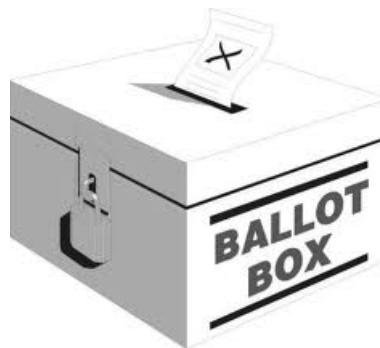# REFERENCE GUIDE
FOR
LOCAL ELECTIONS

05/03/2013

Reference Guide for Local Elections

The OPSEU Constitution – 2012 Edition

Article 7
MEMBERSHIP RIGHTS

7.1 Every Member in good standing is entitled:
   a) To be represented by the Union;
   b) To be treated with dignity and respect within the Union;
   c) To be free from discrimination, interference, restriction, coercion, harassment, intimidation or disciplinary action exercised or practised by a Member with respect to another Member, both within the Union and in the workplace, by reason of race, colour, age, national or ethnic origin, political or religious affiliation, sex, sexual orientation, family status, marital status, record of offences, physical characteristics or physical or mental disability;
   d) Subject to any qualifications stipulated elsewhere in this Constitution, to be nominated for, and hold, one or more offices in the Union;

Article 29
TERM OF OFFICE

29.3.1 The term of office for Shop Stewards, Unit Stewards, and all Officers of LEC's shall be not more than two years or less than one year and shall be deemed to be two years unless a Local adopts a bylaw to the contrary. For the sake of continuity, terms of office may be overlapping, if so provided in Local Bylaws.

29.3.2 Local elections may be held in either even or odd-numbered years, subject to the requirements of Article 29.3.1.

29.3.3 Any Member of the LEC may stand for re-election, provided that a Unit Steward must first have been elected or re-elected as a Shop Steward, and an Officer must first have been elected or re-elected as a Shop Steward (and, in a multi-unit or composite local, as a Unit Steward).

Article 29
ELECTIONS

29.4.1 Elections shall be conducted at general meetings of the Members concerned. Reasonable notice of the meeting and of the elections to take place must be given. In special circumstances the Local may request that voting be conducted by setting up one or more polling stations rather than at a general meeting and the President of the Union shall have the authority to grant such a request and establish rules to govern such votes

29.4.2 Mid-term vacancies occurring among Stewards or Members of LEC's shall be filled promptly, by election in accordance with Article 29.4.1, except where the vacancy occurs within three months of the expiry of the term of office. In every case of filling a vacancy, the new incumbent shall serve only the unexpired portion of the term of office in question.

29.4.3 All elections within the Union shall be conducted by secret ballot.

Article 29
MEMBERSHIP MEETINGS

29.7.1 General membership meetings of all members of a Local shall be convened at least twice each year. Meetings of members of each Unit in Multi-Unit and Composite Locals shall be convened at least twice each year.

29.7.2 The Order of Business at a general membership meeting shall be:
1. Call to order.
2. Statement of Respect
3. Adoption of agenda.
4. Minutes of previous meeting.
5. Business arising.
6. Treasurer's report.
7. Correspondence.
8. Initiation of new members.
9. Reports of Officers.
10. Reports of Committees.
11. Nominations and/or elections.
12. Unfinished business.
13. New business.
14. Adjournment.

In presenting an agenda based on the above Order of Business, the LEC should specify subjects under items 9, 10, 12, and 13. A Local may change the above Order of Business by by-law or for any given meeting by giving reasonable advance notice.

Article 29
QUORUM

29.8.1 This article defines the quorum for meetings of Units, Unit Committees, Local Executive Committees and the general membership of a Local.

29.8.2 The quorum for meetings of the above groups shall be:

Size of Group	Quorum
1-20 members	50 percent of the members

21-200 members   10 members
201 or more members   5 percent of the members

Article 29
OATHS

29.9.1 All Officers elected at the Local or Unit level shall take the Oath of Office prescribed in Article 14.7 before being allowed to take office. The oath shall be administered at a general membership meeting or at a meeting of the LEC.

29.9.2 All Shop and Unit Stewards shall take the following oath before being allowed to take office. The oath shall be administered at a general membership meeting or at a meeting of the LEC, or by submitting a signed copy, to be read aloud at a general membership meeting:

> "I,_____, promise that I will uphold and obey the Constitution and policies of the Ontario Public Service Employees Union and the Bylaws of my Local, work with the Officers of the Local to represent the members, and fulfill the obligations and responsibilities of my elected position as Steward to the best of my ability."

29.9.4 It shall be the duty of all Officers and Members to uphold their respective oaths and failure to act in accordance with them shall be deemed to be contrary to the Constitution.

The OPSEU Policy Manual – Section 15.1-3

Minutes of Local Meetings

Each local is requested to submit minutes of its general meetings to its respective regional office. (February 23-24, 1979 B, p.22)

The OPSEU Policy Manual – Section 16.1-2

Attendance

Attendance at meetings is verified by reference to the register taken at meetings; therefore, it is important to register.
(August 21-22, 1980 B, p.13)

The OPSEU Policy Manual – Section 16.1-3

Staff Role

All membership meetings shall be chaired by an elected OPSEU official who shall be responsible for the function, and any assigned staff will take instruction from the chair; and the Chair may be entrusted to staff for specific meeting segments such as elections.
(August 19, 1974 B, p.8; February 3-5, 1989 C)

Executive Board Motion (March 7, 8, 2012)

Re: Article 29.4.1 of the Constitution

14 calendar days is established as reasonable meeting notice (some exceptions may apply such as ratification/strike votes or other time sensitive issues)

Executive Board Motion (January 30, 2013)

THEREFORE BE IT RESOLVED THAT the Executive Board adopt a policy that encourages private member voting at all union meetings

OPSEU Accommodation Policy - Approved May 2012

1.0   Introduction

1.1   In accordance with the Ontario Human Rights Code, OPSEU is committed to providing an environment that is inclusive and that is free of barriers based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy and gender identity), sexual orientation, age, marital status, family status, and disability.

1.2   The duty to accommodate applies to all the grounds listed in 1.1. The goal of accommodation is to allow OPSEU members to benefit equally from and take part in union-related activities and functions.

2.0   General Principles and Application

2.1   OPSEU commits to providing accommodation for needs related to the grounds listed in 1.1, unless to do so would cause undue hardship. Members may seek accommodation where OPSEU's requirements, policies or practices interfere with those members' ability to participate fully in union-related activities and functions.

2.2   OPSEU's decisions regarding accommodation will be guided by the following general principles:
   a) The essence of accommodation is that each case is considered and assessed on an individual basis;
   b) Appropriate accommodation best promotes integration and full participation of all members;
   c) The dignity of the member is a primary consideration in deciding appropriate accommodation; and
   d) Accommodation requests and measures will be confidential to the extent possible.

2.3   Examples of appropriate accommodation are creating materials in alternate formats
(e.g. large print, audio tape and Braille), providing sign language interpretation, approving single room accommodation, approving extra caregiving costs and approving arrangements for breastfeeding. These measures will vary and each case must be assessed on an individual basis.

2.4   Members may direct any requests for accommodation to the Equity Unit. The Equity Unit will provide recommendations to the OPSEU Unit or Regional Office organizing the applicable union-related activity or function. The Unit or Regional Office is responsible and accountable for providing accommodation in accordance with this policy.

2.5   It is understood that members may be required to provide information to substantiate an accommodation request. Any information provided will be kept in strict confidence within the Equity Unit.

2.6   If a member believes that an accommodation request is denied contrary to this Policy and the *Code*, they may contact an Advisor under the *Harassment and Discrimination Prevention Policy* (HDPP) who may act as the member's advocate. The member may also contact the Unit or Regional Office responsible for the decision or the Equity Unit directly. Members are encouraged to try to address any concerns about their accommodation request through informal discussion before filing a complaint under the HDPP.

3.0   Accommodation Fund

3.1   A central Accommodation Fund was created in 2002. This Fund will continue to be a separate line item in OPSEU's annual budget and it will be administered by the Equity Unit. The central Fund will only cover approved accommodation expenses for Locals, regional events, Provincial Committees and Caucuses.

3.2   Accommodation expenses for an event will be paid only for members whose other expenses for that event are being paid by OPSEU.

4.0   Education

4.1   OPSEU is committed to adopting a preventive strategy that is based on education. To that end, the Union shall:

   a) provide educational material on accommodation to Local Presidents;
   b) post the Accommodation Policy and educational material on the OPSEU website

Local Elections Checklist

Use this checklist to help you plan and run your local elections. You can put a check mark in the "DONE" column beside each item when you have completed them.

STEPS	DONE

1) Before the Meeting – In advance of the day
 	
 • Review the OPSEU Constitution and any local by-laws for meeting requirements.
 	
 • Select a meeting time and location that are physically accessible as determined by an on-site inspection. Ensure that the location has the necessary furniture and equipment that is needed.
 	
 • Depending on the size of the meeting location and the size of the group, you may need to arrange for sound equipment (PA, microphones, stands).
 	
 • Notice of General Membership Meeting posted/circulated to the membership <u>at least 14 calendar days in advance of the meeting</u>. The notice <u>must</u> highlight that elections will be held at the meeting and what positions will be elected. <u>The notice must also include a reminder about OPSEU's fragrance-free policy.</u>
 	
 • Contact staff rep, executive board members to attend the meeting as per OPSEU policy 16.1-3.
 	
 • Invite any guests or speakers.
 	
 • Gather documents that you will need at the meeting, including;
 	
     o A copy(s) of the OPSEU Constitution. You can download the constitution at this link: http://www.opseu.org/constitution/OPSEU-Constitution-2012_full-version_ENGLISH.pdf. The constitution is also available in French on the website.
 	
     o A copy of local by-laws (if applicable)
 	
     o A copy of Roberts Rules of Order (optional)
 	
     o Minutes of the last general membership meeting
 	
     o A copy of "Roles and Responsibilities of Local Union Officers" – available at this link: http://www.opseu.org/membereducation/pdf/Roles%20and%20Responsibilities.pdf
 	
     o Prepare a meeting register for members to sign in	

- o Ensure a supply of OPSEU membership cards
- o Obtain the most current membership list (available from the OPSEU regional office)
- o A copy of the Local Executive Contact Form
- o Vote tally sheets (available from the OPSEU regional office)

- Arrange to have 1 or 2 lockable ballot boxes and a good supply of blank ballots (these are available from your regional office).

- Make any arrangements for food and refreshments. You need to keep dietary issues in mind when selecting foods. Also remember no Coca-Cola products, nuts or bottled water at the meeting as per policy.

2) Just before the meeting – preparing the location

- Set up the room ahead of members arriving to the meeting.

- Prepare any flipcharts or audiovisual equipment that you need for the meeting.

- Try to make the room welcoming – if possible layout the chairs and tables so that people can see each other rather than the typical classroom/lecture style format.

- Put a meeting register out for signing at the entrance of the meeting location.

- Make plenty of copies of the previous meeting minutes, treasurer's report, roles and responsibilities of local union officers available for members to review. Have at least one copy of materials available in large print.

- Prepare a private polling station/voting booth for members to use, if they so choose. Locals are encouraged to provide private polling stations at meetings. See the sample voting booths on page _____.

3) At the meeting - general

- Greet/welcome members as they are coming in. Introduce yourself and make sure that they have copies of any materials that are needed for the meeting.

- It is important to start and end the meeting on time.

- Ensure that there are minutes being taken of the meeting.

- Ensure members have signed the meeting register and that you have quorum

Review the order of business – OPSEU constitution 29.7.2

- Call the meeting to order.

- Welcome members and any staff, executive board members, guests or speakers present.

- Read the OPSEU Statement of Respect. You can download the document or display it on the AV equipment at this link: http://www.opseu.org/committees/equity/respect.htm

- Adopt the agenda.

- Once the agenda has passed - work your way through the order of business as outlined or amended.

4) At the meeting – the election process

Now that you have worked your way through the agenda, you're at the point of "nominations and or elections". Before opening the floor for nominations for local union officer positions, it is advisable to review the roles and responsibilities of local union officers. You may get some questions about these from members who are thinking of running for a particular position.

NOTE: You are encouraged to seek the assistance of your staff rep or executive board member in running your local elections.

Also Note: Some locals will hold a steward election at a meeting prior to electing for the positions of local president, vice-president, secretary, treasurer, chief steward. Some locals such as composites or multi-unit locals will elect their stewards in unit meetings prior to the general membership meeting. Be sure to check any local by-laws.

Term of Office – OPSEU Constitution

29.3.1 The term of office for Shop Stewards, Unit Stewards, and all Officers of LEC's shall be not more than two years or less than one year and shall be deemed to be two years unless a Local adopts a bylaw to the contrary.

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5) Start with steward elections

Review constitution articles 29.1.3, 29.1.4, 29.1.5 and any local by-laws

- Members that are wishing to be elected for the position of president, vice-president, secretary, treasurer and chief steward must be elected as stewards first.

- Members wishing to run for a position need to be members in good standing. This means that the member has signed a union card and meets the requirements under the OPSEU constitution article 6.

- As chair, begin by opening the floor for nominations for the position of steward for Local _____.

- Members will nominate candidates for the position of steward. The nomination does not require a seconder.

- It is important to take minutes and keep record of who has been nominated and who the nominator is.

- It is a best practice, that when the nominations are being called out that you record in large print, the name of the members who are nominated. You can use a flipchart, whiteboard or AV equipment to record the names. This will create a list of candidates for the members at the meeting to see.

- Keep calling for the nomination of stewards for Local _____ until there are no more nominations.

- You should make 3 final calls for nominations. Once the 3rd and final call is made, if there are no nominations – say "Nominations are closed".

- You will then call out the name of the members who have been nominated in reverse order (last nominated – first called and so on back up the list).

- You need to ask each of the candidates to "stand" or "decline" the nomination.

- The members that decline will have their name stroked off the list and they are no longer in the running.

- If there are more stewards nominated than are required, then a run-off secret ballot will need to be done. Those candidates winning a clear majority are then elected. See – Constitution article 29.1.5

- All candidates should be given an equal opportunity to address the members and answer questions.

The steward elections are now completed.

New stewards can be recruited and elected at any general membership meeting. You don't have to wait for the next general election meeting.

The local executive committee should be aware of any gaps in steward coverage that may exist and try to recruit for new stewards. A local mapping exercise may help with this issue.

6) Election of Local Executive Positions

The typical order of elections

First   Local President

Second   Vice-president

Third   Secretary

Fourth   Treasurer

Fifth   Chief Steward (single unit locals)

Six   Trustees (at least two – cannot be stewards)

- Members wishing to be elected for the local executive position must be elected as steward a first.

- As chair, open the floor for nominations for the position of Local ___.

- Members will nominate stewards for the position of _____ for the local. The nomination does not require a seconder.

- Remember it is important to take minutes and keep record of who has been nominated and who the nominator is.

- When the nominations are being called out, record the name of the members who are nominated in large print. You can use a flipchart, whiteboard or AV equipment to do this. This will create a list of candidates for the members to see.

- Keep calling for the nomination for the position of Local _____ until there are no more nominations.

- You should make 3 final calls for nominations. Once the 3rd and final call is made, if there are no nominations – say "Nominations are closed".

- You will then call out the name of the members who have been nominated in reverse order (last nominated – first called).

- You need to ask the candidate to "stand" or "decline" the nomination.

- The names of candidates that decline the nomination, should be stroked off the list.

- If there is more than one steward nominated for the position, then <u>a run-off secret ballot</u> will need to be done. The candidate winning a clear majority is then elected. See – Constitution 29.1.5

- All candidates should be given an equal opportunity to address the members and answer questions.

- If only one candidate stands for the position after the nominations have been closed, that candidate is acclaimed to the position. It is a practice that if this happens, the person who nominated the candidate will cast one ballot.

- Repeat this process for each position on the local executive.

7) Elections – more than one candidate running for a local executive position

You will need:

- To make sure that the candidate's names are posted. It is important that the members know who is running for the position.

- A lockable ballot box with a good supply of blank ballots (these can be obtained from your regional office).

- A prepared private polling station, with pens (see examples on page____.

- A separate room or a private/quiet area for counting the ballots.

As the chair of the meeting you need to:

- Ask the candidates if they would like to make a speech.

- If there are speeches, then you will need to have a motion passed on how much time the candidates are allowed to speak.

- You will need to determine the order of speakers – you can do this by coin toss or pick a number out of a hat.

- You will need a stop-watch and a neutral person to keep time on the length of speeches from the candidates.

- Candidates make their speeches.

- The chair will ask the candidates if they wish to have a scrutineer (someone to oversee the vote count on their behalf). If the candidate(s) decline, then the chair will count the ballots and report back the results.

Scrutineers

- Only one scrutineer per candidate is allowed.
- A scrutineer can be any union member present.
- A candidate cannot be a scrutineer.
- Staff may not serve as scrutineers.
- The chair should point out that scrutineers have the right to see each ballot as it is counted, but <u>not to</u> handle it.
- They also have the right to have objections to any ballot.
- Scrutineers have the right to keep a record of the count, but should be cautioned not to reveal their knowledge or show the count until the result of the particular vote has been announced by the Chair.

- If none of the candidates have a clear majority, then the candidate with the lowest number of votes is dropped off the ballot and another round of ballots are handed out for voting.

- To win a candidate must have a clear majority, which means more than 50% of the valid ballots cast.

8) The Balloting Process

<u>IMPORTANT</u>

- In all of our votes <u>it is critical to maintain the utmost integrity</u> in the process.

- The method of voting needs to be open with clear instructions so that members know who or what they are voting for. Members need to feel comfortable with the process and be allowed to vote in private should they wish to do so.

- Once the candidates' speeches have ended, the voting will begin.

- The doors to the meeting need to be tiled (closed) for the duration of the vote. Assign someone to ensure the doors remain tiled.

- Make sure everyone knows the candidates' names.

- As chair, proceed to pass out one blank ballot per member including the candidates. Non-members of the local (those who have not signed a union card) and guests do not get to vote.

- Ask members to mark down one name and **one name only** on the ballot. An exception would be when electing Trustees as you are electing more than one candidate for the position.

Spoiled ballots

- A ballot is invalid if it has marked on it more names than there are positions to be filled.
- The ballot has name(s) of persons not properly nominated.
- The ballot has no names written on it.
- The ballot has any distinguishing or distinctive mark which, in the opinion of the chair is or could be intended to identify the voter.

- You need to call out – "has everyone received a ballot?" to ensure that everyone has had an opportunity to vote.

- Allow the members a few minutes to mark their preferred candidates name on the ballot. You also need to allow members to use a private polling station if they wish. You will need to tell members that they have this option.

- After a few minutes, it will be time to collect the ballots.

- Open the ballot box and openly display to the members that the ballot box is empty.

- Lock the ballot box. Hold on to the key.

- Begin picking up the ballots. Each member puts their own ballot in the box. Members should **NOT** collect ballots from other members.

- Once all ballots are collected you will need to call out "does anyone still have a ballot"? This is to ensure that all ballots are collected.

- Ask the scrutineers (if there are any) to join you at the separate count room in a quiet/private location.

- The doors to the meeting room can now be un-tiled (unlocked).

- Count the ballots. Remember that only you should be touching the ballots. If there are scrutineers you will need to ensure that they are able to see you conducting the count. The winner will require a clear majority.

- Call the members back to order.

- Announce who the winner is.

- Repeat this process for each of the local executive positions.

9) Election of Local Trustees

- The election process for trustees is the same as noted above.

- **Remember that you CANNOT** hold any other office in the local including being a steward, in order to be elected as a local trustee.

- Every local shall elect an audit committee composed of at least two members to be known as Trustees. – OPSEU constitution article 29.6.1

10) Finalizing the Election Process

- As the chair you can ask for a motion to destroy the ballots. You can do this after each position is elected or at the end of the entire voting process.

- It is also a good practice to ask "Are there any objections to the vote process"?

- If there are none, then the elections for the local are completed.

- Make sure that the minutes of the meeting are accurate and are completed in a timely fashion.

- Send a copy of the signed meeting minutes to the regional office so that the necessary changes to the local executive listing can be made both at the OPSEU Regional and Head Office.

11) Complaints arising from the Elections

- If there are complaints about the vote process or irregularities in voting that deviate from the description in the OPSEU constitution or OPSEU policy, then the member(s) challenging the process need to contact their staff rep as soon as possible after the elections with an outline of their concerns.

- The staff rep will contact their supervisor with the details of the complaint. The supervisor will commence an inquiry into the complaint and determine further actions if necessary.

- If there is a concern with staff – please refer to OPSEU 13.2-2-Staff: Complaint Resolution Policy
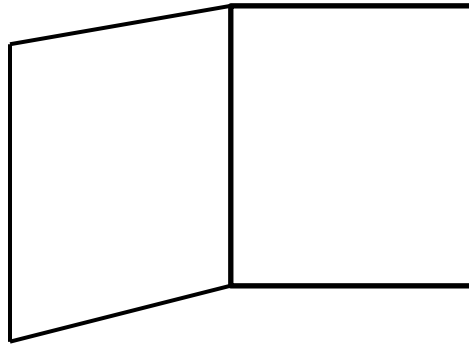
SAMPLE VOTING BOOTHS

Two sided booth

- Take one piece of cardboard and fold in half or
- Take two pieces of cardboard and tape together
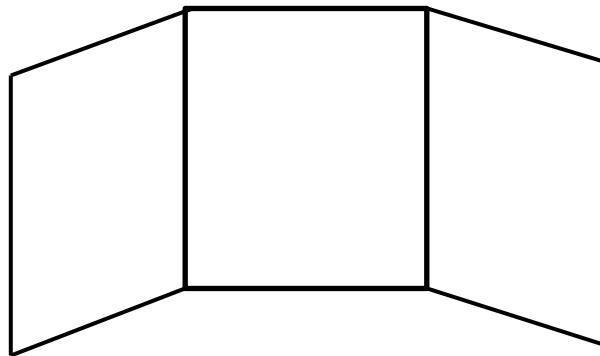- Each cardboard board sections should be at least 8.5" wide by 11" high

See diagram

Three sided booth

- Take one piece of cardboard and fold into three sections or
- Take three pieces of cardboard and tape together
- Each cardboard section should be at least 8.5" wide by 11" high

See diagram

Closed style booth

- You can use a cardboard box – the box should be at least 12" square
- Leave one end open by removing the flaps or fold flaps in

See diagram