

CONSTITUTION

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Notes:

1. This version of the Constitution supersedes any previous versions.
2. A date identified below an Article of the Constitution indicates the date of its last amendment.

DEFINITIONS

- a) "Day" - means a calendar day unless otherwise specified.
- b) "Member" - means all categories of membership.
- c) "National Capital Region" - as defined in the National Capital Act.
- d) "Bargaining Agent" - means Association and Association means bargaining agent.
- e) "Regular Member" - any member of a bargaining unit for which the Association is, or becomes, the bargaining agent and who has applied for Regular Membership in the Association.
- f) "Associate Member" - all former Regular Members and former employees of the Association and who have applied for Associate Membership in the Association.
- g) "Holding Member" - all persons for whom the Association undertakes to organize a bargaining unit and who have applied for Holding Membership in the Association. Upon certification, Holding Member shall become Regular Member in accordance with the provisions of this Constitution.
- h) "Pending Member" - all persons for whom the Association has received an application form to be a Regular Member but whose dues have not yet been remitted.
- i) "Director" - means a member occupying a position on the NEC, other than the President and Vice-Presidents.
- j) "NEC" - means the National Executive Committee of the Association.

- k) "EC group" - refers to the combined ES and SI bargaining units.
- l) "LoP" - refers to the Research Officers and Research Assistants bargaining unit at the Library of Parliament.
- m) "EC/LoP/OPBO" - refers to the group of bargaining units composed of the founding community made up of members of the EC bargaining unit and of the LoP bargaining unit, and since May 24, 2018, the members of the OPBO bargaining unit.

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- n) "Agency" - means Separate Employer.
- o) "Management"- means the management staff, including the President.
- p) "Local" - an organized group of members established by the NEC in accordance with the CAPE Constitution and deriving its jurisdiction, authority and rights from Section 22 of the CAPE Constitution. Locals may be associated with a region or an organization.

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- q) "Local Leadership"- The members of Executive Committee Locals and all Stewards.
- r) "Local Leadership Council"- Body composed of members of Executive Committees of Locals and all Stewards.
- s) "OPBO Group" - refers to the OPBO bargaining unit.

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- t) "Bilingual" - refers to the official languages, English and French.

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- u) "Bilingualism" - refers to proficiency in both official languages, English and French.

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PREAMBLE

We the membership have formed this Association to enhance the profile and increase the visibility of our knowledge-based professional work. We shall respect the autonomy of individual groups with regards to collective bargaining. We shall maintain a high level of services, in a financially efficient manner. We shall respect democratic principles. We shall ensure that our Association is a fully bilingual organization, both in services provided to its members and in its major bodies. We shall speak with one voice while recognizing the specific character of each individual group.

1. NAME

- 1.1. The name of the Association shall be in English, Canadian Association of Professional Employees (officially abbreviated as CAPE); in French, L'Association canadienne des employés professionnels (officially abbreviated as ACEP); hereinafter referred to as "The Association".

2. HEADQUARTERS

- 2.1. The Headquarters of the Association shall be in the National Capital Region.

3. OBJECTIVES

The objectives of the Association are to:

- 3.1. Organize and represent professional employees.
- 3.2. Unite in a democratic organization employees who are members of bargaining units for which the Association is, becomes or applies to become their bargaining agent.
- 3.3. Serve all persons identified in clause 3.2 as their Bargaining Agent.

- 3.4. Obtain the best achievable levels of compensation, and terms and conditions of employment for all its members.
- 3.5. Promote and protect the rights and interests of members in matters related to their employment and their relationship with their employer.
- 3.6. Provide a high standard of professional and administrative services to all its members.
- 3.7. Officially represent members in employment and labour relations matters that are the object of consultation or discussion with an employer.

4. OFFICIAL LANGUAGES

- 4.1. The Association shall communicate with an individual member in the official language of the member's choice.
 - 4.2. All meetings of the National Executive Committee, Local Leadership Council, Presidents' Council and all general-membership meetings of the Association shall provide interpretation services. A meeting of a bargaining unit to discuss a tentative agreement shall provide interpretation services. All documents for such meetings shall be in both official languages.
 - 4.3. A local may request from the national office interpretation services for a meeting, as well as the production of agenda and notices in both official languages. The National Office is responsible for the costs associated with this request when it concerns the Local's Annual General Meeting.
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- 4.4. The Association fosters the use of both official languages in the operations of its National Office.

5. POWERS OF THE ASSOCIATION

The Association shall have the power to:

- 5.1. Carry out its purposes and exercise any of the rights or authority granted by law.

- 5.2. Establish eligibility requirements and procedures governing the admission of members, and to grant or refuse membership according to its Constitution.
- 5.3. Bargain collectively for any bargaining unit for which the Association is the certified bargaining agent.
- 5.4. Sign, through a collective bargaining committee, collective agreements reached through collective bargaining and, where necessary, any other related lawful procedures.
- 5.5. Assist and seek redress for members who are aggrieved in their employment or in their relationship with their employer, and secure for them their rights under any legislation affecting their employment or their status as employee.
- 5.6. Cooperate, be engaged with and partner with other unions, bargaining agents and/or labour organizations, on issues of interest to CAPE members.
- 5.7. Affiliate or merge, subject to the provisions of this Constitution, with other unions, bargaining units or labour organizations.
- 5.8. Acquire and hold real property, and sell, lease, or otherwise dispose of it, for the benefit of the Association.
- 5.9. Purchase or lease equipment, and arrange for services, as required for the functioning of the Association.
- 5.10. Borrow money for Association purposes, and mortgage or charge property of the Association as security for monies borrowed, to a maximum of 5% of the Association's annual revenues, unless otherwise authorized by the Membership.
- 5.11. Invest money of the Association in securities in which trustees are permitted by law to invest.
- 5.12. Provide access to group benefits plans (including insurances) to the members and employees of the Association.
- 5.13. Set dues, subject to membership approval and receive monies as payment for those dues.
- 5.14. Incorporate, as required, in order to carry out Association business and protect the financial interests of the membership.
- 5.15. Bargain collectively and enter into a collective agreement with the bargaining agent(s) representing staff of the Association.
- 5.16. Enter into contractual obligations with the management of the Association.

- 5.17. Undertake other matters for the benefit and welfare of the members and employees of the Association and serve the objectives of the Association or the ongoing management of the Association, subject to restrictions on expenditures and actions, as outlined in the Constitution and By-Laws.

6. POWERS OF THE NATIONAL EXECUTIVE COMMITTEE (NEC)

- 6.1. All powers of the Association shall be vested in the NEC subject to restrictions and conditions specified in this Constitution and By-Laws.
- 6.2. Govern the Association by establishing objectives, guidelines, policies, and By- Laws.
- 6.3. Approve the establishment and restructuring of Locals and approve stewards where there are no Locals.
- 6.4. Inform the employer which members are the local representatives of the Association.
- 6.5. Delegate authority as required.
- 6.6. Discipline or expel members in accordance with this Constitution and By-Laws.
- 6.7. Approve organizational changes to the National Office to provide membership with cost-effective and efficient quality services.
- 6.8. Appoint a Vice-President to preside at meetings of the Association during a temporary absence of the President.
- 6.9. Fill its vacancies as prescribed by Article 21.
- 6.10. Approve the application for representation made by any professional union or bargaining unit as prescribed by Article 7.
- 6.11. Approve all extraordinary non-budgeted expenditures.
- 6.12. Review and provide guidance to the Collective Bargaining Committees on the overall bargaining strategy.

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7. APPLICATION FOR REPRESENTATION

- 7.1. The NEC may approve the application for representation made by any professional union or bargaining unit of less than 1000 members.
- 7.2. The NEC shall review the application for representation made by any professional union or bargaining unit of more than 1000 members. Should the NEC approve it, they shall submit the application to the membership for a vote.
- 7.3. With respect to clauses 7.1 and 7.2, the criteria used for reviewing an application for representation shall include the community of interests, bargaining history, the Association's ability to represent and provide services, and the financial impact on the Association.

8. COMPOSITION OF THE NEC

- 8.1. The NEC includes voting members.

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- 8.2. The voting members are: the President, the EC/LoP/OPBO Vice-President, the TR Vice- President and a Vice-President for any other bargaining unit of 1,000 individuals or more, and Directors.

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- 8.3. A bargaining unit shall have a Director position for each 1,000 individuals or part thereof.

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- 8.4. Notwithstanding clause 8.3, the number of Directors from the EC bargaining unit shall not be less than 8 and the number of Directors from the TR bargaining unit shall not be less than 2.

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- 8.5. The number of Directors shall be revised based on the size of the bargaining unit as at the fiscal year end of the Association.

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9. PRESIDENT'S DUTIES AND AUTHORITIES

The presidency shall be a full-time paid position. The President shall have the authority to:

- 9.1. Officially represent the Association.
- 9.2. Negotiate collective agreements for members of the Association.
- 9.3. Interpret the Constitution, unless otherwise interpreted by a two-thirds majority of the members of the NEC or a General Meeting. Any interpretation given at a NEC meeting or General Meeting shall be recorded in the minutes.
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- 9.4. Refer constitutional and legal matters to counsel for review and advice.
- 9.5. Preside at all meetings of the National Executive Committee (NEC), Local Leadership Council, Presidents' Council and all general meetings of the Association including the Annual General Meeting (AGM) and the Membership Budget Meeting (MBM).
- 9.6. Ensure that the Constitution, By-Laws, objectives, guidelines and policies of the Association and NEC are carried out.
- 9.7. Call meetings of the Association as required by the Constitution.
- 9.8. Report to the NEC, Local leadership, and membership concerning the affairs of the Association.
- 9.9. Direct the national operations of the Association.
- 9.10. Contract for the services of the Association's management.
- 9.11. Perform the duties recognized to be within the authority of a presiding officer.
- 9.12. Delegate authority to the Vice-Presidents, Executive Committee members, or management of the Association, as required.
- 9.13. Take necessary measures in order to ensure that a disruptive member leaves a meeting of the NEC or a membership meeting. The business of the meeting is suspended until the member has left.

10. DUTIES AND AUTHORITIES OF THE VICE-PRESIDENTS

- 10.1. Upon request of the NEC, perform the duties generally recognized to be within the authority of a presiding officer in the event of the President's temporary absence.
- 10.2. Attend meetings of the Local Leadership Council, all general meetings of the Association and the NEC including the AGM and the MBM.
- 10.3. Perform such other duties as may be assigned by the President or by the NEC.
- 10.4. Participate in the work of the Finance Committee and of other committees as requested by the NEC.

11. DUTIES AND RESPONSIBILITIES OF MEMBERS OF THE NATIONAL EXECUTIVE COMMITTEE

- 11.1. Attend all meetings of the NEC.
- 11.2. Attend the Annual General Meeting, any Special General Meeting, Local Leaders Meetings and Membership Budget Meetings.
- 11.3. Participate on at least one NEC sub-committee.
- 11.4. Attend all meetings of the NEC sub-committee of which they are a member.
- 11.5. Perform such duties as may be assigned by the President or the NEC.
- 11.6. Support the work of the NEC by volunteering when a call for NEC volunteers is issued.
- 11.7. All members of the NEC are elected and represent the Association.

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- 11.8. All members of the NEC shall uphold all decisions of the NEC.

12. SUB-COMMITTEES OF THE NATIONAL EXECUTIVE COMMITTEE

- 12.1. The NEC may establish sub-committees for the purpose of providing recommendations and advice.

- 12.2. The NEC shall approve the terms of reference of a sub-committee.
- 12.3. The President shall be an ex-officio member of all sub-committees, except for the Elections and Resolutions Committee.
 - 12.3.1. No sitting member of the National Executive Committee shall be a member of the Elections and Resolutions Committee, the Audit Committee, or any similar oversight committee established by the National Executive Committee.
- 12.4. The management and staff of the Association shall provide services to sub-committees as requested.
- 12.5. The members of sub-committees are selected, and may be removed for cause, by the NEC.
- 12.6. Regular and Pending Members of the Association may volunteer and be eligible for membership on a sub-committee.
- 12.7. The members of each sub-committee shall choose their chairperson.
- 12.8. Notwithstanding clause 12.7, the Finance Committee shall be chaired by a member of the NEC.
- 12.9. The chairperson of a sub-committee has the authority to take necessary measures in order to ensure that a disruptive member leaves the meeting. The business is suspended until the member has left.

13. FINANCE COMMITTEE

- 13.1. There shall be a Finance Committee of at least five members.
- 13.2. The President and Vice-Presidents are members of the Finance Committee.
- 13.3. The Finance Committee will maintain control of the finances of the Association in the interest of the members by:
 - 13.3.1. preparing an annual budget on behalf of the NEC for presentation at the Annual General Meeting;
 - 13.3.2. regularly reviewing the expenditures, revenues, assets and liabilities of the Association;

- 13.3.3. comparing expenditures to the annual budget;
- 13.3.4. recommending to the NEC expenditures for unanticipated events and contingency spending;
- 13.3.5. generating optimum revenues for the Association;
- 13.3.6. review the budget process every three years, or sooner, if warranted.

14. COLLECTIVE BARGAINING COMMITTEES

- 14.1. A Collective Bargaining Committee shall be formed for each bargaining unit represented by the Association.
 - 14.2. The members of the Collective Bargaining Committee shall be chosen in accordance with the procedure set out in the By-Laws.
 - 14.3. The Collective Bargaining Committee shall convene a general meeting of all members of the bargaining units concerned in order that a debate open to regular members be held. Following the meeting, the Collective Bargaining Committee recommends the demands, issues and proposals to be submitted to the regular members for a vote. The vote determines the path of negotiation and informs the demands. Following the vote, the Collective Bargaining Committee nominates a Negotiating Team from among its members.
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- 14.4. A tentative agreement reached by the Employer and by the Negotiating Team, and accepted by the Collective Bargaining Committee, shall be submitted to the NEC for information purposes and to the members of the bargaining unit for a vote.
 - 14.5. The Collective Bargaining Team shall sign no collective agreement until its terms have been ratified by a vote of the bargaining unit.
 - 14.6. Upon recommendation from the appropriate Collective Bargaining Committee, the NEC may ratify Memorandums of Understanding and National Joint Council Directives on behalf of the membership.
 - 14.7. Notwithstanding clause 14.6, the financial incentive plan for the TR group shall be approved by the TR Collective Bargaining Committee.
 - 14.8. Except with respect to clause 14.4, the NEC may modify Article 14 when collective bargaining has been suspended in whole or in part.

15. ELECTIONS AND RESOLUTIONS COMMITTEE

15.1. The NEC shall endeavour to appoint an Elections and Resolutions Committee, with at least one Regular or Pending member from each bargaining unit, based on the availability of candidates that have volunteered for these positions.

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15.2. No member of the current Elections and Resolutions Committee shall be eligible, in the current election year, to stand as a candidate for election to any position on the NEC, to support a candidate's nomination paper, to volunteer as a scrutineer for a candidate, or to support a candidate in any other way. Committee members retain their right to vote.

15.3. Subject to the By-Laws, the Elections and Resolutions Committee shall organize and oversee all election and voting processes, with the exception of the ratification of tentative agreements.

15.4. The Elections and Resolutions Committee shall send a call for nominations for candidates for the NEC no later than June 1, in an election year.

15.5. The Elections and Resolutions Committee shall ensure all nominations and campaign material conform to the Association's By-Laws.

15.6. The Elections and Resolutions Committee shall have the authority to reject late or improperly completed nomination forms and related campaign material.

15.7. The Elections and Resolutions Committee shall have the authority to count all ballots and to reject an improperly completed ballot.

15.8. On referral by the Elections and Resolutions Committee, as specified in the By-Laws, the Association shall on behalf of candidates for elected office, distribute campaign material.

15.9. On referral by the Elections and Resolutions Committee, as specified in the By-Laws, the Association shall distribute material in support of or against a resolution.

16. AUDIT COMMITTEE

- 16.1. The NEC shall endeavour to appoint an Audit Committee, with at least one Regular or Pending member from each bargaining unit, based on the availability of candidates that have volunteered for these positions.
- 16.2. No member of the National Executive Committee shall be eligible to service on the Audit Committee.
- 16.3. The Audit Committee shall review year-end financial statements prepared by the Finance Committee and the Auditor for the NEC's approval.

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17. RESOLUTIONS

- 17.1. All resolutions must be consistent with this Constitution and By-Laws.
- 17.2. With the exception of Article 14, any resolution which deals with collective bargaining shall be referred to the appropriate bargaining committee and shall not be the subject of a general membership resolution.
- 17.3. Resolutions may not propose changes to the Constitution and/or By-Laws. Refer to By- Law 13 for the process to amend the Constitution and refer to Article 18.2 for the By- Law process.

18. BY-LAWS

- 18.1. The NEC shall create By-Laws referred to in this Constitution within 90 working days of the adoption of this Constitution.
- 18.2. Any Regular or Pending member, or Local, may propose a By-Law for consideration and adoption by the NEC by submitting a written proposal. These proposals shall be considered at a regular monthly meeting of the NEC.
- 18.3. All By-Laws adopted by the NEC shall immediately come into effect except for amendments to the Elections By-Laws, which shall come into effect on March 31, when the Elections process is deemed to begin.
- 18.4. Within a year of their adoption by the NEC, all By-Laws shall be submitted to the general membership for a vote. Only By-Laws approved by the membership shall remain in effect.

19. ELECTIONS AND TERMS OF OFFICE

- 19.1. In an election, a candidate shall only seek one position on the NEC.
- 19.2. The President is elected by the membership at large.
- 19.3. The Vice-Presidents and Directors are elected by the members in their respective bargaining units, or group of bargaining units in the case of the EC/LoP/OPBO.

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- 19.4. All terms of office of NEC members elected in a general election are for a period of three years and commence on January 1st following their election and following the execution of a solemn declaration. Terms of office for NEC members elected in a by-election are until the next general election and commence at the next regular meeting of the NEC following the by-election and following the execution of a solemn declaration.
- 19.5. All members of the NEC are elected by a simple majority of votes cast.
- 19.6. If a Presidential or Vice-Presidential candidate is unchallenged, they shall be deemed acclaimed.
- 19.7. If within a bargaining unit, the number of candidates is less than or equal to the number of Directors' positions being elected, then these candidates will be deemed acclaimed.
- 19.8. With respect to clause 19.4, the three-year terms of office shall be selected based on the plurality of the votes cast within each bargaining unit and in cases of acclamation within a bargaining unit by a random method as supervised by the Elections and Resolutions Committee.
- 19.9. Candidates for the positions of President and Vice-President are prepared, in the event of their election to the position of President, to reside in the National Capital Region.

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20. REMOVAL FROM OFFICE

- 20.1. Notwithstanding clause 32.1, a Special General Meeting called to discuss the removal from office of any member of the NEC may only be called in one of the following ways:
 - a) By a two-thirds majority of the NEC;

- b) By a petition signed by least the lesser of 0.5% of regular and pending members or 10% of regular or pending members in the bargaining unit or constituency which the member of the NEC represents if the NEC member was acclaimed; or
- c) By a petition signed by a number of regular members that is superior to half the votes the NEC member received at their election.

The meeting shall be held in accordance with article 32.2 and 32.3.

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- 20.2. A member of the NEC shall only be removed from office by a two-thirds majority of the votes cast by the membership.

21. VACANCIES

- 21.1. In the event of incapacity, resignation, removal from office or death of the President, the NEC shall designate a Vice-President to assume the duties of the President for the balance of the term.
- 21.2. In the event a Vice-President assumes the duties of the President, or in the event of incapacity, resignation, removal from office or death of a Vice-President, NEC shall designate a Director from the corresponding TR or EC/LoP/OPBO group of bargaining units to assume the duties as Vice-President for the balance of the term.

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- 21.3. Annual by-elections shall be held to fill any vacant Director position on the NEC. By-elections shall be held on the same schedule and following the same procedures as regular elections pursuant to By-Law 3. For greater certainty this clause excludes the President and Vice-Presidents.
- 21.4. In the event that a bargaining group's representation on the NEC falls below 50 percent, the position or positions may be filled with a Regular or Pending Member of the corresponding bargaining unit by nomination and approval of the NEC until the next scheduled by-election or general election.

22. LOCALS

22.1. A new Local will be formed upon the application of ten or more Regular or Pending members who are not members of a Local who support its formation.

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22.2. The application must specify, in the case of a departmental local, which department(s), agency(s) or organization(s) the local shall represent, or in the case of a regional local, the geographic boundaries of the region.

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22.3. A member shall belong to only one Local of their choosing, provided they can demonstrate that at least one of the following criteria is met:

22.3.1. For membership within regional locals, the member works or resides in the region associated with the local

22.3.2. For membership within departmental locals, the member is employed by the department, agency or organization associated with the local

22.3.3. For the purpose of this section, “employed by” includes situations where a member is in a non-substantive position, but still entitled to representation, such as assignments, secondments, or interchange assignments

22.3.4. If a member wishes to change their local membership to an appropriate departmental or regional local other than the one that has been assigned to them, they must notify the CAPE national office.

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22.4. The establishment or restructuring of a Local or Locals shall be subject to the approval of the NEC.

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22.5. Restructuring of a Local or Locals can include:

22.5.1. Merging of one or more locals

22.5.2. Dividing an existing local into multiple locals

22.5.3. The transfer of members from one local to another

22.5.4. The addition of members who are not members of an existing local to an existing local

22.5.5. Amendment of local geographic boundaries, in the case of regional locals

22.5.6. Dissolution of a local

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22.6. In the event of an employer-initiated restructuring of a department, agency or organization, the NEC may initiate the restructuring of a Local or Locals affected.

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22.7. Locals can initiate a restructuring by presenting an application to the NEC demonstrating the support of a majority of the members affected by the restructuring.

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22.8. Locals can initiate a merger, division, transfer of members, or dissolution by a motion at a general meeting of the Local (or respective Locals in the case of a merger or a transfer of members).

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22.9. A group of Regular or Pending members who are not members of a Local may apply to be added to an existing Local. Such an application shall:

22.9.1. Indicate which department(s), agency(s), organization(s) or region(s) the group consists of;

22.9.2. Be supported by the lesser of 10 Regular or Pending members or a majority of the group to be added;

22.9.3. Be approved by the executive of the existing Local

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22.10. Where the NEC has received an application to establish or restructure a local, the President must consult with any existing local(s) that may be impacted.

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22.11. The restructuring process is to be completed within one year of receipt of notification of the NEC, pending consultation with members and Local(s) affected and approval by the NEC.

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22.12. Funds, records, and property belonging to two or more locals participating in a merger shall be combined. Locals will not exhaust their funds in advance of a merger.

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22.13. Each Local shall have an Annual General Meeting at which officers shall be elected and stewards approved. Prior to commencing their terms, elected and appointed officers must execute a solemn declaration and return the signed original copy to the National Office.

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22.14. Each Local may adopt By-Laws which must be consistent with this Constitution. To ensure consistency, new and amended By-Laws must be reviewed by the NEC or a delegated sub-committee of the NEC.

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22.15. Notwithstanding Article 22.14, Locals may create By-laws that differ from the Association's By-laws under these conditions:

1. The Local executive must approve the request to derogate by a two-thirds (2/3) majority.
2. After Local approval, the request to derogate goes to a delegated NEC sub-committee for review.
3. The sub-committee will review and return the proposed Local By-laws to the NEC, with recommendations on advisability and constitutional validity.
4. The NEC must then approve the request by a majority vote.
5. Approved derogations must be renewed no later than every three (3) years to remain in effect.

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22.16. In consultation with the national office, local representatives of the Association may consult with the employer on issues of Local concern.

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22.17. Within the National Capital Region, there shall normally be only one Local within a Department or Agency.

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22.18. The membership of a Special Operating Agency may submit a request to the NEC for a separate Local.

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22.19. Notwithstanding clauses 22.17 and 22.18, members of the Association working for the Translation Bureau constitute a separate Local.

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22.20. Should a Local dissolve or be suspended for cause by the NEC, all records, property, and funds shall be returned to the care and safekeeping of the national office to be placed in trust by the NEC until such time as the Local may be reinstated or reorganized.

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22.21. Where, in the opinion of the NEC, it is neither possible nor practical to reinstate or reorganize a Local so dissolved or suspended, the records, property, and funds held in trust may be applied at the discretion of the NEC for Association purposes.

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23. LOCAL LEADERSHIP COUNCIL

23.1. The Local Leadership Council shall consist of the National President, National Vice- Presidents and members of the Executive Committees of Locals and all Stewards.

23.2. It shall discuss matters of importance to the Local Leadership and may make and vote on recommendations to the NEC on matters affecting the Association. Successful recommendations shall be presented to the NEC.

23.3. Meetings of the Local Leadership Council shall be called at least once a year.

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23.4. Additional meetings shall be called at the request of the President, NEC or ten or more members of the Local Leadership Council.

23.5. The Finance Committee shall consult with the Local Leadership Council in preparing the annual budget.

23.6. The NEC shall consult with the Local Leadership Council in developing and amending By-Laws or Constitutional amendments.

23.7. The National Executive Committee members attend the CAPE Local Leadership Council meetings only as observers except for the Association President who shall chair the meeting in accordance with clause 9.5.

23.7.1. NEC members will only provide information and answer questions.

23.7.2. NEC members will not vote on recommendations made by Council members present at the meeting.

23.7.3. The NEC will receive recommendations passed by the members present at the Local Leadership Council meeting and report back to the Council in a timely manner.

24. PRESIDENTS' COUNCIL

24.1. The Presidents' Council shall consist of CAPE's President and Vice-Presidents, and the Local Presidents.

24.2. The Presidents' Council shall meet at least once in every calendar year to discuss matters of importance to CAPE's Locals.

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24.3. The Presidents' Council may make recommendations to the NEC on matters affecting the Association.

24.4. The Association President shall chair the meetings in accordance with clause 9.5, and the Vice-Presidents attend only as observers.

24.4.1. The NEC will receive recommendations passed by the members present at the Presidents' Council and report back to the Council in a timely manner.

25. MEMBERSHIP ELIGIBILITY

25.1. Membership in the Association is contingent upon the payment of dues and the submission of a completed application form.

25.2. Notwithstanding clause 25.1, members on unpaid leave shall not be required to pay regular dues to remain in good standing but shall be required to pay dues retroactive to the beginning of their leave should they require the Association to provide professional services.

25.3. Notwithstanding clause 25.1, a Regular Member who has a priority for reappointment without competition to a position within the Public Service shall have the right to retain Regular Membership, if the member so desires, for a period not exceeding one year.

26. RIGHTS OF REGULAR MEMBERS AND PENDING MEMBERS

All Regular and Pending members shall have the right to:

- 26.1. Be informed by the Association on matters of concern or interest.
- 26.2. Participate; propose and vote on recommendations in general meetings.
- 26.3. Seek the services of the Association on employment-related matters that are within its powers.
- 26.4. Nominate and vote for officers of the Association.
- 26.5. Seek and hold elected office in the Association.
- 26.6. Vote by electronic ballot or by other means as specified in the By-Laws.
- 26.7. Observe meetings of Association committees, and to request minutes of such meetings, except when a committee by specific motion declares a particular matter to be confidential.
- 26.8. Be a member of any committee established by the Association or NEC except where membership is restricted to the NEC.
- 26.9. Propose and vote on resolutions, By-Laws and Constitutional amendments, as specified in the By-Laws.
- 26.10. Receive an electronic link to the Annual Report on the affairs of the Association or by other means as specified in the By-Laws.
- 26.11. Receive a copy of any tentative Collective Agreement reached with the employer and to ratify that Collective Agreement.

27. RIGHTS OF ASSOCIATE MEMBERS AND HOLDING MEMBERS

- 27.1. To attend general meetings and to be informed on matters of concern or interest.

28. REGISTER OF MEMBERS

- 28.1. A register of all members shall be maintained in the national office.
- 28.2. The register shall be confidential to the Association.
- 28.3. When deemed to be in the interest of the membership, the Association may arrange distribution of material on behalf of another organization, company or person, to all or part of the membership.

29. VOTING

- 29.1. All voting shall be conducted in an honest and transparent manner that respects the confidentiality of all voting members.
- 29.2. All voting shall be by electronic ballot or by other similar means, as specified in the By- Laws.
- 29.3. Prior to any voting, the NEC shall normally call a general meeting to discuss the issues to be voted on.
- 29.4. Detailed voting procedures and guidelines, as specified in the By-Laws of the Association, shall provide for a fair and orderly voting process, and ensure that the members may vote in an informed manner.
- 29.5. All resolutions and By-Laws and all recommendations from the AGM, the Membership Budget Meeting, the Local Leadership Council and the Presidents' Council shall be adopted by a simple majority of the votes cast.
- 29.6. The Constitution shall only be amended by a two-thirds majority of the votes cast.
- 29.7. A member of the NEC shall be elected by a simple majority of the votes cast.
- 29.8. A member of the NEC shall only be removed from office by a two-thirds majority of the votes cast.
- 29.9. The amendment of the Position Statement requires a two-thirds majority of the votes cast.

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30. ANNUAL GENERAL MEETING (AGM)

- 30.1. An Annual General Meeting (AGM), to which all members shall be invited, shall take place in the National Capital Region normally in the month of November.
- 30.2. Records of the issues discussed at the AGM shall be taken and made available to members.
- 30.3. Members attending an AGM can make and vote on recommendations to the National Executive Committee on matters arising at the meeting. Successful recommendations shall be presented to the NEC.
- 30.4. The AGM shall:
 - 30.4.1. discuss issues of concern and the strategic vision of the Association for the coming year(s);
 - 30.4.2. discuss the proposed resolutions;
 - 30.4.3. hear from candidates for positions on the NEC in an election year.
 - 30.4.4. review and discuss the audited financial statements;
 - 30.4.5. be recorded and a written report be made available to members.
- 30.5. National Executive Committee members attend CAPE AGMs only as observers except for the Association President who shall chair the meeting in accordance with clause 9.5.
 - 30.5.1. NEC members will only provide information and answer members' questions.
 - 30.5.2. NEC members will not vote on recommendations made by members present at the meeting.
 - 30.5.3. The NEC will receive recommendations passed by the members present at the AGM and report back to the membership in a timely manner.

31. MEMBERSHIP BUDGET MEETING (MBM)

- 31.1. An Annual Membership Budget Meeting (MBM), to which all members shall be invited, shall take place in the National Capital Region.
- 31.2. Members attending an MBM can make and vote on recommendations to the National Executive Committee on matters arising at the meeting. Successful recommendations shall be presented to the NEC.

- 31.3. The MBM shall:
 - 31.3.1. discuss issues of concern and interest relating to the budget;
 - 31.3.2. review and discuss the proposed budget;
 - 31.3.3. review and discuss the audited financial statements.
- 31.4. National Executive Committee members attend CAPE - MBMs only as observers except for the Association President who shall chair the meeting in accordance with clause 9.5.
 - 31.4.1. NEC members will only provide information and answer members' questions.
 - 31.4.2. NEC members will not vote on recommendations made by members present at the meeting.
 - 31.4.3. The NEC will receive recommendations passed by the members present at the MBM and report back to the membership in a timely manner.

32. SPECIAL GENERAL MEETING (SGM)

- 32.1. An SGM may be called by the NEC or upon the petition of at least 0.5% of regular members of the Association. This request must specify the reason or reasons for the meeting, and include, if applicable, the motion or the resolution to be considered.
- 32.2. An SGM shall be called within thirty working days of the decision of the NEC or receipt of a petition.
- 32.3. Notification of place, date, and time of the SGM shall be sent to all members no later than ten working days prior to the meeting.
- 32.4. In the case of an SGM called for collective bargaining purposes, all members in the bargaining unit shall be invited to attend.
- 32.5. An SGM shall deal only with the matter(s) for which it was called, unless the meeting agrees, by a two-thirds majority, to consider other matters.

AGM 2024

33. RULES OF ORDER

33.1. All meetings of the Association shall be governed by the bilingual rules of procedures set out in the By-Laws.

33.2. Notwithstanding article 33.1, at meetings of the NEC, a member who participates virtually may not speak or intervene if the member is unable to ensure adequate audio quality, for the health and safety of the interpreters. This restriction does not affect the member's right to vote.

AGM 2024

33.3. Notwithstanding article 33.1, any motion, resolution or proposal that is not merely procedural must be available in writing in both official languages before it can be considered by the NEC.

AGM 2024

34. QUORUMS

34.1. For all Association Committees to conduct business, a simple majority of its members must be present.

35. FINANCIAL CONTROLS

35.1. The NEC shall appoint and recommend to the members for approval, a firm of chartered accountants.

35.2. The chartered accountants shall audit the financial statements of the Association annually.

35.3. The NEC shall:

35.3.1. submit a budget for the ensuing two years for discussion at the MBM, and it shall be considered for approval by a vote of the members;

35.3.2. submit audited financial statements for discussion at the AGM, and these shall be considered for approval by a vote of the members.

- 35.4. The Finance Committee shall ensure all financial records of the Association are maintained in a manner recommended by its auditors and approved by the NEC.
- 35.5. The chairperson of the Finance Committee will report to the membership on the financial affairs of the Association.
- 35.6. The NEC shall designate, voting (as defined in Clause 8.2) members of the NEC: the President, the Vice-Presidents, one of the voting Directors, and the Finance Officer and one of the non-voting (as defined in Clause 8.6) Executive Directors of the association's management as signing officers of the Association. The signature of two of these signing officers, one of whom shall be a voting member, is sufficient to execute the financial affairs of the Association.
- 35.7. Cheques and money orders shall be made payable in the name of the Association.
- 35.8. The fiscal year of the Association shall commence on January 1 and end on December 31.

AGM 2022

36. PRESIDENT'S SALARY AND BENEFITS

- 36.1. The financial terms and conditions for the position of President shall be reviewed on a triennial basis in the year preceding a Presidential election. The review shall be conducted by the NEC.

AGM 2024
- 36.2. The NEC shall establish the financial terms and conditions that will form the basis of the President's employment contract in compliance with the Constitution, notably with articles 36.6, 36.7, 36.8, 36.9, 36.10 and 36.11, and with applicable By-laws.

AGM 2024
- 36.3. The financial terms and conditions shall be approved by the NEC prior to the publication of the Notice of Election/Call for Nominations in the year of a Presidential election.

AGM 2021

36.4. The financial terms and conditions for the position of President shall be published in the Notice of Election/Call for Nominations.

AGM 2021

36.5. No changes to these terms and conditions shall take effect between triennial reviews with the exception of economic adjustments and personal allowances.

AGM 2021

36.6. The annual rate of remuneration for the position of President is identical to the highest annual rate of remuneration that a regular member can obtain under a collective agreement in force that has been negotiated by the Association.

AGM 2024

36.7. The President is entitled to a bilingualism bonus if, at the time of appointment, he or she holds a valid CBC bilingual language profile, or a higher-level qualification as established by the Public Service Commission of Canada demonstrating their bilingualism. The annual amount of this bilingualism bonus is identical to the highest annual amount a regular member can obtain as a bilingualism bonus under a collective agreement in force that has been negotiated by the Association.

AGM 2024

36.8. The number of hours in a normal work week for the President is identical to the highest number of hours in a normal work week that a regular member may be required to work under a collective agreement in force that has been negotiated by the Association. Overtime is not payable.

AGM 2024

36.9. The President's salary structure excludes any form of incentive plan.

AGM 2024

36.10. Considering article 19.9 of the Constitution, the employment contract of the President cannot provide for a reimbursement mechanism for expenses incurred while traveling between the President's residence and the National Capital Region.

AGM 2024

36.11. Considering article 19.9 of the Constitution, the President's employment contract may provide for the reimbursement of actual and reasonable relocation expenses that must be incurred in the event of the election of a candidate residing outside the National Capital Region. Such expenses may not include those incurred for the rental or purchase of a residence.

AGM 2024

37. CONSTITUTIONAL AMENDMENTS

37.1. As specified in the By-Laws, any Regular or Pending member, or Local, may petition for an amendment to the Constitution. Such petition shall contain the signature of at least 1% of Regular or Pending members.

AGM 2024

37.2. The NEC, by a majority of two-thirds (2/3), may propose an amendment to the Constitution.

37.3. The Constitution shall only be amended following an AGM or SGM to review the proposed changes, and approval by a vote of the membership in accordance with clause 29.6.

38. POSITION STATEMENT

38.1. The Association must promote the positions listed in the Position Statement in the conduct of its activities, in its policies and in its protocols.

AGM 2024

- 38.2. The by-laws of the Association must not contradict the positions listed in the Position Statement. **AGM 2024**
- 38.3. The Association's Constitution takes precedence over the Position Statement. **AGM 2024**
- 38.4. The Association's communications must not contradict the positions listed in the Position Statement. **AGM 2024**
- 38.5. Public statements by the President and all persons publicly representing or speaking on behalf of the Association must not contradict the positions listed in the Position Statement. **AGM 2024**
- 38.6. The Position Statement can be amended following an AGM or SGM to review the proposed changes, and approval by a vote of the membership in accordance with clause 29.9. **AGM 2024**
- 38.7. The NEC may, by a two-thirds majority of its voting members, amend the Position Statement. **AGM 2024**