Constitution Committee

2024

H Report

**2024 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.

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.

## 2024 Constitution Committee

**Chad Croteau Region 1**

**Dave Wakely (Chair) Region 2**

**Mike Hamilton Region 3**

**Janet Heyman (Vice Chair) Region 4**

**Jonathan Singer Region 5**

**Arlene Proulx Region 6**

**Stacy Grieve Region 7**

**Ken Steinbrunner EBM, Region 6**

**Lesley Gilchrist Staff Advisor**

**Isabella Calandrino Secretary**

## H01

PREAMBLE

Article 2 INTERPRETATION AND ABBREVIATIONS

Article 28 CORPORATIONS ACT REQUIREMENTS

(Submitted by Executive Board)

**Whereas** OPSEU/SEFPO was incorporated in 1927 as a corporation under the Corporations Act, and the Constitution refers to the Corporations Act in several articles;

**Whereas** the Not-for-Profit Corporations Act came into force in October 2021, replacing the Corporations Act as the legislation that governs OPSEU/SEFPO as a non-profit corporation;

**Therefore be it resolved that** as a housekeeping matter, the OPSEU/SEFPO Executive Board submit Constitutional amendments to the Constitutional Committee in order to change references to the Corporations Act to the Not-for-Profit Corporations Act and to add to the history of OPSEU/SEFPO contained in the preamble of the Constitution.

## H02

Article 13 CONVENTIONS

(Submitted by Sault Ste. Marie and District Area Council)

**Whereas** there is currently no requirement for speakers at both pro and con microphones to be heard before the question is called,

**And Whereas** the current process is inequitable as both sides of a discussion do not always have the chance to speak before the question is called and,

**And Whereas** the current process does not foster wholesome discussion and debate.

**Therefore, be it resolved** that the following amendment be included in Article 13 as follows:

The question (closure) may not be called until speakers at both pro and con microphones have had the opportunity to speak about the issue. If there are no speakers on a pro microphone or a con microphone, the question may be called even though a speaker has not been heard at both microphones.

## H03

Article 13 CONVENTIONS

(Submitted by Local 310)

**Whereas** OPSEU/SEFPO Convention is facilitated by the constitutional and resolution convention committees

**And Whereas** the constitutional and resolution convention committees receive submissions from the submitting bodies 45 days in advance of convention opening

**And Whereas** each submissions need to be evaluated for constitutional compliance then considered, debated and prioritized by the responsible committee

**And Whereas** OPSEU/SEFPO as a bilingual needs to ensure all submissions are translated

**And Whereas** submissions and drafted language needs to be reviewed by the Equity Unit

**And Whereas** the requirement for equity review, translation and digitization impose deadlines on the constitutional and resolution convention committees

**And Whereas** the combination of the 45 day requirement in the constitution and the operational realities of support staff and services results in an unrealistic timeline where the committees must complete their work in a short period of time;

**Now therefore be it resolved** that the OPSEU/SEFPO constitution be amended to require resolutions and constitutional amendments be submitted 60 days before the opening of convention.

## H04

Article 14 ELECTION AND REMOVAL OF EXECUTIVE BOARD

Article 15 VACANCIES

Article 19 PROVINCIAL COMMITTEES

Article 29 BYLAWS FOR LOCAL UNIONS

(Submitted by Local 416, Ottawa Area Council, Region 6 Area Council, Executive Board, Indigenous Circle, and Provincial Young Workers Committee)

**Whereas** Recommendation 45 of the Social Mapping Project (SMP) 2020 membership survey calls for the consideration of "equity-related implications (risks and opportunities) of a shift to three-year elected terms" and to "ensure an inclusive election process that leads to demonstrably equitable outcomes.

**Whereas** the 2023 Ontario Public Service Employees Union (OPSEU)/ Syndicat des employés de la fonction publique de l'Ontario (SEFPO) convention directed the board to conduct a review of OPSEU/SEFPO's governance structure;

**Whereas** the ad-hoc committee as a whole created a review process of OPSEU/SEFPO's governance structure, including a comparative analysis of existing governance structures in other unions and not for profit organizations including CUPE National, Private Sector Unions, UNIFOR, ONA, USW, CLC, NUPGE and its components, BCGEU, HSAA;

**Whereas** a 3-year term allows for accessible onboarding and training allowing for continuity of supports and services for members at a reduced cost;

**Whereas** longer terms also address equity issues and systemic barriers for all equity seeking groups;

**Therefore, be it resolved** that, OPSEU/SEFPO adopts a 3-year operational term commencing in 2026.

## H05

Article 15 VACANCIES

(Submitted by Local 532, and Greater Toronto Area Council)

**Whereas** the absence of an active Executive Board Member from Regional union life for a significant period puts undue strain on the remaining Executive Board Members ad may disadvantage the membership:

**Therefore Be It Resolved** Amend 15.1 be revised to include the following sentence:

In the event that an Executive Board Member must take a personal, medical, maternity, paternity, parental or other leave of absence of two months or more, the first alternate elected at the Regional meeting shall take their place on the Board for the duration of the leave or until the end of the !erm, whichever is shorter and, should the leave end within the elected term, the originally elected member may resume the Board seat

## H06

Article 13 CONVENTIONS

(Submitted by Local 416, Region 1 Area Council, Kingston Area Council, and Ottawa Area Council)

**WHEREAS** in Composite Locals delegates to Regional and Convention meetings are drawn at large from the membership without regard to Unit and

**WHEREAS** this could result in an entire unit of members not represented at Convention

**THEREFORE be it resolved** that the Constitution be amended to allow that Locals, that choose to amend their bylaws to establish voting procedures to encourage locals to elect at least one delegate from each Unit where numbers of delegates allow.

## H07

Article 23 STRIKE AND DEFENCE FUNDS

(Submitted by Local 234, and Executive Board)

**Whereas** OPSEU/SEFPO is a fair and transparent union, and shares resources as a way to build strength and solidarity;

**Whereas** all members of OPSEU/SEFPO contribute to the strike fund, which supports bargaining units that have a legal right to strike with funding “between a successful strike vote and the start of a strike for lobbying, mobilizing and other necessary expenses for member activities”, in accordance with the OPSEU/SEFPO Constitution and policy; and

**Whereas** OPSEU/SEFPO bargaining units that do not have a legal right to strike under applicable statutes also require financial support for collective bargaining, lobbying, organizing, and other expenses prior to interest arbitration, which funding is currently provided by the OPSEU/SEFPO budget and/or approval by the Executive Board; and

**Whereas** the Executive Board recommends that OPSEU/SEFPO support collective bargaining for members who do not have the legal right to strike in the same manner and with a similar process as it supports members who do have the legal right to strike;

**Therefore be it resolved that** the Executive Board refer the following Constitutional amendment to Convention 2024:

**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 Union members; and

**b. for expenses related to collective bargaining and interest arbitration involving Union members who do not have a legal right to strike; and**

c. 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 Union Members.

**Be it further resolved that** if the Constitutional amendment is passed by Convention, the Board will consult with the Chairs of the affected sectors and will amend or develop OPSEU/SEFPO policy and procedures as appropriate in order to implement the amendment.

## H08

Article 13 CONVENTIONS

(Submitted by Local 560)

**WHEREAS** the OPSEU/SEFPO Constitution specifies that Convention is to be conducted according to Robert’s Rules of Order except as modified by the Constitution; and

**Whereas** Robert’s Rules privileges members who wish to introduce points of Order and Privilege; and

**Whereas** such members are permitted to interrupt the normal order of business in order to have their issues heard; and

**Whereas** these provisions are designed to ensure that meetings function in an orderly manner in which rules are followed and all members are able to participate; and

**Whereas** Robert’s Rules specifically states that speakers are not to be permitted to abuse these provisions by speaking to any issues that do not immediately relate to the application of the established rules governing Convention or the ability of all members to participate; and

**Whereas** the Constitution currently provides time limits for delegates to speak to motions, but does not identify time limits for delegates to speak to points of order or privilege; and

**Whereas** it should require very little time for a delegate to identify a) how the conduct of Convention may deviate from established rules or b) any impediments to the participation of all attendees;

**Therefore be it resolved** that a delegate who is recognized and given the floor to speak to a point of order or a point of privilege shall be given no more than one minute to communicate their point.

## H09

Article 14 ELECTION AND REMOVAL OF EXECUTIVE BOARD

Article 15 VACANCIES

(Submitted by Greater Toronto Area Council)

**Whereas** the election of one alternate at each Region Meeting may be insufficient to meet the needs of the Region for an entire term of the Executive Board;

**Therefore Be It Resolved** that the first sentence of Article 14.6.1 be revied to read:

At each Regional election meeting in an election year, the delegates shall elect three persons to be members of the Executive Board and three persons to be their alternates.

## H10

Article 16 EXECUTIVE BOARD

(Submitted by Local 642 and Orillia Service Area Council)

**Whereas** vehicles are not being considered as property under article 16 of the OPSEU/SEFPO constitution and Whereas chattels valued at over $5000 in 2024, are not specifically identified as property under article 16 of the OPSEU/SEFPO Constitution

**Therefore,** the last line of article 16.11 be changed to “No property or assets of the Union, inclusive of all vehicles, over $5000, may not be sold, conveyed, or encumbered without the approval of the Board.”

## H11

Article 6 MEMBERSHIP

Article 7 MEMBERSHIP RIGHTS

Article 14 ELECTION AND REMOVAL OF EXECUTIVE BOARD

Article 16 EXECUTIVE BOARD

Article 30 STRIKEBREAKING

(Submitted by Executive Board)

**Whereas** the Sanctions Ad Hoc Committee was constituted by Convention 2023 and convened by the Executive Board in May 2023; and

**Whereas** the Sanctions Ad Hoc Committee has developed a series of recommended Constitutional amendments to address the issue of member sanction;

**Therefore** **be it resolved** that the OPSEU/SEFPO Executive Board submit the attached Constitutional amendments to Convention 2024.

### Constitutional Framework and Draft Amendments for Union Sanctions

**Article 4 AIMS AND PURPOSES**

* 1. The aims and purposes of the Union shall be:
     1. 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;
     2. To organize, sign to membership, and represent employees in Ontario;
     3. To advance the common interests, economic, social and political, of the Members and of all public employees, wherever possible, by all appropriate means;
     4. To bring about improvements in the wages and working conditions of the membership, including the right of equal pay for work of equal value;
     5. To work for and defend members to ensure that our workplaces are safe and free from harassment and discrimination;
     6. 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;
     7. To promote and defend the right to strike;
     8. To promote full employment and an equitable distribution of wealth within Canadian and international society;
     9. 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;
     10. To promote justice, equality, and efficiency in services to the public;
     11. 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 and internationally.

### Article 6 MEMBERSHIP

* 1. A Member shall remain in good standing provided they are:
     1. Not more than three months in arrears in payment of dues;
     2. Gainfully employed in a bargaining unit for which the Union holds or seeks recognized bargaining rights; **and**
     3. Not **suspended or expelled from membership in good standing by decision of the Executive Board under Article 7.4.** ~~penalized by suspension or expulsion following a~~ ~~conviction under Article 30 of the Constitution; and~~
     4. ~~Not penalized by suspension or expulsion following conviction of a breach of 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.~~
     5. ~~Not penalized by suspension under Art. 16.10 of the Constitution.~~
     6. ~~Not penalized by failure to step down from an acting management or acting excluded~~ ~~management position under Article 6.8.2.~~

However, failure to meet the requirements of (a) or (b) above shall not disqualify Members who are absent from their regular place of employment on leave of absence, paid or unpaid

* + 1. Any ~~m~~**M**ember who is in a temporary management or temporary excluded management position shall return to their home position when required, under authority of the President, to do so. ~~If they fail to step down, they shall be ineligible to seek or hold any Union office or function.~~

### Article 7 MEMBERSHIP RIGHTS

**7.2.2** A**ll** ~~m~~**M**ember**s and Retired Members shall comply with** ~~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~~ the Union’s harassment and discrimination **and** ~~or~~ personal harassment policy ~~(HDPP)~~. ~~Upon release of the final investigation report that details the~~ ~~finding of a breach of OPSEU/SRFPO’s HDPP, the Executive Board will meet within two weeks~~ ~~of the release of the final report and make a determination on the members status.~~

**~~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/SEFPO bargaining unit position from an acting management or~~ ~~excluded management position when required, under authority of the President, to do so.~~

* 1. **By two-thirds majority vote, the Executive Board may sanction a Member in good standing or a Retired Member for conduct that is contrary to Articles 6.8.2, 7.2.2, 14.7.3, 16.10, 29.9.4, 30, or for conduct that\* the Executive Board determines is a serious breach of this Constitution or the policies of the Union.**
  2. **Sanctions under Article 7.4 may include expulsion from membership, suspension from membership for a specified term, removal from elected or appointed union office, prohibition on seeking union office for a specified term, training programs, and other conditions placed on union membership.**
  3. **Decisions made by the Executive Board under Article 7.4 shall be made in accordance with the principles of procedural fairness, including that affected Members and Retired Members shall receive reasonable notice and an opportunity to make representations to the Executive Board.**
  4. **A Member or Retired Member who is suspended or expelled from membership shall continue to have the right to representation from the Union as required by law, but shall be ineligible to seek or hold elected union office, participate in union activities, or access other services from the Union.**

### Article 14 ELECTION AND REMOVAL OF EXECUTIVE BOARD

**14.7.2** The Member-elect shall take the following oath during the Convention immediately following their election or appointment:

“ ~~(~~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.~~)~~”

~~(~~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.)”

**14.7.3 It shall be the duty of all Members of the Executive Board to uphold their oaths and failure to act in accordance with them shall be deemed to be contrary to the Constitution.**

**~~14.7.3~~ 14.7.4** Except for the President and First Vice-President/Treasurer, the term of office for Members of the Board shall be from adjournment of the Convention at which they were Members-elect until adjournment of the regular Convention in the next election year. The terms of office for the President and First Vice-President/Treasurer may begin at any time up to 30 days after the adjournment of the Convention at which they were elected and shall end not more than 30 days after the adjournment of the regular Convention in the next election year, but salary shall be paid only for the period from adjournment to adjournment.

### Article 16 EXECUTIVE BOARD

**16.9.1** Where evidence has been produced leading to a reasonable belief that any subsidiary organization: (a) is acting or planning to act contrary to this Constitution or to the principles and policies of the Union; or (b) is being led or substantially influenced by corrupt or criminal persons; or (c) is suffering from grossly incompetent or willfully neglectful leadership; or (d) is unable to exercise its responsibilities under this Constitution because of its proportion of strikebreakers, the Board shall have the power to investigate the situation in any manner and by any person or committee it may duly authorize, provided, however, that the persons or bodies being investigated are notified of the Board’s actions and are given a fair opportunity to present their cases.

**16.10 Members shall not participate or support any campaign to decertify or displace the Union in respect of any bargaining unit it is certified to represent.** ~~The Board may suspend from~~ ~~membership in good standing any member who participates in an attempt by another~~ ~~organization to displace 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 their views to the Board.~~

### Article 30 STRIKEBREAKING

* + 1. After giving reasonable written notice of a membership meeting to all Members of a Local for whom the Local has addresses, such notice to specify the purpose of the meeting and naming the Member(s) who is/are accused, and after all attending Members (and especially the accused) have had a reasonable opportunity to present their views, such local membership meeting may vote by a two-thirds majority to declare that a Member of that Local has engaged in strikebreakin~~g, on more than one occasion,~~ during a given legal strike by the Local.
    2. Where a Local has been placed under trusteeship ~~by reason of the proportion of~~ ~~strikebreakers~~, **a declaration that a Member has engaged in strikebreaking contrary to Article 30.1.1 may only be made by** the Region’s EBMs ~~will determine~~ **following a two-thirds majority vote after providing affected Members with reasonable notice and an opportunity to make representations.** ~~which of the Local’s Members have engaged in strikebreaking.~~ ~~Such~~ ~~determination will only be made after a notice has been sent to all Members of the Local,~~ ~~identifying the members under consideration as strikebreakers, and after all Members have had a~~ ~~reasonable opportunity to present their views. After the matter of strikebreakers has been~~ ~~determined, the trusteeship shall be lifted.~~
    3. **Any declaration that a Member has engaged in strikebreaking contrary to Article 30.1.1 shall be referred to the Executive Board for consideration under Article 7.4.** ~~The~~ ~~assessment for damages to the 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 caused by the strikebreaker’s action.~~
    4. ~~The strikebreaker will be suspended from membership, removed from any 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.~~
  1. ~~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 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.~~
  2. Any Member who has been designated by statute and/or collective agreement as providing essential or emergency services and who is called to perform such work during a legal strike shall not be subject to any **declaration, sanction,** ~~charge, damages~~**~~,~~** or penalty under this Article as long as the Member performs only such essential or emergency duties.

## H12

Article 19 PROVINCIAL COMMITTEES 26

Article 21 DIVISIONS

(Submitted by Executive Board)

**Therefore be it resolved that** the OPSEU/SEFPO Executive Board refer the attached constitutional amendments to Convention 2024: Executive Board/Provincial Committee Roles.

**Executive Board / Provincial Committee Roles**

Draft Constitutional Amendments

Article 19 PROVINCIAL COMMITTEES

**19.8 Effective the adjournment of Convention 2026, no Member may hold the office of Chair of an Article 19 Provincial Committee while they hold office on the Executive Board.**

Article 21 DIVISIONS

**21.1 Occupational Divisions**

**21.1.5 Effective the adjournment of Convention 2026, no Member may hold the office of Chair of an Occupational Division while they hold office on the Executive Board.**

**21.2 Ministry and Sector Divisions**

**21.2.4 Effective the adjournment of Convention 2026, no Member may hold the office of Chair of a Ministry or Sector Division while they hold office on the Executive Board.**

## H13

Article 14 ELECTION AND REMOVAL OF EXECUTIVE BOARD

Article 16 EXECUTIVE BOARD

(Submitted by Greater Toronto Area Council)

**Whereas** OPSEU/SEFPO members elect 3 Board members from each region to serve their members

**Whereas** the from the Board members are elected the President and First Vice President

**Whereas** the President and First Vice President are full time book offs and in charge of the overall Union operations

**Whereas** are board members who become President and first VP are not fully available to service their regions

**Whereas** the responsibility of the President and First VP would be the whole Union and not just their region

**Be it Resolved that** the two additional seats be created on the Board.

Alternates in ranking become the Board member for the region replacing the President and First VP.

**Therefore Be It Further Resolved** that an alternate who is promoted to the EBM position upon the elevation of an elected EBM to the position either of President or 1st VP/Treasurer be given voice but no vote on the Board, in order to avoid skewing the representation on the Board in favour of any region.

## H14

Article 16 EXECUTIVE BOARD

(Submitted by Executive Board)

**Therefore be it resolved that** the OPSEU/SEFPO Executive Board refer the attached constitutional amendments to Convention 2024:

**Finance Committee**

16.13.1 The First Vice-President/Treasurer, in consultation with **the Finance Committee of the Executive Board and** the Executive Committee, shall cause to be prepared an annual budget for the Union.

16.13.2 The Executive Board shall examine the contents of the budget and may direct the First Vice-President/Treasurer to make alterations in its contents, following which the Board shall adopt the budget.

16.13.6 The procedures to be followed to generate the budget shall be established and amended from time to time by the Executive Board.

16.16 The **Executive Board shall form a standing Finance Committee. The** Board may appoint or elect such **other** standing Committees from among its Members as it may deem necessary to assist in the supervision of the affairs of the Union. It may also appoint ad hoc Committees for specific purposes and for specific periods of time. All standing and ad hoc Committees shall report to the Executive Committee and then to the Board.

## H15

Article 13 CONVENTIONS

(Submitted by Local 602 and Local 605)

**WHEREAS** non-members are defined by OPSEU/SEFPO as members who have not signed a Union membership card,

**AND WHEREAS** these members are paying dues to OPSEU/SEFPO and are present in the workplaces that Locals represent,

**AND WHEREAS** the Local continues to communicate with all the members in the Local and are required to represent these members, ensure they are contacted for strike and ratification votes,

**AND WHEREAS** the Local is penalized in the delegate calculation by OPSEU/SEFPO for individuals who decide not to sign up with the Union,

**AND WHEREAS** the Local may not have the resources, including time off, necessary to contact non-members,

**AND WHEREAS** locating members has been more difficult with the implementation of hybrid work models,

**AND WHERAS** Article 13.3 of the OPSEU/SEFPO Constitution states - For purposes of calculating delegate entitlement, only Members in good standing shall be counted. Honorary Members and employees pay dues, but not having joined the Union, shall not be counted. All calculations shall be based on membership records at Union Headquarters as of the last day of the month prior to the issuance of the Convention call. However, if a discrepancy arises between Headquarters and Local records which would affect the delegate entitlement of a Local, upon providing sufficient proof a Local shall be entitled to any extra delegate to which its Local records entitle it.

**THEREFORE BE IT RESOLVED THAT**, Article 13.3 of OPSEU/SEFPO Constitution first and second sentence be replaced with:

13.3 For purposes of calculating delegate entitlement, all members paying dues in a Local shall be counted. Honourary members shall not be counted.