



# INDIVISIBLE

CONGRÈS 2019 CONVENTION

Constitutional  
Amendments

Amendements  
aux Statuts



## **2019 CONVENTION CONSTITUTION COMMITTEE**

### **TERMS OF REFERENCE:**

In accordance with Article 13.9.3, the Executive Committee of the Union has provided the following specific guidelines for the operations of the Constitution Committee:

This Committee shall:

- (1) Meet before the opening of the Convention to consider all amendments duly submitted in accordance with Article 13.8 of the Constitution.
- (2) Omit from the convention manual those amendments that are submitted contrary to Article 13.8, namely late amendments and those submitted without the required accompaniment of signed minutes of the meeting at which they were adopted. Such minutes must contain evidence that a quorum was present and that each amendment was presented and voted upon separately.
- (3) Have the authority to combine identical or similar constitutional amendments, and those having the same general intent or those relating to the same subject, and to present composite, substitute or amended constitutional amendments to the Convention.
- (4) In moving adoption of constitutional amendments, make recommendations for or against adoption, or for referral, or make no recommendations.
- (5) Have the authority to give reasons for its recommendations, either orally or in the form of introductory ("Whereas") clauses, which may not have been included in the original submission.
- (6) At its first appearance (report) before the Convention, present a timetable and list of priorities for all constitutional amendments.
- (7) Deal promptly and in accordance with the sense of the Convention with all referrals "with instruction" back to the Committee and treat such referrals as a matter of priority.

Terms of Reference, cont'd

The Committee shall also have the authority to interpret and translate a generally-stated amendment into precise constitutional amendments and to introduce related changes required by a given amendment.

The Constitution Committee is empowered to call any member of the Executive Board before it to provide whatever information s/he may have that is relevant to a particular constitutional amendment. The Committee should also endeavour to clarify constitutional amendments, if necessary, by asking representatives of the body submitting the amendments to come before the Committee and explain the intent. It is to be noted that such meetings are for clarification purposes only, not debate or argument.

In its function of combining, clarifying, ordering, moving and explaining proposed amendments the Committee should bear in mind at all times that its purpose is to expedite the orderly transaction of the Convention's business and that, as a Committee of delegates, it is answerable to and the servant of the Convention. As such, the Committee must take care to be guided by the wishes of the Convention.

To expedite the printing of a revised Constitution, the Committee is directed to prepare a report for the President showing the disposition of all amendments dealt with by the Convention. This report should be in the hands of the President within 30 days of the adjournment of the Convention.

## **Constitution Committee**

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<b>Naz Binck</b>	<b>Region 1</b>
<b>Dave Wakely</b>	<b>Region 2</b>
<b>Tim Hannah</b>	<b>Region 3 (Chair)</b>
<b>Dave Doran</b>	<b>Region 4</b>
<b>Janice Hagan</b>	<b>Region 5 (Vice-Chair)</b>
<b>Leanne Pold-DellaVedova</b>	<b>Region 6</b>
<b>Sophia Ambrose</b>	<b>Region 7</b>
<b>Carl Thibodeau</b>	<b>EBM – Region 7</b>
<b>Staff Advisor</b>	<b>Pat Honsberger</b>
<b>Secretary</b>	<b>Andrea Meunier</b>

# H1

## **Article 12.1.1 – LOCALS OF THE UNION**

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**(Submitted by Local 137, Local 243, Local 416, Local 561, Greater Toronto Area Council, and Ottawa Area Council)**

**Whereas** OPSEU was successful in the largest organizing drive of CAAT Support Part-time bargaining unit; and,

**Whereas** OPSEU successfully negotiated a first Collective Agreement for CAAT-S PT; and,

**Whereas** Article 12.1.1 of OPSEU Constitution states that a member cannot belong to more than one Unit within the same employer.

**Therefore be it resolved that** Article 12.1.1 of the OPSEU Constitution be amended to read simply that: "12.1.1 All Members of the Union shall be organized into Units", with all other words deleted (example: Lose the rule about only being able to belong to one Unit)

## H2

### **Article 13.6 – Conventions**

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**(Submitted by Local 137, Local 561, and Greater Toronto Area Council)**

**Whereas** College Support Staff may be temporarily or concurrently members of both the full-time bargaining unit and the part-time bargaining unit (example: Part-Time, Monday to Wednesday and Appendix D, Thursday through Friday), and part-time faculty, once organized, may belong to both the part-time faculty and part-time support staff bargaining unit; and,

**Whereas** these precariously employed members should have a say in the bargaining demands, procedures and related business of both units and all their Locals; and,

**Whereas** Article 12.1.1 of the OPSEU Constitution states that a member cannot belong to more than one Unit within the same employer group, and Article 13.6 prevents membership in more than one Local.

**Therefore be it resolved that** the second sentence in Article 13.6 be amended as follows: “No person may be a **Member delegate** of more than one Local at the same time or cast more than one vote at a Convention ~~except where the Member is employed in more than one Local by a different employer~~”

### H3

#### **Article 13 - Conventions**

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**(Submitted by 362, Local 446, Local 546, Local 549, Local 634, Thunder Bay Area Council, and Oshawa Area Council)**

**Whereas** Local presidents are automatic delegates to Convention and are considered part of the Union leadership; and,

**Whereas** the MERCs and Sector chairs are also considered to be in Union leadership roles and also support the locals and are not automatic delegates to Convention; and,

**Whereas** decisions are made at Convention that affect the way the MERC and sectors need to work and they don't have the opportunity to provide input; and,

**Whereas** many MERCS and sectors hold caucus at Convention to update the members and the chairs may not be elected from their locals to attend; and,

**Whereas** OPSEU is a Membership driven and inclusive Union.

**Therefore be it resolved that** the MERC, Divisional, and Sector chairs become automatic delegates, in their own right, separate from their local entitlement, to Convention; and,

**Be it further resolved** that the MERC, Divisional and Sector chairs be automatic delegates beginning with the 2020 Convention.

## H4

### **Article 14 – Election and Removal of Executive Board, and Article 16 – Executive Board**

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#### **(Submitted by Local 102, Local 546, Local 571, and Greater Toronto Area Council)**

**Whereas** the social mapping project recommendation #1 states: Establish demographic-based seats elected by members of the groups of focus; and,

**Whereas** nearly two decades ago, the Canadian Labour Movement examined the reality of racial discrimination in our workplaces, and society, and recognized an underrepresentation of racialized groups within our union; and,

**Whereas** many unions and federations have existing policies that designate seats on leadership bodies for women and other equity seeking groups. In 1983 the Ontario Federation of Labour (OFL) broke new ground by amending its constitution to create five executive board positions for equity seats; and,

**Whereas** the OFL continued to build diversity within its leadership structure; in 1987 the membership established a visible minority vice-president and in 1997 vice-president's positions were adopted for persons with disabilities, Indigenous, and LGBTQ persons; and,

**Whereas** the demographic of union membership continues to shift dramatically to include greater proportions of racialization including and not limited to People of African descent, Black, Caribbean, South Asian, Asian, First Nations, Metis and Inuit peoples, members of ethno-racial groups, people with disabilities, gays, lesbians, bisexual, transgender/transsexual people, and gender diverse persons, and francophone persons; and,



## H4 continued

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**Whereas** in 1984 the CLC added six vice-presidential seats for women and in 1992, after pressure from Black Trade Unionists, two seats were added for visible minorities.

**Therefore be it resolved that** in keeping with the actions of the OFL and CLC, OPSEU add two equity seats to the Executive Board to be filled by two members of the equity committees or caucuses or Coalitions; and,

**Therefore be it further resolved that** the two members are elected by equity caucuses and committees. The committee and caucuses will determine the selection process to elect the two members at the Annual Equity Gathering in 2020 for the election of the 2021 and bi-annually thereafter; and,

**Therefore be it further resolved that** the process of selecting these two members will be ratified by the Equity Chairs.

## H5

### **Article 12 Locals of the Union, and Article 29 – Bylaws for Local Unions**

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#### **(Submitted by Local 137 and Local 561)**

**Whereas** Composite locals and Multi-unit locals can have active Stewards in each unit and cannot afford to limit the number of active volunteers in leadership positions; and,

**Whereas** Locals can set bylaws to create additional Vice-President or Chief Steward positions; and,

**Whereas** the position of Chief Steward has traditionally been associated with leadership in grievance handling for a local.

**Therefore be it resolved that** Article 29 of the Constitution be amended to remove the structural difference between Single-Unit, Multi-Unit and Composite locals, so that they are all based on the model for Single-Unit locals; and,

**Be it further resolved** the creation of the Unit Steward positions be allowed but not required, and that all elected Stewards be full members of the LEC and eligible to run for officer positions; and,

**Be it further resolved** that all locals have an elected Chief Steward, or more Chief Stewards if desired, to coordinate and assist Stewards of the local, and to take the lead on grievance administration.

## H6

### **Article 11 – Structure; and, Article 14 – Election and Removal of Executive Board; and, Article 16 – Executive Board**

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#### **(Submitted by Greater Toronto Area Council)**

**Whereas** The labour movement has shifted away from rank and file organizing and strikes, towards two tier and concessions based bargaining; and,

**Whereas** the threat to Union democracy is real, including the lack of proportional representation and intimidation tactics used on activists to stamp out dissent; and,

**Whereas** every member in good standing should have a right to contest union elections on a political basis. Democracy is a fundamental right of every trade unionist, no matter their position in the union; and,

**Whereas** outlets for young and new union activists to voice their concerns and organize are crucial to leadership development in a climate dominated by austerity politics; and,

**Whereas** across the Canadian labour movement, rank and file activists have the constitutional right to challenge the top leadership positions in their respective union and house of labour body.

**Therefore be it resolved that** the OPSEU Constitution be amended to allow any delegate attending convention to “run from the floor” for the position of President or Vice-President Secretary-Treasurer.



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