agreement.

Article 4 Jurisdiction and Civil Responsibility

- 4.01 **Jurisdiction.** The AENQ 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 AENQ 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 AENQ 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.
- 4.02 **Civil Responsibility.** The AENQ 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 AENQ that such proceedings have been instituted against them;
 - b) the person has admitted no liability;
 - c) the person yields to the AENQ, to the limit of the amount of indemnification, their rights and recourse against third parties and signs all document required by the AENQ;
 - 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 AENQ.

Article 5 Head Office

The AENQ'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 AENQ 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 AENQ. Furthermore, the process leading to the decision to disaffiliate must have respected the rules of this article.

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 AENQ 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 AENQ 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.

7.03 **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 AENQ 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 Assistant Union Delegate shall serve as scrutineer. They 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. They shall then proceed to the counting of the votes. After observing the same result in two consecutive counts, they shall enter that result on the tally sheet and affix their signature as well as that of the witness and, as the case may be, the observer from the Centrale.

When they have communicated the result to the AENQ office by telephone, the scrutineer shall send the tally sheet to the office of the AENQ by fax or email. They shall also ensure that the ballots are placed in an envelope, which they shall send to the AENQ 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. The President shall then communicate those final results to the Centrale.

Voting by mail and door to door voting are forbidden.

Article 8 Referendum

Following the reception of a petition signed by at least 20% of the members to this effect, the AENQ 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.

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 AENQ;
 - c) have signed a membership card or the union membership form;
 - d) be accepted by the Executive Committee;
 - e) pay any union dues and any other fee required by the AENQ;
 - f) abide by the By-laws, Policies and Regulations of the AENQ.
- 9.02 **Loss of Member Status.** When a member is appointed head teacher, they lose their status as a member but remain covered by the provisions of the collective agreement for the duration of their appointment.

Article 10 Union Dues

- 10.01 **Due Rate.** 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 AENQ, the regular union dues shall apply.
- 10.02 **Special Union Due.** By referendum, or Regular Congress, or Special Congress, the AENQ may order the deduction of a special union due. ~~However, that deduction is required only from members.~~
- 10.03 **Special Power of the Executive Committee.** Exceptionally but particularly during periods of raiding, the Executive Committee may lower the union due rate after having informed the sector councils.

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 AENQ and not have any managerial functions in their regular or occasional duties or be appointed head teacher.
- 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 AENQ who acknowledges receipt and informs the Executive Committee.

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

Article 12 Complaints and Removal

- 12.01 **Complaints.** Any member or group of members of the AENQ may lodge a complaint against a member of the AENQ for any of the following reasons:
- a) a serious violation of the By-laws and Regulations of the AENQ;
 - b) a moral or material prejudice caused to the AENQ;
 - c) any situation involving a conflict of interests; or
 - d) any other serious reason for which the present By-Laws have no provision.

The complaint must be sent to the President or the Secretary-Treasurer of the AENQ 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.

12.02 **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 AENQ.

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.

12.03 **Appeal.** If a member is not satisfied with the decision held against them, they may appeal the decision. The appeal is filed verbally and in writing with the President or the Secretary-Treasurer of the AENQ within a twenty-day period following the date the decision was taken.

During the appeal process, the decision of the Executive Committee is suspended.

12.04 **Appeals' Committee.** 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.

12.05 **Removal of a member, other than a member of the Executive Committee, from their Union Duties.** The Executive Committee may remove any member from their 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 AENQ;
- b) a failure to assume their duties;
- c) a prejudice caused to the AENQ.

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;
 - c) the members of the statutory committees.

If the union delegate, or the assistant 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 AENQ;
- the employees of the AENQ.

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 AENQ. 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 AENQ;
 - 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 AENQ;
- 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 remotely via any existing technological means. 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 proposals;
- 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 AENQ at least 70 days beforehand.

Congress registrations must be sent to the AENQ's office at least 42 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 AENQ at least 2 weeks beforehand;

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

13.07 **Languages.** The Congress is held in 5 languages - French, English, Inuktitut, Cree and Atikamekw - 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 they are replaced. The persons nominated as responsible person of election per sector also act as scrutineers.
- 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 their 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 they do 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 on one or more positions must not owe any debt to the AENQ.

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

All candidacies must be received by the Chair of the Election Committee at the earliest upon the official convocation to the Congress and at the latest 28 days before the opening date of the regular Congress. No candidacies shall be accepted after this deadline.

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 must confirm if they wish to keep their candidacy to another position.

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 must confirm if they wish to keep their candidacy to another position.

In the third phase, the election of Sector Directors is held. Any candidate must belong to the sector concerned. A defeated candidate must confirm if they wish to keep their candidacy to 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, including one in-person meeting, ideally after the beginning of the year elections.

- 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 or virtual meetings, 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 Sector Director, or the Executive Committee only on an exceptional basis, 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 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 their school, centre, establishment or Daycare Center in writing 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 daycare center.

Article 16 Union Delegate and Assistant Union Delegate

- 16.01 **Election.** The election of the union delegates and of the assistant union delegates must take place at the beginning of each school year. However, it is recommended not to have the elections in the 7 first 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.~~

For the purposes of applying this clause, when a member is assigned to more than one school, center, establishment, the Executive Committee must determine to which school, center, or establishment this person belongs to.

- A) Teaching staff of the regular sector: the members of the teaching staff must elect a union delegate and an assistant union delegate per school as defined in clause 2.04;
 - 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 assistant 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 assistant 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 an assistant union delegate per establishment as defined in clause 2.07;
 - E) Daycare Center Workers: the members of each daycare center must elect a union delegate and an assistant union delegate.
- 16.02 **Term of office.** The Union Delegate and the Assistant Union Delegate 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~~ their replacement or re-election at the start of the following school year, their resignation, or their destitution.

The Union Delegate and the Assistant Union Delegate may not remain in office a second consecutive year if there were no elections or nomination by the Executive Committee.

- 16.03 **Nomination.** The Executive Committee may nominate a ~~temporary~~ Union Delegate and/or an ~~temporary~~ Assistant 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) They are the official representatives of the members of the AENQ of the same category of employment of their school, centre, establishment or daycare center;
 - b) They are the liaison officers between the members of their school, centre, establishment or daycare center from the same category of employment, their Sector Director and the AENQ;
 - c) They organise and chair the general meetings of their school, center, establishment or daycare center;
 - d) They perform the mandates assigned to them by the Executive Committee, the Sector Council, their Sector Director or their political official, or which are assigned to them in their collective agreement;
 - e) They participate to the Sector Council and to the Congress of the AENQ.
- 16.05 **General duties of the Assistant Delegate.**
- a) They assist the Union Delegate and performs all tasks assigned by the latter;
 - b) In the absence of the Union Delegate, they replace the latter in all their functions.

Article 17 Executive Committee

- 17.01 **Composition.** The AENQ 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 AENQ. 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 Istchee 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 Indigenous 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 Indigenous Committee and general assemblies ~~when there is no Sector Council~~;
 - j) it sees that there be a sound administration of the AENQ;
 - 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 AENQ;
 - n) it disposes of any complaint concerning a member of the AENQ;
 - o) it may hire employees or rent services;
 - p) it authorizes all procedures, legal or otherwise deemed necessary to the AENQ '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 make donations to organizations to which the AENQ would like to underline its recognition or solidarity which correspond to its values, for example school perseverance,

- solidarity, ecology, democracy, solidarity, pacifism, provided that these donations are granted from a budget item 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 AENQ 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.

In-person meetings (A) and meetings by conference call (B) may take place in virtual mode or hybrid mode when necessary or when the delays are too short.

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 they rally to the majority. They commit to defend the decision taken by the group unless they have expressed their dissent. Their will to dissent must be announced during the deliberation period and expressed again during the vote. Their decision to dissent then must 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 they rally to the majority. They commit 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 **Replacement.** 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 AENQ. The mandate of this replacement person ends upon the return of the member replaced or, at the very latest, on the date when their predecessor's mandate would have ended.

17.10 **Mandates of the Executive Committee Members**

A) **President.** The President of the AENQ 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.

The President is the official representative of the AENQ.

The President is the official representative of the AENQ at decision-making bodies of the Centrale.

The President coordinates the negotiations.

After consultation with members of the Executive Committee, the President convenes meetings of the Executive Committee.

The President presents to the Congress a detailed report of their activities performed in the context of the mandates described in this article.

The President presents the ~~annual~~ annual report of the Executive Committee to the Congress.

The President manages the AENQ's business and acts as general supervisor. In doing so, the President is bound by the resolutions of the Congress and Executive Committee, to which they account for their actions.

The President is responsible for the organization of the employees' work and their supervision. Following a decision of the Executive Committee, this responsibility may be delegated to another person.

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

Together with the Secretary-Treasurer, the President 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, the President signs the checks and other business papers.

The President sees that people mandated by the AENQ carry out their duties.

The person occupying this position is granted a full-time leave.

B) **Vice-president.** The Vice-president assists the President in the discharge of their duties.

The Vice-president is an official delegate to bodies of the Centrale to which the AENQ 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 their request, the Vice-President takes upon themselves the functions of the President and may wield their 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, the Vice-president signs the checks and other business papers.

The Vice-president keeps the President informed of their actions and decisions.

The person occupying this position is granted a full-time leave.

- 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.

The Secretary-Treasurer verifies, have approved and signs the minutes of these meetings.

The Secretary-Treasurer insures the conservation of all the documents belonging to the AENQ.

Together with the President, the Vice-President or, case need be, the employee mandated to do so, the Secretary-Treasurer signs the checks and other business papers.

The Secretary-Treasurer presents to the Congress and to the Executive Committee the financial statements.

The Secretary-Treasurer sees to the collection of union dues from members.

The Secretary-Treasurer has the AENQ's accounts audited.

The Secretary-Treasurer prepares the budget of the AENQ.

Jointly with the president, the Secretary-Treasurer represents the AENQ before any Equalization Committee.

The Secretary-Treasurer performs any other tasks assigned by the Executive Committee or the Congress.

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

Furthermore, the Sector Director represents the members of their sector before the AENQ and the AENQ before the members of their sector.

The Sector Director is the official representative of their sector before the employer.

The Sector Director is President of the Sector Council and member ex-officio of all committees in their sector.

The Sector Director is a member of the Board Committee or of the Labour Relations Committee.

The Sector Director calls the meetings of the Sector Council. The Sector Director is responsible for:

- a) the union life in their sector. More specifically, the Sector Director 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 their sector.

The Sector Director maintains contact with the President and Vice-president concerning their

actions and decisions.

The Sector Director presents to the Congress a detailed report of their activities in relation with the mandates described in this article.

The Sector Director 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 their 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 **Motives.** A member of the Executive Committee may be removed from office for one of the following reasons:

- a) serious prejudice towards the AENQ, towards one or many members of the AENQ, or towards one or many employees of the AENQ;
- 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 they were mandated;
- d) refusal or incapacity to accomplish their duties and obligations;
- e) refusal to implement the decisions of the Executive Committee without having first express their dissent when required.

18.02 **Proposal.** 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 them to tell their side of the story.

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.

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.

18.03 **Cancellation of a Union Leave.** 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 **Follow-up in Congress.** The decision to remove from office a member of the Executive Committee will have to be justified at the next Congress.

18.07 **Appeal.** The appeal process foreseen in article 12 applies to the present article.

Article 19 Indigenous Committee

19.01 **Composition.** This committee is composed of the President and one indigenous person per sector according to the nation concerned.

19.02 **Nomination of the Indigenous Committee Members**

Within the first 60 days of each triennium, the Executive Committee shall post the positions of the Indigenous 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 Indigenous Committee taking into account the recommendations of the Sector Councils as provided for in the present By-laws.

- 19.03 **Meetings.** This committee shall meet at least four times a year, including at least once in person. A meeting by conference call is considered to be a meeting.
- 19.04 **Convocation.** The President convenes the meetings. The agenda, drawn up after consultation with the members of the Committee, is sent 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 Indigenous 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 Indigenous Committee.
- 19.06 **Replacement.** In the case of resignation, disability, removal from office or death of any member of the Indigenous 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 “negotiation tables” are those dealing with the collective agreements of personnel who are members of the AENQ.

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 AENQ, of the concerned sectoral groups, and of the Centrale.

20.04 **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 AENQ included in the bargaining unit 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.

20.05 **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 AENQ 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 **Amendments.** 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.

Any amendment proposal may be amended at the Congress.

21.02 **Deadlines.** Any amendment proposal or abrogation proposal must first be sent to the Executive Committee at least 45 days before the Congress and must include the pursued objective. Then all proposals and the pursued objectives are sent to the members via the Union Delegates at least 30 days before the Congress.

21.03 **Uncontrollable Events.** 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 **Coming into Force.** Unless otherwise specified, the amendments to the By-laws come into effect the July 1st following the Congress where they were adopted.