

Constitution Committee

2022

First Report

A.1 Amend Article 1, 2, 6, 7, 8, 14, 16, 19, 20, 21, 23, 26, 28, 29, 30, and 31 to read as follows: (changes in bold)

This proposed amendment is **H1** in **Section H**.

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: The Executive Board

Moved by: Ly

Seconded by: Proulx

The Committee recommends **ACCEPTANCE**

Rationale:

As OPSEU/SEFPO strives to be as inclusive and welcoming as possible, a bilingual name change signals that we are serious about welcoming French speaking workers into our Union.

As OPSEU/SEFPO has grown rapidly in the last decade, we have organized more and more French speaking units, making this change necessary. Having a bilingual name helps to ensure that all members feel at home in OPSEU/SEFPO and may encourage other French speaking workplaces to join us.

The committee will change all subsequent references to our union to “the Union” to be consistent throughout our constitution.

Article 1 NAME

1.1 The Union shall be known as the "Ontario Public Service Employees Union/**Syndicat des employés de la fonction publique de l'Ontario**".

Article 2 INTERPRETATION AND ABBREVIATIONS

2.1 “**Union**” means "Ontario Public Service Employees Union/**Syndicat des employés de la fonction publique de l'Ontario**" and not a subsidiary body.

Article 6 MEMBERSHIP

6.2 A person becomes a Member of the Union if s/he is a Member in good standing of the Ontario Public Service Employees Union/**Syndicat des employés de la fonction publique de l'Ontario** at the time this Constitution comes into force or if s/he is a Member in good standing of a recognized bargaining unit which, by majority vote of its Members, merges with the Union in accordance with the procedures established in Article 9 of this Constitution.

6.3 d) Not penalized by suspension or expulsion following conviction of a breach of **OPSEU's the Union's** harassment and discrimination or personal harassment policy, provided that in accordance with any applicable laws, no such penalty shall require the employer to discharge such Member from employment.

6.8.6 A shop Steward, Unit Steward, local officer, trustee, delegate, team or committee member who volunteers and is assigned or seconded by the employer from his/her normal workplace to a position outside any **OPSEU-OPSEU/SEFPO** bargaining unit shall not be entitled to continue to carry out the duties or functions of his/her office during the period of assignment or secondment. The Member shall be entitled to retain all other rights as a Member in Good Standing

Retired Members

6.11 A Member in good standing (as defined in Article 6.3), or an employee of the Union, who ceases to be employed in an **OPSEU OPSEU/SEFPO** bargaining unit and leaves the work force by retiring directly to a pension (including a disability pension) earned in his/her workplace, or retiring from a bargaining unit with no pension plan, is entitled to become and remain a Retired Member on payment of dues of \$10.00, provided that the Member or employee is not in the employ of the Union. Retired Members will remain on the Union's mailing lists for whatever publications they wish to receive. A Retired Member shall have the right to participate, with voice but no vote, in the activities of the Local to which s/he belonged at the time of retirement, or of a more readily accessible Local upon consent of that Local. However, such participation shall not add to the Local's entitlement to dues rebates or delegates.

Article 7 MEMBERSHIP RIGHTS

7.2.2. A member may be removed from office and/or barred from running for office for a specified term by a two-thirds majority vote of the Executive Board after a finding of a breach of **OPSEU's the Union's** harassment and discrimination or personal harassment policy.

7.2.3 A member will be removed from office and will be barred from running for office if they refuse to return to their **OPSEU-OPSEU/SEFPO** bargaining unit position from

an acting management or excluded management position when required, under authority of the President, to do so.

Article 8 STEWARDS' RESPONSIBILITIES AND RIGHTS

8.1 d) to enlist support of members of the group in workplace actions and ~~union~~ **Union** campaigns; and

Article 14 ELECTION AND REMOVAL OF EXECUTIVE BOARD

14.7.2 The Member-elect shall take the following oath during the Convention immediately following his/ her election:

I, _____, promise that I will uphold and obey the Constitution and duly- authorized policies of the Ontario Public Service Employees Union/**Syndicat des employés de la fonction publique de l'Ontario**, fulfil the obligations and responsibilities of my office to the best of my ability, and promptly deliver to my successor all monies, records, and other property of the Union in my possession at the close of my term in office."

Article 16 EXECUTIVE BOARD

Trusteeship

16.10 The Board may suspend from membership in good standing any member who participates in an attempt by another organization to displace ~~OPSEU the Union~~ from its bargaining rights in respect of any bargaining unit it represents. Such suspension shall take place only as a result of a two-thirds majority roll call vote of the Board after the member has had an opportunity to present his/her views to the Board.

Article 19 PROVINCIAL COMMITTEES

19.1 There shall be a Provincial Women's Committee, composed of one woman Member from each Region, to be elected at the regular biennial Regional election meetings. The function of the Committee shall be to assist in establishing women's caucuses and committees within the Regions, to develop and promote programs to encourage women to participate in ~~union~~ **Union** activities, and to increase the awareness and understanding of equality issues throughout the membership.

Article 20 REVENUE

20.1.2 Following a strike or lockout of a bargaining unit or units which causes the Strike Fund to fall below \$50 million, the ~~union~~ **Union** may levy a temporary supplementary dues assessment of 0.2 percentage points. The temporary supplement will be terminated when the Strike Fund reaches \$50 million. All money raised through the levy will be directed exclusively to the Strike Fund.

Article 21 DIVISIONS

21.3.1 There shall be a Retired Members' Division within the Union to bring together Retired Members or their delegates to discuss the particular issues of concern and interest to their members, and to formulate recommendations for action by the ~~union~~ **Union**, as well as to assist other Retired Members.

21.4.4 A Divisional Council shall have an administrative and technical function, but have no legislative function. It shall have a political function only to the extent that it may formulate positions and policies and promote them within the ~~union~~ **Union** on matters of concern only to its members. A Divisional Council may adopt and promote any policy not inconsistent with this Constitution or established policy of the ~~union~~ **Union**.

Article 23 STRIKE AND DEFENCE FUNDS

23.1 The Union shall maintain a Strike Fund, whose assets shall be used only for the following purposes:

- a) for strike pay and expenses related to strikes, lockouts and other work stoppage situations involving ~~OPSEU~~ **Union** members; and
- b) upon a two-thirds majority roll-call vote of the Executive Board, to make interest-free loans to other striking unions where the Board deems such loans to be in the interests of ~~OPSEU~~ **Union** Members.

23.2 Notwithstanding Article 23.1, up to 10 million dollars of the assets of the Strike Fund may be encumbered by one or more security interests in order to secure any form of indebtedness of the ~~union~~ **Union**. The granting of any such encumbrance shall require approval by at least two-thirds of the Executive Board.

23.3 The Union shall maintain a Defence Fund, whose assets shall be used only to defend ~~OPSEU~~ **Union** Members in situations that raise fundamental challenges to ~~union~~ **Union** principles, standards and practices, and that require the development of legal and/or lobbying and political campaigns.

Article 26 GENERAL

26.5 By-Law No. 67 of the **Ontario Public Service Employees Union/Syndicat des employés de la fonction publique de l'Ontario**, formerly the Ontario Public Service Employees Union, formerly the Civil Service Association of Ontario, Inc., is hereby repealed and this Constitution supersedes and replaces By-Law No. 67.

Article 28 CORPORATIONS ACT REQUIREMENTS

28.3 Upon dissolution of the Union as a corporation under the Corporations Act and after payment of all debts, all property and assets shall be distributed to a class of members, hereby established, to be known as and restricted to Ontario Public Service Employees Union/**Syndicat des employés de la fonction publique de l'Ontario**.

Article 29 BYLAWS FOR LOCAL UNIONS

29.5.3 Secretary

The Secretary shall attend all meetings of the Local and keep Minutes; distribute notices to all members of the Local, as required; answer and/or forward all pertinent correspondence; and forward all pertinent membership information to the appropriate ~~union~~ **Union** regional office.

29.7.5 Attendance and participation at Local meetings shall be exclusive to the members of that Local, except that others may attend at the invitation of the President or Executive of that Local or by assignment by the President of ~~OPSEU~~ **the Union**.

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/**Syndicat des employés de la fonction publique de l'Ontario** and the Bylaws of my Local, work with the Officers of the Local to represent the members, and fulfil the obligations and responsibilities of my elected position as Steward to the best of my ability."

Article 30 STRIKEBREAKING

30.2.1 The assessment for damages to the ~~union~~ **Union** for strikebreaking shall be an amount equal to 100 per cent of the strikebreaker's wages earned during the

strike, to a maximum of \$10,000 in consideration of the harm to the ~~union~~ **Union** caused by the strikebreaker's action.

30.2.2 The strikebreaker will be suspended from membership, removed from any ~~union~~ **Union** office currently held, and the Member's name will be recorded on a central public registry. These penalties shall remain in effect until the assessment in Art. 30.2.1 has either been paid or collected, if necessary through enforcement in civil court.

Article 31 PICKET LINES

31.1 Except where required by law or under an Emergency/Essential Services Agreement, ~~an~~ ~~OPSEU~~ **a Union** member shall not violate the picket lines and shall not perform the bargaining unit work of other ~~OPSEU~~ **Union** members who are on strike or locked out.

A.2 Amend Article 29 to read as follows: (changes in bold)

This proposed amendment is **H4** in **Section H**

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: Local 102, and Region 1 Area Council

Moved by: Binck

Seconded by: Wakely

The Committee recommends **ACCEPTANCE**

Rationale:

OPSEU/SEFPO along with all Canadians have a moral obligation to attempt to implement the Truth and Reconciliation Commission (TRC) calls to action. While not specifically called for in the 94 TRC calls to action, public acknowledgments of indigenous territories and lands are acts of reconciliation. The Committee notes that land acknowledgments are not simply an item on a reconciliation check list. Done properly they are opportunities to educate members on the colonial realities of the past and the present.

In consultation with the submitting bodies the Committee has added territorial acknowledgments to the proposed amendment.

29.7.2 The Order of Business at a general membership meeting shall be:

1. Call to order.
 - 2. Territory and/or Land Acknowledgement.**
 3. Statement of Respect
- Renumber the items following in this list.**

**A3. Amend Article 6, 7, 13, 14, 16, 18, 20, 25, 26, 29 and 30 to read as follows:
(changes in bold)**

This proposed amendment is **H12** in **Section H**

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: The Executive Board

Moved by: Binck

Seconded by: Ly

The Committee recommends **ACCEPTANCE**

Rationale: Gender is non-binary. Our constitution must reflect this.

6.1 An employee gainfully employed in the jurisdiction defined in Article 5 becomes a Member of the Union by:

- a) Completing and submitting to the Union a membership application form prescribed by the Union; and
- b) Paying any initiation or membership fee prescribed by Ontario law.

A person becomes a Member of the Union if **they are s/he is** a Member in good standing of the Ontario Public Service Employees Union at the time this Constitution comes into force or if **s/he is they are** a Member in good standing of a recognized bargaining unit which, by majority vote of its Members, merges with the Union in accordance with the procedures established in Article 9 of this Constitution.

6.2 A Member shall remain in good standing provided **they are s/he is:**

- c) Not more than three months in arrears in payment of dues;
- d) Gainfully employed in a bargaining unit for which the Union holds or seeks recognized bargaining rights;
- e) Not penalized by suspension or expulsion following conviction under Article 30 of the Constitution; and
- f) Not penalized by suspension or expulsion following conviction of a breach of OPSEU's harassment and discrimination or personal harassment policy, provided that in accordance with any applicable laws, no such penalty shall require the employer to discharge such Member from employment.

- g) Not penalized by suspension under Art. 16.10 of the Constitution.
- h) Not penalized by failure to step down from an acting management or acting excluded management position under Article 6.8.2.

6.3 Notwithstanding the provision of Articles 6.3(b) and 6.4, a Member dismissed or improperly laid off by **their his/her** employer shall, if a grievance is submitted on the dismissal or lay-off, remain a Member in good standing until the grievance is settled, provided that if the Member wishes to seek or hold office in the Union, **they s/he** must pay a uniform monthly amount of Union dues, not to exceed \$5, to be set by the Executive Board.

6.4 A Shop Steward, Unit Steward, local officer, trustee, delegate, team or committee member who is temporarily assigned (seconded) by the employer from **their his/her** normal workplace to another workplace within the bargaining unit, and who retains the right to return to **their his/her** normal workplace, shall be entitled to continue to hold or seek re-election to the Union office or function in **their his/her** normal workplace during the term of such assignment (secondment), provided **they are s/he** is willing, able and available to carry out the duties of the Union office or function. Any dispute as to ability or availability shall be decided by the President, with right of appeal to the Executive Board. While occupying such Union office or function, the member shall be ineligible to seek or hold any Union office or function in the other workplace.

6.8.1 A **Sshop** Steward, Unit Steward, local officer, trustee, delegate, team or committee member who volunteers and is assigned or seconded by the employer from **their his/her** normal workplace to a position outside any OPSEU bargaining unit shall not be entitled to continue to carry out the duties or functions of **their his/her** office during the period of assignment or secondment. The Member shall be entitled to retain all other rights as a Member in Good Standing.

6.11 A Member in good standing (as defined in Article 6.3), or an employee of the Union, who ceases to be employed in an OPSEU bargaining unit and leaves the work force by retiring directly to a pension (including a disability pension) earned in **their his/her** workplace, or retiring from a bargaining unit with no pension plan, is entitled to become and remain a Retired Member on payment of dues of \$10.00, provided that the Member or employee is not in the employ of the Union. Retired Members will remain on the Union's mailing lists for whatever publications they wish to receive. A Retired Member shall have the right to participate, with voice but no vote, in the activities of the Local to which **they s/he** belonged at the time of retirement, or of a more readily accessible Local upon consent of that Local. However, such participation shall not add to the Local's entitlement to dues rebates or delegates.

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;
- e) To participate in the Union's business at the Local level, participate in the election of delegates and alternate delegates to Conventions, and vote on the ratification of collective agreements affecting such Member, except where the collective agreement is the result of binding arbitration;
- f) To make a formal presentation to the Board upon receipt of such presentation in writing at Headquarters not less than ten (10) calendar days before the date of the regularly scheduled Board Meeting at which the presentation is to be made, provided always that notice may be waived by majority vote of the Board;
- g) To attend any meeting of the Board, notwithstanding that **they s/he** may not have a vote at such meeting, except that the Board may meet in closed session for purposes of discussing individual or staff contracts of employment;
- h) To receive a copy of the Constitution of the Union and to be advised of amendments to it, and to receive an up-to-date copy whenever the Constitution is compiled and reprinted.

13.4 Delegate entitlement to Conventions shall be as follows:

a) Locals:

Up to 150 Members	1 delegate
151 to 300 Members	2 delegates
301 to 500 Members	3 delegates
501 to 800 Members	4 delegates
801 to 1100 Members	5 delegates
1101 to 1500 Members	6 delegates
1501 to 1900 Members	7 delegates
1901 to 2300 Members	8 delegates
2301 or more Members	9 delegates

- b) Each Member of the Executive Board shall be entitled to be a delegate of **their his/her** Region.

- c) Each Member of a Convention Committee as stipulated under Article 13.9.1 shall be entitled to be a delegate of **their his/her** Region.
- d) The Members of the Executive Committee of the Retired Members' Division, or their alternates, to a maximum of seven (7) persons, shall be entitled to be delegates.
- e) The Members of the Provincial Women's Committee and the Provincial Human Rights Committee and the Provincial Young Workers Committee and the Provincial Francophone Committee and one Member of the Indigenous Circle per Region, shall be entitled to be delegates.

13.6 Except for delegates under Article 13.4(b), (c), (d) and (e), no person may be a delegate unless **they are s/he is** a Member in good standing of the Local which elected **them him/her** as a delegate. No member may be a delegate of more than one Local at the same time or cast more than one vote at a Convention. Honorary Members may not be delegates.

13.11 A Convention shall be governed by the following rules of order (and in any matter not susceptible to regulation by these rules, Robert's Rules of Order and O. Garfield Jones' Parliamentary Procedure at a Glance shall be applied):

1. Before speaking, unless it be on a point of order, a motion for reconsideration or objection to consideration, or a motion for the Orders of the Day, or a question of privilege, a delegate must be recognized by the Chairperson. On being recognized, a delegate shall immediately identify **themselves himself/herself** by name, Local and/or location.
2. When two or more delegates seek recognition simultaneously, the Chairperson shall decide the order in which they shall be recognized.
3. No delegate may speak for more than three minutes on any motion and no delegate may speak twice on the same motion until all other delegates who wish to speak on that motion have had an opportunity to do so.
4. No delegate may interrupt another delegate who has the floor except for the points or motions listed in Rule 1, above.
5. Any delegate who refuses to take **their his/her** seat when called upon by the Chairperson to do so may, at the discretion of the Chairperson, be suspended from the remainder of the Convention or any part thereof, and if any delegate persistently engages in unparliamentary behaviour, the Chairperson shall name **them him/her** and ask the Convention to impose appropriate sanctions.
6. The Chairperson may participate in a debate provided **they s/he** vacates the Chair and does not return until the question has been disposed of.
7. Any motion, once the debate has begun, becomes the business of the Convention and may be withdrawn or replaced by the mover only if there is

no objection or, if there be any objection, only with the consent of the Convention.

8. Where a motion or resolution may be amended, an amendment, and an amendment to the amendment (i.e. a sub-amendment), shall be in order. No further sub-amendment shall be in order until the first has been disposed of.
9. Questions shall normally be decided by a show of hands or other acceptable method. Where reasonable doubt may exist, on demand by at least 20 delegates, another show of hands or equivalent shall be called for. Only then, on demand by at least 20 delegates, shall a counted vote be taken. Abuse of this rule shall be considered unparliamentary behaviour, subject to Rule 5. On a motion, supported by a majority of delegates present and voting, a roll-call vote shall be ordered. The motion for a roll-call vote may be moved at any time prior to the question being called.
10. A majority or a two-thirds majority in any vote shall be calculated on the basis of delegates present and voting, or casting valid ballots (in the case of written votes).
11. The Chairperson may vote on any question. In the case of a tie, **they s/he** may cast the deciding vote. If **they s/he does** not break the tie, the motion is lost.
12. A delegate may challenge a decision of the Chairperson. A seconder is required and the issue is not debatable except that the challenger and the Chairperson may each, respectively, state briefly the basis for the challenge and the decision. The Chairperson shall then vacate the Chair and a Vice-Chairperson shall put the question: "Shall the decision of the Chairperson be the decision of this assembly?" A majority vote is required to overturn the decision of the Chairperson.
13. No delegate who has spoken on a question may move or second referral, the previous question, or any other motion that would have the effect of denying or limiting the right of others to speak on the question.
14. A motion to adjourn, table, postpone, or otherwise delay may be repeated after progress.
15. A delegate may move "that the previous question be put." It is not debatable and, if adopted by a two-thirds majority, has the effect of closing debate on only the immediate motion, amendment, or sub-amendment.
16. Any committee bringing a resolution or report before the Convention shall move adoption, any recommendation of the committee notwithstanding.
17. Resolutions and reports of committees may not be amended on the floor of the Convention but they may be referred back without instruction, which is not debatable, or with instructions, which is debatable.

18. A motion to reconsider a question may be made by a delegate who voted with the prevailing side on that question. This motion must be made during the same or immediately succeeding session of the Convention at which the question was decided and must be supported by a majority.
19. A notice of motion to reconsider a question may be given by any delegate who voted with the prevailing side and such notice must be given at the same session of the Convention at which the question was decided. The motion to reconsider then stands to be called up at the next session, or within 24 hours. Any delegate may call up the motion, which requires a simple majority vote to be adopted. If not called up within 24 hours, or if final adjournment shall have intervened, the effect of the notice is lost.
20. When debate begins on the substance of a resolution or constitutional amendment, the Chairperson shall give the opportunity to speak first to a delegate chosen by and from the organization(s) that originated it. If this interrupts the established speaking order, the previous order shall be resumed after the delegate speaks.
21. The Rules of Order and the Order of Business, once adopted, may be changed only by a two-thirds vote.
22. Any rule of order and procedure can be temporarily suspended by a two-thirds majority of the delegates registered.

14.1.1 A Member of the Board may be removed from the Board only by a properly convened meeting of the delegates in **their his/her** Region.

14.5.1 Any Member in a Region may be a candidate for Member of the Executive Board, including Regional Vice-President, even if **they are s/he is** not a delegate to the Regional meeting provided, however, that **their his/her** nomination is signed, supported by at least two Members from the Region and submitted to the President at least one week before the scheduled opening of the Regional meeting.

14.7.1 A person elected to the Board shall be known as a Member-elect of the Board for the period of time from **their his/her** election until the adjournment of the next Convention.

14.7.2 The Member-elect shall take the following oath during the Convention immediately following **their his/her** election:

I, _____, promise that I will uphold and obey the Constitution and duly- authorized policies of the Ontario Public Service Employees Union, fulfil the obligations and responsibilities of my office to the best of my ability, and promptly deliver to my successor all monies, records, and other property of the Union in my possession at the close of my term in office.”

Where any Member-elect is not able to take the oath at the Convention, it may be administered by the President at a Board meeting, but such Member-elect shall not be, or act as, a Member of the Board until the oath has been taken. Each Member-elect of the Board shall be required to take the oath, regardless of whether **they have s/he has** previously served on the Board.

16.9.3 Where the President obtains evidence in accordance with Article 16.9.1 but believes investigative or corrective action is necessary before a Board meeting can be convened and an investigation completed, **they s/he** shall have the authority to place the evidence before the Executive Committee which shall, in turn, have the authority to impose a trusteeship, solely on the basis of the evidence presented, for a period not to exceed thirty days. Where such action is taken by the Committee, the officers of the subsidiary body concerned shall be notified immediately.

16.10 The Board may suspend from membership in good standing any member who participates in an attempt by another organization to displace OPSEU from its bargaining rights in respect of any bargaining unit it represents. Such suspension shall take place only as a result of a two-thirds majority roll call vote of the Board after the member has had an opportunity to present **their his/her** views to the Board.

18.1.1 The President shall be the chief executive officer of the Union. **They S/he** shall be required to work as President on a full-time basis and shall receive compensation in accordance with Article 16.7.

18.2 The First Vice-President/Treasurer shall act for the President in the latter's absence or incapacity. **They S/he** shall also assist the President in the duties set out in Article 18.1 and shall be a full-time Officer of the Union receiving compensation in accordance with Article 16.7.

20.4.1 In the case of newly-certified bargaining units, Union dues shall not be payable by any Member to the Union until **they are s/he is** covered by a collective agreement negotiated by the Union on behalf of the unit, but dues may then be payable retroactive to the effective date of the collective agreement, at the discretion of the Executive Board.

25.1 It is the responsibility of every Member of the Union to be familiar with any collective agreements between the Union and management governing or affecting **their his/her** wages, benefits, and working conditions. It is the duty of any Member observing what s/he deems to be a breach of any collective agreement or statute by management to notify the President or Steward of **their his/her** Local with a view to launching a grievance.

26.3 Salaries

At each regular Convention the First Vice-President/Treasurer shall report the current level of salaries and allowances for the President and **themselves** ~~himself/herself~~ and for each category of the Union's staff. **They** ~~S/he~~ shall also report on the amount of honoraria, if any, and per diem and other allowances received by each Member of the Executive Board since the previous Convention.

29.1.4.1 Each Unit shall decide how many Shop Stewards it will have. The Shop Stewards will form the Unit Committee. The membership of each Unit shall elect one of the Shop Stewards as Unit Steward and as such **they** ~~s/he~~ shall be chairperson of the Unit Committee and shall also be that Unit's Member of the LEC. The membership of the Local shall then elect the Officers of the LEC from among the Unit Stewards.

The President shall enforce compliance with Bylaws and regulations of the Union and Local; preside at Local meetings; be an ex-officio member of all Local committees; generally supervise the affairs and operations of the Local; carry out such other duties as may be prescribed by Local The Treasurer shall be responsible for proper administration of the assets of the Local, including the operating funds.

29.9.3 Every new Member shall, as part of **their** ~~his/her~~ application for membership in the Union, be required to sign a declaration containing the following words:

"I,_, solemnly promise to uphold and obey the Constitution and Bylaws of this Union, to assist my fellow members to improve their economic, political, and social conditions, to uphold the principles of democracy and fair play, and to do no deliberate wrong or harm to any other member of this Union."

30.3 The Member so penalized and/or assessed damages shall have the right to appeal to the Executive Board, which, after hearing all relevant evidence and arguments, shall have the authority to confirm, vary or nullify the penalty and/or forgive or vary the assessed damages, as it may in its discretion decide. After a period of one year from the date of imposition of the assessment set out in Article 30.2.1, and the penalty set out in Article 30.2.2, an individual may apply to **their** ~~his/her~~ Local for the penalty to be lifted and/or the assessment to be forgiven. The Local may decide to confirm, vary or nullify the penalty and/or forgive or vary the assessed damages at its discretion.

A.4 Amend Article 13 to read as follows: (changes in bold)

This proposed amendment is **H8** in **Section H**

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: Region 1 Area Council

Moved by: Wakely

Seconded by: Hannah

The Committee recommends **ACCEPTANCE**

Rationale:

Convention is the one time each year that Locals can have a direct say in the running of the Union.

The Convention Committees deal with vital submissions that affect every member of the Union. Our Union has always fostered a vibrant debating culture allowing for structured discussions that permit equal opportunity for opposing sides to speak to issues.

Resolutions not presented to Convention will be voted on by the Executive Board without the participation of Convention delegates and absent the fulsome debate that would have occurred by those delegates.

Constitutional Amendments can only be approved by the Delegates at Convention. Due to time constraints many submissions historically never make it to the floor for debate. These are then lost and must wait another year for the chance to be heard and voted on.

13.10 The Order of Business at a Convention shall be prepared by the Executive Board and submitted for approval at the opening session, along with any special rules of order. The Order of Business at a Convention shall contain those items specified in other Articles in this Constitution, **a minimum of 90 minutes per full day for each of the Resolution Committee report and Constitutional Committee report**, and any other matters at the discretion of the Board.

**A.5 Amend Article 13, Article 14 and Article 19 to read as follows:
(changes in bold)**

This proposed amendment is **H3** in **Section H**.

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: Local 102, Local 228, Local 454, Local 446, Local 503, Local 571, Local 608, Local 649, Local 669, Local 4106, Ottawa Area Council, Region 1 Area Council, Thunder Bay & District Area Council, Greater Toronto Area Council, Kingston Area Council, Indigenous Circle, Provincial Francophone Committee, and the Executive Board

Moved by: Proulx

Seconded by: Grieve

The Committee recommends **ACCEPTANCE**

Rationale:

The committee believes that diversity is one of our Union's greatest strengths. The Rainbow Alliance has the difficult task of elevating the voices of all gender and sexual identities. Convention is OPSEU/SEFPO's highest governing body and it is without the voices of some of our equity seeking groups. Representation matters and it is time to be deliberate about including representation from the Rainbow Alliance. The Rainbow Alliance becoming a submitting body in their own right will provide them with an important tool to drive change within OPSEU/SEFPO.

The Committee discussed the issue of selection versus the election of members extensively. This continues to be a concern; however, the Committee reached a consensus to recommend acceptance of this amendment, as Voltaire said, "Don't let perfect be the enemy of good." This amendment ensures representation from a variety of gender and sexual identities. This is a good that is overdue.

13.4e. ~~The Members~~ **One member per Region of each of the Article 19 Provincial Committees Provincial Women's Committee and the Provincial Human Rights Committee and the Provincial Young Workers Committee and the Provincial Francophone Committee, and one Member of the Indigenous Circle per Region** shall be entitled to be delegates.

13.8 Resolutions and constitutional amendments may be submitted by any Local, Area Council or Division, by the Executive Board, by the **Article 19 Provincial Committees Provincial Women's Committee, by the Provincial Human Rights Committee, by the Provincial Young Workers Committee, and** by the executive of the Retired Members' Division, ~~by the Provincial Francophone Committee, and by the Indigenous Circle.~~

14.5.4 Delegates to Regional election meetings shall be provided with a financial statement showing the expenses incurred during the previous fiscal year by the regional Board Members, **and the members of the Article 19 Provincial Committees elected by the Region. the Provincial Women's Committee, the Provincial Human Rights Committee, the Provincial Young Workers Committee, the Indigenous Circle**

19.6 There shall be a Rainbow Alliance arc-en-ciel Committee composed of two (2) members from each Region. The Members of the Rainbow Alliance arc-en-ciel Committee shall be selected biennially by the Rainbow Alliance arc-en-ciel Committee from interested members who apply to fill vacancies within their Region. The function of the Alliance shall be to assist in creating networks within the Regions, to develop and promote programs to encourage TBLGIAPQQ2S (trans, bisexual, lesbian, gay, intersex, asexual, pansexual, queer, questioning, two spirited) members to participate in Union activities, and to increase the awareness and understanding of TBLGIAPQQ2S issues throughout the membership.

A.6 Amend Article 13, 14 and 19 to read as follows: (changes in bold)

This proposed amendment is **H10** in **Section H**

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: The Executive Board

Moved by: Ly

Seconded by: Hannah

The Committee recommends **ACCEPTANCE**

Rationale:

The Committee believes that diversity is one of our Union's greatest strengths. While we are not without reservations regarding the proposed selection process, it is time to stop letting a quest for perfection get in the way of this important change. Convention is OPSEU/SEFPO's highest governing body and it is without the voices of some of our equity seeking groups. Representation matters and it is time to be deliberate about including representation from the Coalition of Racialized Workers at Convention. The Coalition of Racialized Workers becoming a submitting body in their own right will provide them with an important tool to drive change within OPSEU/SEFPO.

13.4e. ~~The Members~~ **One member per Region of each of the Article 19 Provincial Committees Provincial Women's Committee and the Provincial Human Rights Committee and the Provincial Young Workers Committee and the Provincial Francophone Committee, and one Member of the Indigenous Circle per Region** shall be entitled to be delegates.

13.8 Resolutions and constitutional amendments may be submitted by any Local, Area Council or Division, by the Executive Board, by the **Article 19 Provincial Committees Provincial Women's Committee, by the Provincial Human Rights Committee, by the Provincial Young Workers Committee, and** by the executive of the Retired Members' Division, ~~by the Provincial Francophone Committee, and by the Indigenous Circle.~~

14.5.4 Delegates to Regional election meetings shall be provided with a financial statement showing the expenses incurred during the previous fiscal year by the regional Board Members, **and the members of Article 19 Provincial Committees elected by the Region. the Provincial Women's Committee, the Provincial Human Rights Committee, the Provincial Young Workers Committee, the Indigenous Circle**

19.7 There shall be a Coalition of Racialized Workers Committee composed of two (2) members from each Region. The Members of the Coalition of Racialized Workers Committee shall be selected biennially by the Coalition of Racialized Workers Committee from interested members who apply to fill vacancies within their Region. The function of the Coalition of Racialized Workers Committee shall be to assist in creating networks within the Regions, to develop and promote programs to encourage Black and racialized members to participate in Union activities, and to increase the awareness and understanding of issues that impact Black and racialized members throughout the membership.

A.7 Amend Article 4, 7, 14, and 29 to read as follows: (changes in bold)

This proposed amendment is **H11** in **Section H**

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: The Executive Board

Moved by: Wakely

Seconded by: Ly

The Committee recommends **ACCEPTANCE**

Rationale:

This amendment is an obvious, important, and necessary step towards addressing overt and systemic anti-black racism, anti-indigenous racism, and all other forms of racism and discrimination. This amendment commits to educating the leadership of our union. This amendment is a step towards satisfying some recommendations of the Social Mapping Project.

Article 4 Aims and Purposes

4.1 The aims and purposes of the Union shall be:

- a. To regulate labour relations between the Members and their employers and managers, said labour relations to include the scope of negotiation, collective bargaining, the enforcement of collective agreements and health and safety standards, and the safeguarding of human rights;
- b. To organize, sign to membership, and represent employees in Ontario;
- c. To advance the common interests, economic, social and political, of the Members and of all public employees, wherever possible, by all appropriate means;
- d. To bring about improvements in the wages and working conditions of the membership, including the right of equal pay for work of equal value;
- e. To work for and defend members to ensure that our workplaces are safe and free from harassment and discrimination.
- f. **To actively identify and dismantle anti-Black racism, anti-Indigenous racism, and all forms of racism and discrimination within its systems**

and structures so that all members have full access to services and can fully participate in the Union;

- g.** To promote and defend the right to strike;
- h.** To promote full employment and an equitable distribution of wealth within Canadian and international society;
- i.** To co-operate with labour unions and other organizations with similar objectives in strengthening the Canadian labour union movement as a means towards advancing the interests and improving the well-being of workers generally in Canada and internationally;
- j.** To promote justice, equality, and efficiency in services to the public;
- k.** To strengthen, by precept and example, democratic principles and practices both in the Canadian labour union movement and in all manner of institutions, organizations, and government in Canada.

Article 7 Membership Rights

7.2.1 Only Members in good standing may hold office. **Within 60 days of election, selection, appointment, or ascension to any OPSEU/SEFPO office, whether the office is authorized by this Constitution or by OPSEU/SEFPO policy, the Member shall participate in mandatory OPSEU/SEFPO training on dismantling anti-Black racism, anti-Indigenous racism and other forms of racism and discrimination.**

7.2.2 A member may be removed from office and/or barred from running for office for a specified term by a two-thirds majority vote of the Executive Board after a finding of a breach of OPSEU/SEFPO's **Harassment and Discrimination Prevention Policy (HDPP)**. **Upon release of the final investigation report that details the finding of a breach of OPSEU/SEFPO's HDPP, the Executive Board will meet within two weeks of the release of the final report and make a determination on the member's status.**

Article 14 Election and Removal of Executive Board

14.7.2 The Member-elect shall take the following oath during the Convention immediately following his/ her election:

"I, _____, promise that I will uphold and obey the Constitution and duly-authorized policies of the Ontario Public Service Employees Union, fulfil the obligations and responsibilities of my office to the best of my ability, and promptly deliver to my successor all monies, records, and other property of the Union in my possession at the close of my term in office.

“I further promise to uphold the Union’s commitment to dismantling anti-Black racism, anti-Indigenous racism and all forms of racism and discrimination, and I will actively participate in all required OPSEU/SEFPO training and/or initiatives.”

Where any Member-elect is not able to take the oath at the Convention, it may be administered by the President at a Board meeting, but such Member-elect shall not be, or act as, a Member of the Board until the oath has been taken. Each Member-elect of the Board shall be required to take the oath, regardless of whether s/he has previously served on the Board.

Article 29 Bylaws for Local Unions

29.9 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 Oaths

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 fulfil the obligations and responsibilities of my elected position as Steward to the best of my ability.

“I further promise to uphold the Union’s commitment to dismantling anti-Black racism, anti-Indigenous racism and all forms of racism and discrimination, and I will actively participate in all required OPSEU/SEFPO training and/or initiatives.”

29.9.3 Every new Member shall, as part of his/her application for membership in the Union, be required to sign a declaration containing the following words:

“I, _____, solemnly promise to uphold and obey the Constitution and Bylaws of this Union, to assist my fellow members to improve their economic, political, and social conditions, to uphold the principles of democracy and fair play, and to do no deliberate wrong or harm to any other member of this Union.

“I further promise to uphold the Union’s commitment to dismantling anti-Black racism, anti-Indigenous racism and all forms of racism and discrimination.”

Every such declaration must be witnessed by a person who may be a member of the Local, an employee of the Union, or any other representative of the Union duly authorized by it.

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.

A.8 Amend Article 29 to read as follows: (changes in bold)

This proposed amendment is **H9** in **Section H**

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: Region 1 Area Council

Moved by: Hannah

Seconded by: Hagan

The Committee recommends **ACCEPTANCE**

Rationale:

The existing language in the Constitution creates an antiquated structure that is difficult to implement or understand, and is frankly, unclear. Most locals in today's OPSEU/SEFPO have multiple units, multiple employers and multiple worksites. The existing language makes the administration of these locals difficult. By removing administrative burdens and restrictions over which stewards are permitted to run for officer positions, this amendment will provide relief and provide flexibility to all Locals.

This amendment clarifies that locals may determine the structure of their locals. This amendment does not prevent the use of Unit Stewards or Chief Stewards but permits locals to determine their steward structure as well as their officer structure. This will strengthen our democratic process and encourage wider participation in local leadership. This amendment removes unnecessary divisions within the locals and supports solidarity.

29.1.2 The government of Locals shall be based on the Shop Steward system and election of Officers of Local Executive Committees shall be from among the Shop Stewards. **Each Local shall decide how many Shop Stewards it will have. Each Shop Steward is a member of the Local Executive Committee. At a general membership meeting of the Local, the Members shall elect the Officers of the LEC from among the Shop Stewards. All Shop Stewards not elected as Officers of the Local shall be known as LEC members-at-large. All elections of Shop Stewards and Officers of the Local shall be based on the principle of winning a clear majority, with run-off ballots, if necessary.**

29.1.3 The Single-Unit Local

~~Each Local shall decide how many Shop Stewards it will have. Each Shop Steward is automatically a Member of the Local Executive Committee. At a general membership meeting of the Local, the members shall elect the Officers of~~

~~the LEC from among the Shop Stewards. All Stewards not elected as Officers of the Local shall be known as LEC Members-at-large.~~

~~29.1.4 The Multi-Unit and Composite Locals~~

~~29.1.4.1 Each Unit shall decide how many Shop Stewards it will have. The Shop Stewards will form the Unit Committee. The membership of each Unit shall elect one of the Shop Stewards as Unit Steward and as such s/he shall be chairperson of the Unit Committee and shall also be that Unit's Member of the LEC. The membership of the Local shall then elect the Officers of the LEC from among the Unit Stewards.~~

~~29.1.4.2 Normally there shall be only one Unit Steward from each Unit on the LEC, but where Units in the same Local vary greatly in size, additional Unit Stewards may be elected using the number of Members in the smallest Unit as the mathematical unit for calculating representation by population.~~

~~29.1.4.3 The Unit Committee shall meet at least once every three months. The Unit Steward may call a meeting of the Committee at any time to deal with the business of an urgent nature. It may elect one or more of its members to act as secretary, treasurer, or secretary-treasurer of the Unit. The duties of the Unit Committee shall be to police all collective agreements, to be responsible for Unit negotiations, and to act as a channel of communications between the Members and the LEC.~~

~~29.1.5 All elections of Stewards and Local Executive Committees shall be based on the principle of winning a clear majority, with run-off ballots, in necessary.~~

~~29.1.4 The Multi-Unit and Composite Locals~~

~~29.1.4.1 Each Unit shall decide how many Shop Stewards it will have. The Shop Stewards will form the Unit Committee. The membership of each Unit shall elect one of the Shop Stewards as Unit Steward and as such s/he shall be chairperson of the Unit Committee and shall also be that Unit's Member of the LEC. The membership of the Local shall then elect the Officers of the LEC from among the Unit Stewards. 29.1.4.2 Normally there shall be only one Unit Steward from each Unit on the LEC, but where Units in the same Local vary greatly in size, additional Unit Stewards may be elected using the number of Members in the smallest Unit as the mathematical unit for calculating representation by population.~~

~~29.1.4.3 The Unit Committee shall meet at least once every three months. The Unit Steward may call a meeting of the Committee at any time to deal with the business of an urgent nature. It may elect one or more of its members to act as secretary, treasurer, or secretary-treasurer of the Unit. The duties of the Unit Committee shall be to police all collective agreements, to be responsible for Unit negotiations, and to act as a channel of communications between the Members and the LEC.~~

~~29.1.5 All elections of Stewards and Local Executive Committees shall be based on the principle of winning a clear majority, with run-off ballots, if necessary.~~

29.2.1 The Officers of the Local, together with the **remaining** Shop Stewards **(in a Single-Unit Local) or Unit Stewards (in a Multi-Unit or Composite Local)** shall constitute the Local Executive Committee. Every Local shall have a President and at least two of the following Officers: Vice- President; Secretary; Treasurer or Secretary-Treasurer; or such other Officer(s) as it may, by **by-law** bylaw, decide to have. In addition, a **Single-Unit Local shall have a Chief Steward as an Officer of the Local Executive Committee.** Local may have a Chief Steward or Unit Stewards as Officers of the Local Executive Committee. On the invitation of a Local, the immediate past President of the Local may serve on the LEC as an ex-officio Member with voice but no vote. Each Local may designate one of its Local Executive Committee members as responsible for equity issues.

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)**

29.5.5 Chief Steward or Unit Stewards

The Chief Stewards **shall, like or** the Unit Stewards **in Multi-Unit or Composite Locals, shall** coordinate and assist the Shop Stewards.

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.**

29.10.5 The LEC shall present a budget to the annual general membership meeting of the Local. **The budget in multi-unit and composite locals shall include budget lines for each unit, based on the number of dues paying members in the unit and the projected unit activity for the year.**

A.9 Amend Article 13 to read as follows: (changes in bold)

This proposed amendment is **H5** in **Section H**

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: Local 454, Local 446, and Ottawa Area Council

Moved by: Proulx

Seconded by: Wakely

The Committee recommends **ACCEPTANCE**

Rationale:

The Committee believes that this amendment to permit any number of alternate delegates to be elected by a Local will provide better opportunity for Locals to ensure they have complete representation at OPSEU/SEFPO functions.

13.5.1 All delegates and alternate delegates from Locals shall be elected for each Convention at a general membership meeting on the principle of winning a clear majority, with run-off ballots if necessary. In accordance with local bylaws, or two thirds majority vote at the local election meeting, locals may elect their delegates and alternate delegates by plurality. There shall be separate votes required for delegates and alternate delegates. The Local President shall be the first delegate automatically. ~~Where a local is entitled to elect more than one alternate delegate~~ **A Local may elect any number of alternate delegates.** Those elected by plurality shall be ranked according to the number of votes received.

13.5.2 ~~A Local may elect alternate delegates up to the number of delegates to which it is entitled.~~ **Only alternate delegates** up to the number of delegates to which ~~it~~ **a Local** is entitled **may attend Convention.** Alternate delegates may not be seated on the floor of the Convention unless in possession of badges of absent delegates of the same Locals. All Convention expenses of alternate delegates shall be borne by the Local.

A.10 Amend Article 13 to read as follows: (changes in bold)

This proposed amendment is **H6** in **Section H**

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: Local 454, and Ottawa Area Council

Moved by: Grieve

Seconded by: Hannah

The Committee recommends **ACCEPTANCE**

Rationale:

This amendment creates an optional framework for enabling locals to establish voting procedures to serve their unique composition.

13.5.1 All delegates and alternate delegates from Locals shall be elected for each Convention at a general membership meeting on the principle of winning a clear majority, with run-off ballots if necessary. In accordance with local bylaws, or two thirds majority vote at the local election meeting, locals may elect their delegates and alternate delegates by plurality, **and locals may adopt a procedure to encourage the election of delegates from various Units of the local.** There shall be separate votes required for delegates and alternates delegates. The Local President shall be the first delegate automatically. Where a local is entitled to more than one alternate delegate, those elected by plurality shall be ranked according to the number of votes received.

A.11 Amend Article 13 and 14 to read as follows: (changes in bold)

This proposed amendment is **H2** in **Section H**

The Committee has made the required constitutional language changes to enact this amendment as detailed below.

Submitted by: Local 130, Local 147, Local 228, Local 446, Local 546, and Local 649

Moved by: Hagan

Seconded by: Hannah

The Committee recommends **DEFEAT**

Rationale:

The Committee recognizes the submitting bodies' concern about the various Chairs missing convention and convention caucus meetings. However, the concerns captured in the submitting bodies' whereas statements could be addressed by a resolution granting the Chairs guest status if they were not able to attend convention under another entitlement. Granting these Chairs delegate status would require a fundamental change in the structure of the union; it would grant political and legislative power to bodies that previously had none. Adding these further delegates would dilute the authority of the delegates elected directly by the membership. Ministry and Sector Divisions range in size from 700 to 35,000 members, and this proposal would give small divisions the same number of additional delegates as large divisions. These additional delegates would not be evenly dispersed amongst the regions. This proposal would add 45 delegates for a cost of approximately \$112,500 for Convention.

This change stretches beyond solving the problem and into impacting the existing balance of voting power. In addition, since the pandemic, we have gained the opportunity to meet more often and with minimal expense and travel time using Video Conferencing Apps so Convention caucuses are no longer the rare opportunity to bring Divisions together that they once were.

Article 13.4 Delegate entitlement to Conventions shall be as follows:

a) Locals

Up to 150 Members	1 delegate
151 to 300 Members	2 delegates
301 to 500 Members	3 delegates
501 to 800 Members	4 delegates

800 to 1100 Members	5 delegates
1101 to 1500 Members	6 delegates
1501 to 1900 Members	7 delegates
1901 to 2300 Members	8 delegates
2301 or more Members	9 delegates

- b) Each Member of the Executive Board shall be entitled to be a delegate of his/her Region.
- c) Each Member of a Convention Committee as stipulated under Article 13.9.1 shall be entitled to be a delegate of his/her Region.
- d) The Members of the Executive Committee of the Retired Members' Division, or their alternates, to a maximum of seven (7) persons, shall be entitled to be delegates.
- e) The Member of the Provincial Women's Committee and the Provincial Human Rights Committee and the Provincial Young Workers Committee and the Provincial Francophone Committee and one Member of the Indigenous Circle per Region, shall be entitled to be delegates.
- f) All chairs of the Ministry and Sector Divisions as outlined in Article 21.2.1 shall be entitled to be delegates.**

13.6 Except for delegates under Article 13.4(b), (c), (d) ~~and~~, (e) **and (f)**, no person may be a delegate unless s/he is a Member in good standing of the Local which elected him/her as a delegate. No person may be a Member 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. Honorary Members may not be delegates.

14.4 The number and qualifications of delegates entitled to attend a Regional meeting, and the quorum thereat, shall be laid down in Article 13, the necessary changes being made. **Article 13.4(f) does not apply.**