

**Nova Scotia Government & General Employees Union**

**CONSTITUTION**

**And**

**BY-LAWS**

**(As amended May 2011)**

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## ARTICLE 1 - INTRODUCTORY

### Section 1.1 - Name

- 1.1.1 The name of the organization is the "Nova Scotia Government and General Employees Union [NSGEU]."

### Section 1.2 - Definitions

- 1.2.1 "Affiliates" means those trade unions which have affiliated with the Union and have signed the appropriate affiliation documents.
- 1.2.2 "Bargaining Unit" means the bargaining unit as defined by the Civil Service Collective Bargaining Act, the Corrections Act, the Trade Union Act, the relevant provincial labour relations legislation, or the Canada Labour Code.
- 1.2.3 "Bargaining Unit Negotiating Council" means the Council of members who have been elected by each Local in accordance with the terms of this Constitution and By-Laws to represent the bargaining unit in negotiations with the Public Service Commission.
- 1.2.4 "Bargaining Unit Negotiating Committee" means the committee elected by each Bargaining Unit in accordance with the terms of this Constitution and By-Laws to represent the Bargaining Unit in negotiations with their employer.
- 1.2.5 "Board" means the Board of Directors of the Union.
- 1.2.6 "Convention" means the biennial Convention of the Union which deals with policy.
- 1.2.7 "Executive Committee" means the President, First Vice- President, Second Vice-President, Third Vice-President and the Secretary-Treasurer of the Union.
- 1.2.8 "Local" means a group of members of the Union comprised of one (1) or more bargaining units in a geographical or work area
- 1.2.9 "Sub-Local" means the geographical division of the membership of a Local comprised of one [1] or more Bargaining Units in a geographical or work area.
- 1.2.10 "Member in good standing" means a member who has signed a membership card and is not more than three (3) months in arrears of dues, who is employed in a bargaining unit of the Union, and has not been

suspended or expelled in accordance with the provisions of this Constitution.

- 1.2.11 "Strike" means a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding for the purpose of compelling an employer to agree to terms or conditions of employment or to aid other employees in compelling their employer to agree to terms and conditions of employment.
- 1.2.12 "Union" means the Nova Scotia Government and General Employees Union.
- 1.2.13 "Civil Service Negotiating Committee" means the Committee as elected in accordance with the Constitution which negotiates with the Public Service Commission on service- wide bargaining issues.

### **Section 1.3 - Objects**

- 1.3 The objects of the Union are:
  - 1.3.1 To foster high standards of service to its members;
  - 1.3.2 To obtain for all members the best conditions of employment and to protect the rights and interests of all members;
  - 1.3.3 To maintain the working relationship with employers as determined necessary by the Board;
  - 1.3.4 To foster and maintain a high degree of communication with respect to the affairs of the Union to the membership;
  - 1.3.5 To direct the structure of the Union towards providing participation of the membership so as to ensure that the Union always acts in the best interests of the membership;
  - 1.3.6 To promote affiliation with local labour councils and to cooperate with labour unions and other organizations with similar objectives in strengthening the Canadian labour union movement;
  - 1.3.7 To encourage the development of educational awareness of the members so as to ensure the fullest comprehension, understanding and participation of the membership in the protection of their livelihood;
  - 1.3.8 To provide for united action in promoting the common interests of all members;

- 1.3.9 To promote the right of free collective bargaining for all members within the provisions of the relevant provincial labour relations legislation and the Canada Labour Code;
- 1.3.10 To ensure that all members are treated equally, fairly and without discrimination with respect to age, sex, race, religion, colour, creed, ethnic, national or aboriginal origin, sexual orientation, physical or mental disability, family status, an irrational fear of contracting an illness or disease, marital status, political belief, affiliation or activity, source of income, that individual's association with another individual or class of individuals having characteristics referred to above within the affairs of the Union and in their occupation in accordance with the Nova Scotia *Human Rights Act*;
- 1.3.11 To develop and promote social, recreation and cultural programs for its members;
- 1.3.12 To promote the right of political association for all its members.
- 1.3.13 To promote greater participation and representation of members in the Union through regional and occupational structures.

#### **Section 1.4 - Jurisdiction**

- 1.4.1 The jurisdiction of the Union shall extend to all persons who are eligible for membership.

#### **Section 1.5 - Membership**

- 1.5 Membership in the Union is open to:
  - 1.5.1.1 Persons employed in public sector employment in the Province of Nova Scotia; and
  - 1.5.1.2 Persons or groups employed in the private sector who provide services like those presently provided by NSGEU members.
- 1.5.2 Other persons or groups of employees approved by the Board for membership.
- 1.5.3 The Board may, upon such terms and conditions as it may determine, admit any persons as associate members of the Union for the purpose of participation in Group Insurance Plans. Such associate members shall not exercise the rights and privileges of members other than the participation in such programs.

## **Section 1.6 - Application**

- 1.6.1** Every member is bound by the provisions of this Constitution and By-Laws and the applicable Local By-Laws.
- 1.6.2** Subject to Article 1, subsection 1.6.3, the receipt of a signed payroll authorization card for deduction of dues or a membership form shall constitute evidence of application and entitle the member to:
  - 1.6.2.1** Issuance of a membership card;
  - 1.6.2.2** Granting all rights and privileges of the Constitution.
- 1.6.3** The Board reserves the right to reject a membership application.

## **Section 1.7 - Affiliates**

- 1.7.1** A trade union may apply for affiliate status with the Union before or after certification by any labour relations board in Canada.
- 1.7.2** An affiliation agreement must be signed by the affiliate trade union in a form approved by the Board and the agreement must contain provisions indicating the fees to be paid by the Affiliate to the Union, the services which are to be expected in return, and the duration of the affiliation.
- 1.7.3** Affiliates shall not be bound by this Constitution and shall have no rights under this constitution except as specifically enunciated.
- 1.7.4** Affiliates may change their status from that of Affiliates to full membership upon majority approval of the members of the Affiliate in the bargaining unit affected and upon approval of the Board.
- 1.7.5** Affiliates may send delegates to any Convention of the Union, and the delegates shall have all rights of other members to the Convention to speak and to participate fully, except Affiliate delegates will not have the right to vote on constitutional matters.
  - 1.7.5.1** An Affiliate may send two (2) delegates to Convention if it has over one hundred (100) members, or one (1) delegate to Convention if it has less than one hundred (100) members.
  - 1.7.5.2** The Board may permit attendance by Affiliates at any workshop, Local meeting or Committee meeting of the Union.



## **Section 1.8 - Life Membership**

- 1.8.1** The Board may award life membership to any member or retired member who has provided exemplary services on behalf of the Union through personal and devoted efforts.

## **Section 1.9 - Rights and Privileges**

- 1.9.1** Every Member in good standing is entitled:
- 1.9.1.1** To be represented by the Union;
  - 1.9.1.2** To be treated with dignity and respect within the Union;
  - 1.9.1.3** To be free from discrimination, interference, restriction, coercion, harassment, intimidation or disciplinary action exercised or practiced by a Member with respect to another Member, both within the Union and in the workplace, by reason of age, sex, race, religion, colour, creed, ethnic, national or aboriginal origin, sexual orientation, physical or mental disability, family status, an irrational fear of contracting an illness or disease, marital status, political belief, affiliation or activity, source of income, that individual's association with another individual or class of individuals having characteristics referred to above within the affairs of the Union and in their occupation in accordance with the *Nova Scotia Human Rights Act*;
  - 1.9.1.4** Subject to any qualifications stipulated elsewhere in this Constitution, to be nominated for, and hold, one or more offices in the Union;
  - 1.9.1.5** To participate in the Union's business at the Local level, participate in the election of delegates and alternates to Conventions, and vote on the ratification of collective agreements affecting such Member, except where the collective agreement is the result of binding arbitration;
  - 1.9.1.6** To have access to the Constitution of the Union and to be advised of amendments to it, and to have access to an up-to-date copy whenever the Constitution is compiled and reprinted.
  - 1.9.1.7** To participate in programs and services provided by the union.
- 1.9.2** Subject to Article 1, subsection 1.9.3, should a member cease to be employed or if the member is excluded from a bargaining unit, the member shall relinquish all rights and privileges of membership.
- 1.9.3** Notwithstanding the provisions of Article 1, subsections 1.2.10 and 1.9.2 a member who is no longer employed as a result of actions by the member or

the employer and who continues to be represented by the Union shall remain a member in good standing until the representation ceases.

- 1.9.4** A person who ceases to be a member by reason of expulsion may, subject to any time limits imposed at the time of expulsion, make application for membership in accordance with Article 1, Section 1.6.

## **ARTICLE 2- GENERAL ORGANIZATION**

### **Section 2.1 - Headquarters**

- 2.1.1** The headquarters of the Union shall be in the Halifax Regional Municipality.

### **Section 2.2 - Seal**

- 2.2.1** The seal of the Union shall bear the words "Nova Scotia Government and General Employees Union" and shall be in the custody of the Secretary-Treasurer.

### **Section 2.3 - Fiscal Year**

- 2.3.1** The fiscal year of the Union shall be from the first day of January to the 31st day of December following.

## **ARTICLE 3 - CONVENTIONS AND SPECIAL CONVENTIONS**

### **Section 3.1 - Convention**

- 3.1.1** Convention shall be the supreme governing body and shall set the policies and goals of the Union.

### **Section 3.2 - Time and Place**

- 3.2.1** There shall be a Convention of the Union which shall be held on odd numbered calendar years.
- 3.2.2** The time and place of the Convention shall be fixed by the Board.
- 3.2.3** A local may request at least eighteen months [18] in advance to hold a Convention outside Halifax County.

### **Section 3.3 - Composition**

- 3.3.1** Convention shall be composed of:

- 3.3.1.1 members of the Board (or their alternate if the Board member is unable to attend the entire Convention) who shall be delegates to Convention as of right; and
- 3.3.1.2 delegates from Locals allocated on the following basis:
  - 3.3.1.2.1 two [2] delegates from each Local;
  - 3.3.1.2.2 one (1) additional delegate from a Local for each one hundred and fifty (150) members in excess of one hundred (100).
- 3.3.2 For the purpose of determining the number of delegates to Convention, the membership in a Local shall be those members shown on the membership list of the Local one hundred and twenty (120) calendar days preceding any Convention.

#### **Section 3.4 - Notice of Convention**

- 3.4.1 On the direction of the President, the Executive Director shall give ninety (90) days notice in writing of a Convention and ten (10) days notice of a special Convention.
- 3.4.2 The Convention and Special Convention Call shall be sent to all Locals at least ten (10) days in advance by the Executive Director on the direction of the President.

#### **Section 3.5 - Resolutions to Convention**

- 3.5.1 Locals may bring matters before a Convention for consideration only by means of resolutions duly discussed and adopted at a regular or special meeting of the Local.
- 3.5.2 The Board may submit its own resolutions to a Convention.
- 3.5.3 All resolutions from Locals for Convention shall be submitted in detail to and received by the Executive Director at least sixty (60) days prior to Convention, except that this time requirement shall not apply in the case of a Special Convention. The Executive Director shall forward forthwith such resolutions to the Resolutions Committee for preparation and presentation to the next Convention.
- 3.5.4 All resolutions of Provincial Committees and Special Committees shall be reported to the Board at least sixty (60) days prior to Convention. The Board may only reject such resolutions by a two-thirds (2/3) majority vote of the Board members present. Such resolutions, other than those rejected by

a two-thirds (2/3) majority vote of the Board, shall be forwarded to the Resolutions Committee not less than thirty (30) days prior to Convention.

**3.5.5** All resolutions from the Board shall be forwarded to the Resolutions Committee not less than thirty (30) days prior to Convention.

**3.5.6** The Executive Director shall arrange that copies of all resolutions which are received at least sixty (60) days prior to Convention are forwarded to all Locals at least thirty (30) days prior to Convention, except in the case of a Special Convention.

**3.5.7** The Executive Director shall arrange that copies of all resolutions and reports which are to be submitted to Convention shall be forwarded to all delegates at least ten (10) days prior to Convention, except in the case of a Special Convention.

### **Section 3.6 - Resolutions Committee**

**3.6.1** It shall be the responsibility of the Resolutions Committee to make recommendations to the Convention on all resolutions submitted to it.

**3.6.2** When moving the resolutions, the Committee shall give the reasons for concurrence or non-concurrence.

### **Section 3.7 - Extraordinary Resolutions**

**3.7.1** The Convention shall consider extraordinary resolutions and such other business as they approve by a two-thirds (2/3) majority vote of delegates present.

**3.7.2** Extraordinary resolutions shall pertain to matters that have become evident after the expiry date for the receipt of ordinary resolutions.

### **Section 3.8 - Order of Business**

**3.8.1** At a Convention the following business shall be transacted:

**3.8.1.1** Reading and adoption of the Convention Call;

**3.8.1.2** Adoption of the Rules of Order;

**3.8.1.3** Tribute to deceased members;

**3.8.1.4** Considering the Minutes of the previous Convention or Special Convention;

**3.8.1.5** Business arising out of the Minutes;

- 3.8.1.6 Proposed Constitutional Amendments;
- 3.8.1.7 Report of the President;
- 3.8.1.8 Report of the Executive Director;
- 3.8.1.9 Report of Nominations Receiving Committee;
- 3.8.1.10 Reports of Committees;
- 3.8.1.11 Report of the Finance Committee on the budget adopted by the Board;
- 3.8.1.12 New Business;
- 3.8.1.13 Election of Officers;
- 3.8.1.14 Election of Union Appeal Board;

### **Section 3.9 - By-Laws**

- 3.9.1 The Union, at Convention, may make By-Laws for the conduct of its affairs, provided such By-Laws shall not be inconsistent with the Constitution.
- 3.9.2 In the event that any By-Law of the Union or a Local should conflict with the provisions of this Constitution, this Constitution shall prevail.
- 3.9.3 By-Laws may be adopted or amended by the Board, provided at least thirty (30) days notice of motion to amend, delete or introduce a new By-Law is served on the Board. The Executive Director shall circulate the proposed amendments, deletions or additions to the By-Laws to the Board.
- 3.9.4 By-Laws passed by the Board shall be presented to the next Convention for ratification.
- 3.9.5 All actions taken under a By-Law adopted by the Board are valid even though the By-Law may not be ratified by Convention.
- 3.9.6 Any By-Law which is not ratified in accordance with Article 3, subsection 3.9.3 shall not be considered again by the Board if the effect of the By-Law is the same as the By-Law that has been rejected by Convention, until the following Convention.
- 3.9.7 By-Laws and amendments to By-Laws shall require a simple majority vote to be enacted at Convention or at the Board.

### **Section 3.10 - Amendments**

- 3.10.1** Proposals for amendments to the Constitution and By-Laws may only be submitted by the Board or Locals and shall be presented in resolution form and submitted in detail to and received by the Executive Director at least sixty (60) days prior to Convention, except that this time requirement shall not apply in the case of a Special Convention. The Executive Director shall forward forthwith such resolutions to the Constitution and By-Laws Committee for study. The Committee shall report its recommendations on such resolutions to the Board and the Board may only reject the Committee's recommendations thereon by a two-thirds (2/3) majority vote of the Board members present.
- 3.10.2** It shall be the responsibility of the Constitution and By- Laws Committee to make recommendations to Convention on all amendments submitted to it.
- 3.10.3** When moving the resolution, the Committee shall give the reasons for concurrence or non-concurrence.
- 3.10.4** Resolutions for both Constitutional and By-Law amendments presented in accordance with this Article shall not be amended at Convention under any circumstances.
- 3.10.5** Subject to the provisions of this Article, the Constitution may be altered at any Convention by a resolution passed by sixty-six and two-thirds percent (66-2/3%) majority vote of those present and voting.
- 3.10.6** An amendment to the Constitution shall become effective at the conclusion of the Convention at which the amendment received the necessary majority vote, except where a later date is specified by the resolution.

### **Section 3.11 - Errors or Omissions**

- 3.11.1** Any error or omission in any notice calling a Convention or any meeting within the Union shall not affect the validity of the Convention, or the meeting, or invalidate anything done or passed thereat, except that no alterations of the Constitution shall be effected unless Section 3.10 and Section 3.12 of this Article have been complied within.

### **Section 3.12 - Extraordinary Amendment**

- 3.12.1** Notwithstanding the provisions of Article 3, subsection 3.10.1, and subject to two-thirds (2/3) majority consent by the Convention, an extraordinary constitutional amendment may be considered. An extraordinary constitutional amendment must first be presented to the Constitution and By-Laws Committee for a study of eligibility and recommendation. The

Committee will then present it to the Board for consideration, who will offer a recommendation respecting its presentation to the Convention delegates.

- 3.12.2** An extraordinary constitutional amendment shall be eligible for consideration only when it pertains to a matter or a development that has become evident after the expiry date for receipt of constitutional amendments as provided in Section 3.10 of this Article.

### **Section 3.13 - Special Convention**

- 3.13.1** The President may convene a Special Convention of the Union at any time.
- 3.13.2** The President shall on request of fifty percent (50%) of the Locals convene a Special Convention of the Union.
- 3.13.3** On the direction of the President, the Executive Director shall give ten (10) days notice in writing of a Special Convention as specified in Section 3.4 of this Article.
- 3.13.4** At a Special Convention the only business which may be taken up shall be that which has been announced in the Convention Call. Other business may be taken up with two-thirds (2/3) majority vote of the delegates present.

### **Section 3.14 - Voting Delegates**

- 3.14.1** Convention voting delegates shall be Board members (or their alternates if the Board member is unable to attend the entire Convention), Registered Delegates or their declared alternates.
- 3.14.2** Sixty-six and two-thirds (66-2/3%) percent of the registered voting delegates of a Convention shall constitute a quorum of that Convention.

### **Section 3.15 - Observers**

- 3.15.1** On approval of the Executive Committee, members in good standing may attend a session of the Convention, but shall not be entitled to vote or enter into regular debate.
- 3.15.2** The Chairperson will consider written submissions by such members to speak to the Convention and shall decide if the member may speak.

### **Section 3.16 - Committees**

- 3.16.1** Committee members in attendance at Convention may speak in respect to their committee reports.

### **Section 3.17 - Executive Duties**

- 3.17.1** The President, or in the absence of the President, one of the Vice-Presidents shall preside at every Convention and in the absence of the President and all Vice-Presidents, the Convention shall elect a registered delegate to preside.
- 3.17.2** The Executive Committee is empowered to decide on the hours of Convention.

### **Section 3.18 - Nominations Receiving Committee**

- 3.18.1** The Executive and Board of Directors shall appoint a Nominations Receiving Committee of two (2), one hundred and twenty (120) days prior to Convention. The duties and responsibilities of the Nominations Receiving Committee shall be but not limited to:
  - 3.18.1.1** make available the proper nomination forms for delegates;
  - 3.18.1.2** receive nominations for executive positions in the Union;
  - 3.18.1.3** report on the nominations received at the end of each session of the Convention;
  - 3.18.1.4** make a final report at the end of the concluding session on the second last scheduled day of Convention.
- 3.18.2** Nominations shall conclude upon presentation of the final report of the Nominations Receiving Committee.

### **Section 3.19 - Executive Committee Elections**

- 3.19.1** All nominees for positions on the Executive Committee shall come from delegates in attendance at the Convention at which the election takes place, and only delegates shall be nominators.
- 3.19.2** The election of the Executive Committee shall be conducted in the following manner:
  - 3.19.2.1** 1st election for President;
  - 3.19.2.2** 2nd election for 1st Vice-President;
  - 3.19.2.3** 3rd election for 2nd Vice-President;



- 3.19.2.4** 4th election for 3rd Vice-President;
- 3.19.2.5** 5th election for Secretary-Treasurer.
- 3.19.3** A defeated candidate may offer for election in a subsequent ballot for a different office even though the candidate has not been previously nominated to that office.
- 3.19.4** The procedure for elections shall be:
  - 3.19.4.1** The President shall appoint the Chairperson for the elections.
  - 3.19.4.2** It shall be the responsibility of the Election Chairperson to conduct the election and report the results to the Convention.
  - 3.19.4.3** No vote count will be announced.
  - 3.19.4.4** Each nominee shall appoint one (1) scrutineer.
  - 3.19.4.5** The chief scrutineer for elections shall be the legal counsel of the Union or in his or her absence the Elections Chairperson shall appoint the Chief Scrutineer.
  - 3.19.4.6.** Elections shall be by secret ballot using voting booths.
  - 3.19.4.7.1** A nominee shall be declared elected upon receiving more than fifty percent (50%) of the votes cast.
  - 3.19.4.7.2** Subsequent to subsections 3.19.4.7.3 and 3.19.4.7.4, if a majority vote is not obtained by a nominee, a runoff election shall be held. The nominee who receives the least votes, any nominee who receives less than twenty percent [20%] of the votes cast, and any other nominee who voluntarily withdraws will be eliminated from the ballot.
  - 3.19.4.7.3** Where no nominee receives more than fifty percent [50%] of the votes cast and only one nominee receives greater than twenty percent [20%] of the votes cast, only the nominee who receives the least votes will be eliminated from the ballot.
  - 3.19.4.7.4** Where more than one nominee receives the same number of votes and are tied for receiving the least votes, the nominees will be eliminated from the ballot unless their elimination will result in the election of a nominee who has not received more than fifty percent [50%] of the votes cast. In which case, the nominees tied for last place will not be eliminated from the ballot.

- 3.19.4.7.5** This process will continue until a nominee achieves the required number of votes.
- 3.19.4.8** If there is only one (1) nominee for a position the Elections Chairperson shall declare that nominee elected by acclamation.
- 3.19.5** In the event that the incumbent president of the union is unable to obtain a leave of absence from his/her employer, he/she shall, notwithstanding any other provision of this constitution, be able to complete his/her term of office as president and continue to be eligible for re-election as president at subsequent Conventions.
- 3.19.6** The newly elected President shall take office on the last day of the month following Convention.

## **ARTICLE 4 - OFFICERS AND EXECUTIVE COMMITTEE**

### **Section 4.1 - Executive Committee**

- 4.1.1** The Officers shall consist of the President, First Vice- President, Second Vice-President, Third Vice-President and the Secretary-Treasurer and shall constitute the Executive Committee and the Officers shall also be members of the Board.
- 4.1.2** The Executive Committee shall ensure that the policies and goals of the Union and directions of the Board are carried out.

### **Section 4.2 - Eligibility**

To be eligible for nomination to the Executive Committee, members shall have attended at least forty percent (40) of his/her Local meetings in the twelve (12) months preceding the nominations, or shall have served as any of the following for a minimum of twelve (12) months in the six (6) years preceding the nominations:

- 4.2.2.1** a Local officer, i.e. President, Vice President, Secretary – Treasurer;
- 4.2.2.2** a steward;
- 4.2.2.3** a bargaining unit negotiating council member;
- 4.2.2.4** a bargaining unit negotiating committee member;
- 4.2.2.5** a member of the Board;
- 4.2.2.6** a member of a Provincial Committee;
- 4.2.2.7** a Regional Councillor;
- 4.2.2.8** an Occupational Councillor.

### **Section 4.3 - Vacancies**

- 4.3.1** When an Officer except the Secretary-Treasurer is unable to serve, the other remaining officers may progress to the next vacant position.
- 4.3.2** Should an Officer be unwilling to accept the vacant position, the officer may remain in the present office and the next ranking officer may assume the vacant position.
- 4.3.3** The Board, as a result of a vacancy created, shall by election fill the vacancy in the Executive Committee from its members.
- 4.3.4** When an Officer progresses to a different position as a result of this Article, the officer shall fill out the term of the position which has been assumed.
- 4.3.5** When the Secretary-Treasurer is unable to serve, the Board shall elect from its members a new Secretary-Treasurer.

### **Section 4.4 - Duties of President**

- 4.4.1** The President shall be the Chief Executive Officer of the Union.
- 4.4.2** “The President shall exercise supervision over the affairs of the Union and shall sign all official documents. The President shall preside at meetings of the Board, and Executive Committee. “
- 4.4.3** The President may assign duties and responsibilities to the Vice-Presidents.
- 4.4.4** The President shall call meetings of the Executive Committee not less than six (6) times a year, and shall call meetings of the Board not less than (6) times a year.
- 4.4.5** The President shall report on the execution and administration of the Presidential office and on the affairs of the Union to the Board and to Convention.
- 4.4.6** The President shall have authority to interpret this constitution and such interpretation shall be final and binding upon all officers and members unless reversed or changed by a simple majority vote by the Board or Convention.
- 4.4.7** The President shall be an ex officio member of all provincial Committees, Locals and Councils of this Union.

## **Section 4.5 - Past President**

- 4.5.1** The immediate Past President may attend Executive Committee meetings and Board Meetings at the request of the President for a term not to exceed twelve (12) months.
- 4.5.2** At such meetings the immediate Past President shall have all rights and privileges of others attending, except the privilege of making motions or voting.

## **Section 4.6 - Vice-Presidents**

- 4.6.1** The Vice-Presidents shall assist in the duties of the President and may act on behalf of the President when so authorized and shall discharge the responsibilities assigned by the President.

## **Section 4.7 - Secretary-Treasurer**

- 4.7.1** The Secretary-Treasurer shall be the Chief Financial Officer of the Union.
- 4.7.2** The Secretary-Treasurer shall:
  - 4.7.2.1** ensure that funds are deposited in a chartered bank, trust company or credit union to be named by the Board, all funds of the Union and may invest the funds of the Union in bonds, securities or investments as approved by the Board;
  - 4.7.2.2** be responsible for all accounting and financial records of the Union;
  - 4.7.2.3** ensure that a complete financial statement of the affairs of the Union is prepared for each fiscal year by a firm of chartered accountants as approved by the Board;
  - 4.7.2.4** supervise the expenditures of the Union to ensure compliance with the budget, and audit the revenues and expenses of the Locals upon the direction of the Board;
  - 4.7.2.5** report on the execution of the office and on the affairs of the Finance Committee to the Board and Convention;
  - 4.7.2.6** propose an annual budget and ensure that all financial statements and the adopted budget are made available to the Locals as soon as possible upon completion.

## **Section 4.8 - Signing Officers**

- 4.8.1** The signing officers of the Union shall be the President or one of the Vice-Presidents and the Secretary-Treasurer or in the absence or inability of one or more of them to act, such other persons as may be approved by the Board.
- 4.8.2** The Executive Committee and the members of staff as may be designated by the Board shall be bonded in the amount and manner prescribed by the Board with a bonding company ratified by the Board.

## **ARTICLE 5- BOARD OF DIRECTORS**

### **Section 5.1 - Jurisdiction**

- 5.1.1** Subject to the directions of Convention and this Constitution, the Board shall have exclusive jurisdiction over the affairs of the Union between Conventions including the right to enact rules and regulations for its own management, direction of negotiations, administration and direction of bargaining units and locals and any other matter which may, for the essential operations of the union, be required to be dealt with.
- 5.1.2** The Board may submit its own resolutions to a Convention subject to Article 3, subsection 3.5.5.
- 5.1.3** The Board shall instruct the Executive Committee as to policies, guidelines and terms of reference within which the Executive Committee shall act.
- 5.1.4** The Executive Committee shall be charged with the responsibility of dealing with the affairs of the Union between Board meetings and shall report and make recommendations to the Board.

### **Section 5.2 - Elections**

- 5.2.1** Each Regional Council shall elect a Regional Board member and an alternate member at a meeting called for that purpose no later than the third (3<sup>rd</sup>) Saturday in September at a date to be determined by the Executive Committee of the Union. The nomination and election shall be the responsibility of the Regional Council, with the assistance of the Board, if so required.
- 5.2.2** Each Occupational Council shall elect a Board member or members and an alternate member or members at a meeting called for that purpose no later than the third (3<sup>rd</sup>) Saturday in September at a date to be determined by the Executive Committee of the Union. The nomination and election shall be

the responsibility of the Occupational Council with the assistance of the Board if so required. The number of Board members to be elected by an Occupational Council shall be determined on the following basis:

- 500 members or more represented by the Occupational Council - 1 Board Member
- 2000 members or more represented by the Occupational Council - 2 Board Members
- 5000 members or more represented by the Occupational Council - 3 Board Members

**5.2.3** The Executive Committee may extend the time for the election of Regional Board members and Occupational Board members under this Article or for the election of the officers of Regional Councils or Occupational Councils under the terms of this Constitution.

### **Section 5.3 - Eligibility**

**5.3.1** Except at the formation of new locals, to be eligible for nomination to the Board, members must be a Regional or Occupational Councillor for that Regional Council or Occupational Council and shall have attended at least forty percent (40%) of his/her Local meetings in the twelve (12) months preceding the nominations, and shall have served as any of the following for a minimum of twelve (12) months in the six (6) years preceding the nominations:

- 5.3.1.1** a Local officer, i.e. President, Vice-President, Secretary-Treasurer;
- 5.3.1.2** a steward;
- 5.3.1.3** a bargaining unit negotiating council member;
- 5.3.1.4** a bargaining unit negotiating committee member;
- 5.3.1.5** a former member of the Board;
- 5.3.1.6** a member of a Provincial Committee;
- 5.3.1.7** a Regional Councillor;
- 5.3.1.8** an Occupational Councillor.

**5.3.2** No member shall be eligible for election to the Board on behalf of a Regional or Occupational Council if that member has already been elected to

represent another Regional or Occupational Council for the same term of office.

#### **Section 5.4 - Term**

- 5.4.1** Members elected to the Board shall remain in office until such time as replaced by subsequent elections or as provided for in the Constitution and By-Laws.
- 5.4.2** The President shall exercise supervision over the affairs of the Union and shall sign all official documents. The President shall preside at meetings of the Board, and Executive Committee.
- 5.4.3** If a Regional Board member fails to attend at least two thirds of the meetings of a Regional Council in a twelve-month period without cause acceptable to the Board and the Regional Council, the Regional Council will elect a replacement to complete the term of office.
- 5.4.4** If a Regional Board Member resigns, is disqualified under Section 5.4.3 or is otherwise unable to continue to serve, the Regional council shall elect a new Regional Board Member to finish the term of the former Regional Board Member.

#### **Section 5.5 - Quorum**

- 5.5.1** Two-thirds (2/3) of the members of the Board shall constitute a quorum.
- 5.5.2** If there should be no quorum at the time and place appointed for a meeting of the Board, those in attendance shall adjourn the meeting to a date decided by them.
- 5.5.3** Notice of the adjourned meeting shall be given to the Board and the reconvened meeting shall be competent to transact business even though there may be no quorum present.

#### **Section 5.6 - Dues and Assessments**

- 5.6.1** Only Convention by a two-thirds (2/3) majority of the delegates present shall establish the dues of the Union.
- 5.6.2** The Board may in extraordinary circumstances and by a two-thirds (2/3) majority of the Board members present assess all members in addition to the dues in order to meet the financial obligations of the Union.

#### **Section 5.7 - Minutes**

**5.7.1** The Executive Director shall be responsible for recording and preserving the Minutes of all meetings of the Board and of Conventions of the Union.

**5.7.2** Approved minutes of Board meetings and Conventions may be inspected at the Head Office of the Union during normal office hours by any member.

### **Section 5.8 - Referendum**

**5.8.1** The Board may at any time submit any question to the members for consideration and an expression of opinion.

**5.8.2** The Board shall determine what is a compulsory issue. The Board shall determine the referendum procedure for distribution, returning and counting and other related requirements applicable to the referendum.

**5.8.3** In a referendum vote of the total membership on a compulsory issue, a minimum return of twenty-five percent (25%) of the total membership is necessary to validate the referendum. A two-thirds (2/3) vote of the return will be sufficient to constitute acceptance of the issue voted on.

### **Section 5.9 - Officers Pledge**

**5.9.1** All elected, appointed and ex-officio members of the Board and Local Executive, Regional Council Executive and Occupational Council Executive upon assuming offices, shall be required to take the Pledge of Officers as follows:

“I, \_\_\_\_\_, promise that I will uphold and obey the Constitution and duly-authorized policies of the Nova Scotia Government and General Employees Union and the principles of the trade union movement, fulfill 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.”

### **Section 5.10 - Staff**

**5.10.1** The Board shall determine the complement of staff necessary to carry out the work of the Union and shall appoint an Executive Director who shall, under the direction of the President, be responsible for:

**5.10.1.1.** the supervision of staff;

**5.10.1.2** the administration of the affairs of the Union;

**5.10.1.3** the negotiating of collective agreements;



- 5.10.1.4 the preserving of minutes of all meetings.
- 5.10.1.5 the performance of such other duties as may be required by the Board or Convention.
- 5.10.2 All staff positions including that of the Executive Director shall be filled in consultation with the Executive Committee and shall be subject to ratification by the Board. Selection of staff shall be based on merit and any applicable collective agreement provision.

## **ARTICLE 6 - LOCALS**

### **Section 6.1 - Organization**

- 6.1.1 (a) Notwithstanding Section 6.1.1, the Board may form a local based on the bargaining unit of the members without reference to a geographic work location and may provide for by-laws governing the structure and operation of the local.
  - (b) A province-wide local formed by the Board shall be entitled to all benefits under this Constitution.
- 6.1.2 Recognizing the authority of the Board to direct the Union, Locals shall have the right to operate their internal affairs subject to the Constitution, By-Laws and Union policy.
- 6.1.3 The Board may form new Locals and establish or change the composition or geographic jurisdiction of any Local.
- 6.1.4 Before a new Local is formed, Local boundaries are changed or an existing Local is amalgamated or divided, the Board may ascertain the wishes of the members in the Locals concerned.
- 6.1.5 The decision of the Board to form or alter the composition or geographic jurisdiction of a Local may be subject to appeal at the next Convention.

### **Section 6.2 - Inaugural Meeting**

- 6.2.1 Within sixty (60) days of the formation of a new local, the membership shall elect an executive to manage the affairs of the Local. The executive shall consist of a President, Vice-President, Secretary, Treasurer and Chief Steward.

### **Section 6.3 - Local Headquarters**

- 6.3.1** The headquarters of a Local shall be at such place as the Local shall determine and name of the Local shall be the "Nova Scotia Government and General Employees Union, Local No: \_\_\_\_\_  
(place) "

#### **Section 6.4 - Principles**

- 6.4.1** The principles of this Constitution shall be applied in the conduct of the affairs of each Local.
- 6.4.2** A Local may make by-laws for the conduct of its affairs and the election of its officers and committees provided that such by-laws are not inconsistent with the Constitution.

#### **Section 6.5 - Local By-Laws**

- 6.5.1** Local By-Laws shall be ratified by the Executive Committee within one hundred and twenty (120) days following the Biennial Meeting of the Local.
- 6.5.2** The Executive Committee of the Union may ratify Local By-Laws which provide for more than one Vice President.

#### **Section 6.6 - Local Stewards**

- 6.6.1** Locals shall establish a steward program as an integral part of the Local.
- 6.6.2** Locals shall elect a Chief Steward at their Biennial Meeting. The Chief Steward shall become a member of the Local Executive.
- 6.6.3** In the absence of the Chief Steward, the President of the Local, or designate shall be the Chief Steward.
- 6.6.4** Stewards shall be elected to serve the Local.
- 6.6.5** When elections are not possible, stewards shall be appointed by the Chief Steward subject to ratification at the next Local meeting.
- 6.6.6** Elections for stewards shall be conducted by the Chief Steward and only the members to be represented by the stewards may vote.
- 6.6.7** The role of the steward shall be in accordance with the guidelines as established by the Union and the Steward may be required to represent more than one bargaining unit.

## **Section 6.7 - Local Property**

- 6.7.1** The title of all property, whether real or personal, that may be acquired by a Local shall be vested in the Union.
- 6.7.2** Each Local shall within thirty (30) days following the Biennial Meeting submit to the Secretary-Treasurer of the Union a complete inventory of all Local property.

## **Section 6.8 - Contracts**

- 6.8.1** No Local shall enter into a contract or commitment in the name of the Union without first obtaining written consent from the President of the Union.

## **Section 6.9 - Local Termination**

- 6.9.1** The Board has the right to declare a Local dissolved or inoperative and upon so doing the real and personal property of the Local shall be vested in the Union.
- 6.9.2** The Secretary-Treasurer or the Union shall within seven (7) days conduct an audit of the Local.

## **Section 6.10 - Local Trusteeship**

- 6.10.1** The Board shall have the right to conduct an investigation into any situation in which it believes that a Local is conducting its activities contrary to the objects and policies of the Union.
- 6.10.2** After reviewing the results of the investigation, the Executive Committee shall have the authority to place an administrator in the Local until a determination has been made as to whether or not the Local shall be placed in trusteeship.
- 6.10.3** The administrator shall immediately upon appointment have signing authority for all accounts of the Local in conjunction with the Local Secretary-Treasurer. The Local shall after appointment of an administrator not be able to dispose of any real or personal property including money without the written approval of the administrator.
- 6.10.4** The administrator may be a member of staff or any other person as determined by the Executive Committee.

## **Section 6.11 - Trusteeship Review Board**

- 6.11.1** Within ten (10) days of the appointment of the administrator, a Board meeting shall be held for the purpose of selecting a Trusteeship Review Board.
- 6.11.2** Eleven (11) members of the Board, excluding the Executive Committee, are to be selected randomly from the Board and their names shall be placed in a ballot box.
- 6.11.3** A representative of the Local which is subject to review shall attend the Board meeting and shall select seven (7) of the eleven (11) names to the Trusteeship Review Board. The representative of the Local shall have the right to reject only two (2) of the names selected. The seven (7) Board members selected shall comprise the Trusteeship Review Board and shall amongst themselves select a chairperson.

## **Section 6.12 - Duties of Review Board**

- 6.12.1** The Trusteeship Review Board shall meet within twenty (20) days after appointment in a location within the geographical jurisdiction of the Local.
- 6.12.2** The Trusteeship Review Board shall conduct a hearing which shall be open to any member of the Union and such persons as the Trusteeship Review Board decides. The Local and the Union may be represented by counsel.
- 6.12.3** The Union shall present its case first and shall have the right to examine and cross-examine witnesses. The onus shall be on the Union to prove that there has been a violation of this Constitution which warrants the placement of the Local into trusteeship.
- 6.12.4** After completion of the case of the Union, the Local may call witnesses and make submissions on behalf of the Local.
- 6.12.5** The overall procedure of the hearing shall be within the jurisdiction of the Trusteeship Review Board but they shall be bound by the rules of natural justice.

## **Section 6.13 - Decision of Review Board**

- 6.13.1** The Trusteeship Review Board shall reach a decision within twenty (20) days of the hearing and such decision must be made by a majority of the members of the Trusteeship Review Board.
- 6.13.2** The decision is final and binding and no appeal shall be made from the decision.

**6.13.3** The decision of the Trusteeship Review Board shall state whether trusteeship shall be imposed upon the Local, and if so whether:

**6.13.3.1** the trusteeship is permanent; or

**6.13.3.2** the trusteeship is interim, and if so, how long it shall remain in effect, and the Trusteeship Review Board may attach any conditions it deems necessary before the Local may regain its status.

**6.13.4** The Trusteeship Review Board may retain jurisdiction to review the decision after any certain periods of time.

#### **Section 6.14 - Costs**

**6.14.1** Any costs incurred by the Local in preparation and presentation of its case before the Trusteeship Review Board or before the Board shall be borne entirely by the Local.

#### **Section 6.15 - Appointment of Trustee**

**6.15.1** Upon the decision of the Trusteeship Review Board, the administrator shall cease operating in that capacity. If the Trusteeship Review Board decides to place a Local into trusteeship, the Union shall appoint the Trustee who shall have the authority to conduct the affairs of the Local and to receive and disburse funds and to carry out all the duties which would have been performed by the Officers of the Local.

#### **Section 6.16 - Trusteeship**

**6.16.1** In the event of a permanent trusteeship, the Board may determine in accordance with Article 6, subsection 6.1.3 what will happen with the Local, and further, in the event of an interim trusteeship, the Board shall observe the conditions imposed by the Trusteeship Review Board and take whatever action is necessary as a result of the conditions, if any, attached to the interim trusteeship.

### **ARTICLE 7- REGIONAL COUNCILS**

#### **Section 7.1 - Organization**

**7.1.1** The Board shall establish eight (8) Regional Councils to promote regional cooperation among the members and the Locals and to give stronger regional representation on issues of common concern.

- 7.1.2 The boundaries of each Regional Council shall be determined by the Board.
- 7.1.3 The Board may change the boundaries of a Regional Council at the request of a Local or at its own initiative.
- 7.1.4 Notwithstanding Articles 7.1.2 and 7.1.3, three (3) of the eight (8) Regional Councils shall be located in Halifax Regional Municipality.

**Section 7.2 - Regional Councillors**

- 7.2.1 Each Regional Council shall be comprised of Regional Councillors representing locals with members in the Region.
- 7.2.2 Each Local shall elect its Regional Councillors and alternates at a biennial or special meeting of the Local within thirty (30) days after the close of the Convention. The number of Regional Councillors to be elected by each Local shall be determined on the following basis:

5-249 members in the Region	2 Councillors
250-499 members in the Region	3 Councillors
500-749 members in the Region	4 Councillors
750+ members in the Region	5 Councillors

**Section 7.3 - Functions of the Regional Council**

- 7.3.1 The Regional Council shall:
  - (a) Elect a Board member and alternate as prescribed in this Constitution.
  - (b) Serve as a liaison body between the Board of Directors and the Locals in the Region.
  - (c) Serve as a venue to present ideas or suggestions for presentation to the Board of Directors meetings.
  - (d) Act as a review body to ensure issues coming from the Locals are properly channelled and directed to ensure a fast, efficient and appropriate response.
  - (e) Engage in other related activities as requested by the Board of Directors, the Executive Committee or the Locals in the Region.
- 7.3.2 The Regional Council shall meet at least six (6) times per year and at such other times as are required in accordance with the by-laws of the Regional Council. Where it is practical to do so, the meetings of the Regional Council shall be held between meetings of the Board of Directors of the Union.

## **Section 7.4 - By-Laws**

- 7.4.1** Subject to the approval of the Executive Committee and the Board of Directors, a Regional Council may make by-laws for the conduct of its affairs and the election of its officers and committees, provided that such by-laws are not inconsistent with the Constitution.

## **Section 7.5 - Officers**

- 7.5.1** The Officers of the Regional Council shall be a Chairperson, Treasurer and a Recording Secretary.
- 7.5.2** The duties of the Chairperson, Treasurer and the Recording Secretary shall be set out in the Regional Council by-laws.
- 7.5.3** The Officers of the Regional Council shall be elected at a meeting to be held no later than the third (3<sup>rd</sup>) Saturday in September at a date to be determined by the Executive Council of the Union, which shall be the same meeting at which the Regional Council elects a Board member and an alternate member in accordance with this Constitution.

## **Section 7.6 - Regional Committees**

- 7.6.1** Subject to the approval of the Executive Committee and the Board of Directors, the Regional Council may establish such Regional Committees as are required.
- 7.6.2** The Chairperson of a Regional Committee shall be a Regional Councillor.
- 7.6.3** The members of the Regional Committees shall be selected, wherever possible, from the Committee Pool, chosen in accordance with Article 6 of this Constitution. Where it is not possible to select the members of a Regional Committee from the pool, the members of the Committee shall be Regional Councillors or members of locals in the Region.

## **Section 7.7 – Council Property**

- 7.7.1** The title of all property, whether real or personal, that may be acquired by a Council shall be vested in the Union.
- 7.7.2** Each Council shall within thirty (30) days following the first meeting of the new term submit to the Secretary-Treasurer of the Union a complete inventory of all Council property.

## **ARTICLE 8 - OCCUPATIONAL COUNCILS**

### **Section 8.1 - Organization**

- 8.1.1** The Board shall establish Occupational Councils to promote provincial cooperation among members in similar occupations and to give stronger representation to occupational groups on issues of their common concern.
- 8.1.2** The Board shall determine the occupational groups within the Union which are appropriate for Occupational Councils.
- 8.1.3** The Board may change the makeup of an Occupational Council at the request of a Local or at its own initiative.
- 8.1.4** Notwithstanding Articles 8.1.2 and 8.1.3, and subject to Article 8.1.4.1., in determining the makeup of the Occupational Councils, the Board shall ensure that each Council represents at least 500 members, either from the same bargaining unit or from bargaining units of similar occupational makeup.
- 8.1.4.1** The Board may establish one Occupational Council of Civil Service members and one Occupational Council of Trade Union Act members with less than 500 members, provided that these Councils represent at least three locals and 250 members.
- 8.1.5** Notwithstanding Articles 8.1.2, 8.1.3 and 8.1.4, the Occupational Council for Civil Service bargaining units with more than 500 members will be the Bargaining Unit Negotiating Council established in accordance with Article 9, Section 9.2 and By-Laws, Section B9 of this Constitution.

### **Section 8.2 - Occupational Councillors**

- 8.2.1** Each Occupational Council shall be comprised of Occupational Councillors representing members in the occupational group or groups designated by the Board to be appropriate for organization into an Occupational Council.
- 8.2.2** Except where a Bargaining Unit Negotiating Council is designated as an Occupational Council, each Local shall elect Occupational Councillors and alternates from among the different designated occupational groups within its membership within thirty days after the close of the convention. The number of Occupational Councillors to be elected from among the members in each designated occupational grouping in the Local shall be determined on the following basis:



5-100 members	1 Councillor
101-200 members	2 Councillors
201-300 members	3 Councillors
301+ members	4 Councillors

### **Section 8.3 - Functions of the Occupational Council**

**8.3.1** The Occupational Council shall:

- (a) Elect a Board member and alternate as prescribed in this Constitution
- (b) Serve as a liaison body between the Board of Directors and the Locals within the occupational grouping.
- (c) Serve as a venue to present ideas or suggestions for presentation to the Board of Directors meetings.
- (d) Act as a review body to ensure issues coming from the Locals are properly channelled and directed to ensure a fast, efficient and appropriate response.
- (e) Engage in other related activities as requested by the Board of Directors, the Executive Committee or the Locals within the occupational grouping.

**8.3.2** The Occupational Council shall meet at least twice per year or at other times as required and approved by the Executive Committee or the Board.

**8.3.3** The Occupational Council shall each year submit a proposed budget to the Secretary Treasurer for inclusion in the annual budget of the Union in order that the Council may plan for the efficient operation of the Council.

### **Section 8.4 - By-Laws**

**8.4.1** Subject to the approval of the Executive Committee and the Board of Directors, an Occupational Council may make by-laws for the conduct of its affairs and the election of its officers and committees, provided that such by-laws are not inconsistent with the Constitution.

### **Section 8.5 - Officers**

**8.5.1** The Officers of the Occupational Council shall be a Chairperson and a Recording Secretary.

**8.5.2** The duties of the Chairperson and the Recording Secretary shall be set out in the Occupational Council by-laws.

- 8.5.3** The Officers of the Occupational Council shall be elected at a meeting to be held no later than the third (3<sup>rd</sup>) Saturday in September at a date to be determined by the Executive Council of the Union, which shall be the same meeting at which the Occupational Council elects a Board member or members and alternate members in accordance with this Constitution.

## **ARTICLE 9 - COLLECTIVE BARGAINING FOR PROVINCIAL GOVERNMENT EMPLOYEES**

### **Section 9.1 - Application**

- 9.1.1** This Article shall apply only to those members who are employed in bargaining units as defined by the Civil Service Collective Bargaining Act.
- 9.1.2** Where the Union engages in consultation with the employer on changes to the bargaining units established under the Civil Service Collective Bargaining Act, any agreement on changes to the present bargaining units shall be ratified by the Civil Service Negotiating Committee.
- 9.1.3** Notwithstanding the other provisions of this Article, the Civil Service Negotiating Committee is authorized to direct the Executive Director to attempt to negotiate a master agreement covering two (2) or more bargaining units in the civil service, subject to the approval of such a master agreement by a ratification vote by secret ballot of all civil service members.

### **Section 9.2 - Bargaining Unit Negotiating Councils**

- 9.2.1** There shall be within the Union, Bargaining Unit Negotiating Councils and each Local shall within three (3) months following the signing of each collective agreement elect the representatives and alternates from each bargaining unit to represent the Local on the appropriate Bargaining Unit Negotiating Council and shall submit the names to the Executive Director. Such election is to be held in accordance with the By-Laws.

### **Section 9.3 - Collective Bargaining Convention**

- 9.3.1** The President shall, at his/her discretion call a Collective Bargaining Convention.
- 9.3.2** At the same time as the Convention Call, the Executive Director shall:
- (a) request bargaining unit proposals from each bargaining unit in every Local;

- 9.3.3** The purpose of the Collective Bargaining Convention is to establish negotiating standards, policy and guidelines, that is not limited to the foregoing, for the forthcoming round of collective bargaining on all matters which affect all bargaining units and are subject to the jurisdiction of the Civil Service Negotiating Committee.
- 9.3.4** Delegates to this convention shall be all members elected in accordance with Article 9, subsection 9.2.1, as representatives or their alternates from each bargaining unit in each Local.
- 9.3.5** The decision made by the convention shall be by simple majority.
- 9.3.6** The President or, in his/her absence, an officer or the Executive Director shall chair the convention, and the Rules of Order shall be those which are adopted in accordance with the last regular or special convention of the union in accordance with Article 3, subsection 3.8.1.2.
- 9.3.7** The decisions made by the convention shall form the basis of a negotiating position for the union on common issues in all collective agreements under the Civil Service Collective Bargaining Act. Notwithstanding the direction of the convention, the Civil Service Negotiating Committee shall be responsible for the bargaining of collective agreements on all issues which are common in accordance with Article 9, Section 9.5. Once negotiations have commenced, the general supervision of the negotiations shall be by the Board of Directors pursuant to Article 5, Section 5.1.
- 9.3.8.1** During the convention, time shall be allotted for each bargaining unit to meet in order that the bargaining unit elect a Chairperson and Vice-Chairperson from the bargaining unit. The successful candidate for each position must receive a majority of the votes of those bargaining unit representatives present at the time of the election called by the President. In the event that no candidate shall receive a majority, a run-off ballot shall be held similar to the balloting for officers of the union in accordance with the provisions of Article 3, Section 3.19.
- 9.3.8.2** The representatives of each bargaining unit shall meet separately for the purposes of deciding those proposals that are acceptable for their respective groups for presentation at the collective bargaining table.

#### **Section 9.4 - Bargaining Committees**

- 9.4.1** Each Bargaining Unit Negotiating Council shall elect one of its members as a Chairperson, shall elect a Vice-Chairperson and shall also elect a replacement who will serve in the event that the Vice-Chairperson is not able to complete the term of office and will complete the unexpired term of office. They shall be elected at a special meeting of the Bargaining Unit

Negotiating Council called for that purpose by the President within four (4) months following the signing of the collective agreement involved.

- 9.4.2** In the event that the Chairperson is unable to complete the term of office, the Vice-Chairperson will assume the Chairperson position and the replacement elected will assume the position of the Vice-Chairperson and serve the remainder of the term of office.
- 9.4.3** The Chairperson and Vice-Chairperson of the Bargaining Unit Negotiating Council, the President of the Union, the Executive Director or designate, and such persons as approved by the President shall constitute the Bargaining Unit Negotiating Committee. The Executive Director or designate shall be the Chief Negotiator.
- 9.4.4** The Executive Director shall be responsible to ensure accurate minutes of each negotiating session are prepared and maintained. These minutes shall be forwarded to all members and alternates of the respective Bargaining Unit Negotiating Council.
- 9.4.5** The Chairperson of the Bargaining Unit Negotiating Council shall be responsible for the conduct of negotiations. The Chief Negotiator, in consultation with the members of the Bargaining Unit Negotiating Committee, shall act as chief spokesperson for the Bargaining Unit Negotiating Committee and shall be responsible for the presentation of proposals, bargaining techniques and strategy.
- 9.4.6** In all instances the collective bargaining process shall be under the supervision of the Board, and the President shall administer such supervision between meetings of the Board.

## **Section 9.5 – Civil Service Negotiating Committee**

- 9.5.1** The Chairperson and Vice-Chairperson of each Bargaining Unit Negotiating Council shall constitute the Civil Service Negotiating Committee.
- 9.5.2** The Civil Service Negotiating Committee shall elect a Chairperson and Vice-Chairperson.
- 9.5.3** The Civil Service Negotiating Committee shall only be responsible for reviewing any matter that is or may be a collective bargaining issue that is common to all bargaining units. The determination of whether a bargaining issue shall be an item deemed common to all bargaining units shall require a two-thirds (2/3) vote of the Civil Service Negotiating Committee members present and voting.

- 9.5.4** Except where otherwise noted, all decisions of the Civil Service Negotiating Committee will require a simple majority vote. Each member of the Civil Service Negotiating Committee shall be entitled to one (1) vote.
- 9.5.5** The Civil Service Negotiating Committee shall meet at such place and time as called by the President or by written request of at least six (6) members of the Civil Service Negotiating Committee to hold a meeting within fourteen (14) days of receipt of such request.
- 9.5.6** Two-thirds (2/3) of the members of the Civil Service Negotiating Committee shall constitute a quorum.

### **Section 9.6 - Ratification**

- 9.6.1** Before a bargaining unit may proceed to arbitration or a collective agreement may be entered into on behalf of a bargaining unit, a ratification vote by secret ballot of the members affected shall be conducted under the direction of the Executive Director or designate.
- 9.6.2** The Bargaining Unit Negotiating Council or, in the case of joint bargaining matters, the Civil Service Negotiating Committee shall review the reports of the Negotiating Committee and make a recommendation thereon for acceptance or rejection of the employer's offer.
- 9.6.2.1** In the case of joint bargaining matters, within three (3) working days after the recommendation of the Civil Service Negotiating Committee, each Bargaining Unit Negotiating Council shall review the recommendations of Civil Service Negotiating Committee and make a recommendation thereon for acceptance or rejection of the Employer's' offer.
- 9.6.3** Every eligible member shall be given an opportunity to vote and be provided with the details of the employer's offer and the recommendation thereon made by the Bargaining Unit Negotiating Council or Civil Service Negotiating Committee, as the case may be.
- 9.6.4** After the expiry date for the return of ballots, the ballots shall be counted and the Chairperson of the Bargaining Unit Negotiating Council shall report whether the voting results are in favour of acceptance or rejection of the employer's offer to the Bargaining Unit Negotiating Council and to Local Presidents on the next regular working day.

## **ARTICLE 10 - COLLECTIVE BARGAINING FOR TRADE UNION ACT EMPLOYEES**

### **Section 10.1 - Authority**

- 10.1.1** The collective bargaining for all bargaining units as defined by the relevant provincial labour relations legislation or the Canada Labour Code shall be conducted through the offices of the President and the Executive Director or designate.
- 10.1.2** In all instances, the collective bargaining process shall be under the supervision of the Board, and the President shall administer such supervision between meetings of the Board.

## **Section 10.2 - Proposals**

- 10.2.1** The Executive Director shall ninety (90) days prior to the expiration of the collective agreement request proposals for changes to the collective agreement from members of the bargaining unit. At the same time the Executive Director shall instruct the Negotiating/Research Division to recommend proposals.
- 10.2.2.1** The President may, in his/her discretion, call a collective bargaining convention for bargaining units as defined by the relevant provincial labour relations legislation or the Canada Labour Code. This convention may include individual bargaining units or may include any number of bargaining units as the President, in his discretion, deems appropriate. The purpose of the convention is to discuss common issues between all bargaining units and to devise policy and strategy for the purpose of collective bargaining. This convention may be called before or after proposals have been submitted to the Executive Director, and in the event it is called prior to the submission of proposals, then the President shall instruct the Executive Director to seek proposals earlier from the bargaining units in order that they are available to the bargaining units at the time of the convention.
- 10.2.2.2** The decision of the convention would not be binding on any bargaining unit, but would only be used for the purpose of assisting bargaining units in the establishment of their priorities in accordance with this Article.
- 10.2.2.3** Each bargaining unit shall send at least two (2) members to the convention when the convention is held on a multi- bargaining unit basis, and when it is held for an individual bargaining unit, all members of the bargaining unit negotiating committee shall be entitled to attend.

## **Section 10.3 – Bargaining Committees**

- 10.3.1** The Bargaining Committee for the bargaining unit shall constitute the Executive Director or designate and at least two (2) members elected by the bargaining unit.

**10.3.2** One of the members of the Bargaining Committee shall be elected Chairperson of the Bargaining Committee and shall be responsible for the conduct of negotiations. The Executive Director or designate in consultation with the other members of the Bargaining Committee shall act as Chief spokesperson for the Committee and shall be responsible for the presentation of proposals, bargaining techniques and strategy.

#### **Section 10.4 - Minutes**

**10.4.1** The Executive Director or designate shall maintain the minutes of all negotiation sessions and shall distribute them to the members and alternates of the negotiating committee.

#### **Section 10.5 - Ratification**

**10.5.1** Ratification of the collective agreement shall be by secret ballot under the direction of the Executive Director or designate.

### **ARTICLE 11 - STRIKES**

#### **Section 11.1 - Authorization**

**11.1.1** No strike within any bargaining unit may be commenced until authorization has been received from the President.

#### **Section 11.2 - Administration**

**11.2.1** The Executive Director, on the direction of the President, shall be solely responsible for the administration of any strike action by any Union member.

#### **Section 11.3 - Strike Committee**

**11.3.1** The Executive Director may establish a Strike Organization Committee which shall be composed of Officers of the affected Locals or members of the bargaining units which shall be responsible for coordination of the strike under the direction of the Executive Director and the President.

#### **Section 11.4 - Public Relations**

**11.4.1** Any public communication to the press, media or any form of broadcast media shall be issued only through the offices of the President or the Executive Director or person so designated in this regard by the President or Executive Director.

## **ARTICLE 12 - POLITICAL ACTION**

### **Section 12.1 - Program**

**12.1.1** On the recommendation of the President, the Board may authorize a Political Action Program to promote the interests of the members in the political process and to oppose a government or political party which advocates or implements measures harmful to the members. The Political Action Program shall be comprised of all necessary measures, including mounting a campaign of public information to persuade Nova Scotians to oppose unfair and inequitable treatment of public employees

## **ARTICLE 13 - DISCIPLINE**

### **Section 13.1 - Offences**

- 13.1.1** A member who acts in a manner, which is detrimental to the Union or does any of the following, has committed an offence against the Union.
- 13.1.1.1** Fails to comply with the Constitution or By-Laws of the Union, or any instruction issued by or under the authority of the Board;
- 13.1.1.2** Fails to account correctly for receipts, disbursements, goods or equipment;
- 13.1.1.3** Disrupts any meeting to the extent that business cannot be conducted in an orderly fashion;
- 13.1.1.4** Institutes, urges or advocates that a member should institute action in a court of law against a Union, its officers, members or representatives in respect of any matter concerning the affairs of the Union without first exhausting all remedies through the forms of appeal provided in this Constitution;
- 13.1.1.5** Advocates or attempts to bring about the withdrawal of any member(s) or groups of members;
- 13.1.1.6** Publishes or circulates, publicly or privately, either verbally or otherwise, among the membership or the public at large false reports or misrepresentations concerning the Union, any member or any representative of the Union in respect of any matter connected with the affairs of the Union;



- 13.1.1.7** Works in the interest of any organization competing with the Union in a manner which is detrimental to the Union;
- 13.1.1.8** Wrongfully interferes with any office or accredited representative of the Union in the discharge of their duties;
- 13.1.1.9** Presents false evidence at any hearing of the Union;
- 13.1.1.10** Uses the seal or the name of the Union without proper authorization;
- 13.1.1.11** Crosses a legal picket line established by the bargaining unit of which he or she is a member.
- 13.1.1.12** Any member of the Union who uses favoritism and or political influence to the detriment of other members.
- 13.1.1.13** Any member of the Union who crosses a picket line of any bargaining unit of any union on strike.
- 13.1.1.14** Engages in activity, which is harmful to the reputation of the Union, its officers, members, or representatives.
- 13.1.1.15** Harasses or abuses another member, officer or representative of the Union in the course of Union activities on account of age, race, colour, religion, creed, sex, sexual orientation, physical or mental disability, ethnic, national or aboriginal origin, family status, marital status, source of income or political belief, affiliation or activity.
- 13.1.1.16** Submits charges that a member has committed an offence under this Article, which are frivolous, vexatious or made in bad faith.

## **Section 13.2 - Charges**

- 13.2.1** If it is alleged that a member has committed an offence against the Union, specific charges must be submitted in writing to the Executive Director or in the absence of the Executive Director, to the President. Such charges shall be submitted within ninety (90) days after the alleged violation has been discovered.
- 13.2.2** The Executive Director or in the absence of the Executive Director, the President, shall deliver the charges to the accused personally or by registered mail within ten days after they have been submitted.
- 13.2.3** Simultaneously with the delivery of the charges to the accused, there shall also be delivered to the accused a notice of time and place of the Board

meeting at which the Hearing Committee shall be selected and there must be at least two (2) weeks' advance notice of this Board meeting.

- 13.2.4** The charges delivered to the accused shall be signed by the accuser.
- 13.2.5** For the purpose of this Article the charges and the notice shall be deemed to have been delivered when they are personally served on the accused or when they are mailed by registered mail to the accused.
- 13.2.6** Where charges have been submitted and delivered to the accused the President shall offer the accuser and the accused the opportunity of an alternative dispute resolution procedure to mediate a settlement of the charges. Where the accuser and the accused agree to mediation of the charges the Union shall retain the services of a mediator and mediation shall be attempted before the next regularly constituted meeting of the Board or such longer time as the President, the accuser and the accused agree. If mediation is successful in reaching an agreement between the accuser and the accused, the charges shall be considered withdrawn. If mediation is not successful in reaching an agreement, a Hearing Committee shall be selected and the matter determined in accordance with Section 13.3.

### **Section 13.3 - Hearing Committee**

- 13.3.1** The charges against an accused member shall be heard and determined by a Hearing Committee comprised of five members of the Board.
- 13.3.2** The Hearing Committee shall be selected from the members of the Board present at a regularly constituted meeting of the Board.
  - 13.3.2.1** The accused member and the accuser shall have the right to be present at the meeting at which the Hearing Committee is selected.
  - 13.3.2.2** A board member who is unable to participate in the Hearing Committee because of previous involvement in the matter or who is otherwise disqualified because of possible bias shall not be considered for selection.
  - 13.3.2.3** The names of the members of the Board who are to be considered for selection to the Hearing Committee shall be placed in a ballot box and a Board member shall draw the names from the ballot box one at a time.
- 13.3.3** As each name is drawn from the ballot box it shall be announced. The accuser and accused shall each be entitled to challenge three (3) persons as their names are drawn from the ballot box, with the accused being called upon to declare challenges to any person before the accuser is called upon to declare challenges to such person.

- 13.3.4** When the number of persons, whose names have been drawn from the ballot box, and who have not been challenged, totals five (5), they shall constitute the Hearing Committee.
- 13.3.5** The Hearing Committee shall choose from their number one (1) member who shall act as the Chairperson of the Hearing Committee.
- 13.3.6** If the charges submitted involve either the President, the three Vice-Presidents or the Secretary-Treasurer, then the functions to be performed by them in this Article shall be performed by such member or members as may be elected for those purposes by the Board.
- 13.3.7** The Hearing Committee shall, if possible, proceed to hear the charges, in camera, within fourteen (14) days from the date of the meeting at which the Hearing Committee was chosen or within such longer period of time as the Committee considered necessary with due regard to the interests of the accuser and the accused.
- 13.3.8** The accused and the accuser shall each have the right to call witnesses.
- 13.3.8.1** Every member of the Union shall be entitled to a fair and impartial hearing, and shall have the right to be represented by Counsel and the right to examine and cross-examine witnesses on their own behalf. Witnesses, whether or not they are members of the Union, may be called upon to testify.
- 13.3.8.2** Any member called as a witness who refuses to testify concerning any relevant matters within their knowledge if so requested by the Chairperson of the hearing shall themselves be subject to discipline for their failure to comply.
- 13.3.8.3** In all cases, the onus of establishing the guilt of the accused shall be on the accuser.
- 13.3.9** Should the accused fail to appear before the Hearing Committee, without giving satisfactory explanation, the Hearing Committee shall, if it considers it advisable, proceed to hear evidence and render a decision in the absence of the accused or adjourn the hearing on notice to all parties.
- 13.3.10** Should the accuser fail to appear before the Hearing Committee, then the Hearing Committee may dismiss the charges or adjourn the hearing on notice to all parties.
- 13.3.11** The accuser shall present evidence first and the accused shall have the right to cross-examine any witness called by the accuser.

- 13.3.12** After the accused has presented evidence to the Hearing Committee, the accuser shall have the same right of cross- examination.
- 13.3.13** The Hearing Committee shall make its decision within thirty (30) days of the conclusion of the hearing and shall find the accused guilty or not guilty by secret ballot and it shall be necessary for at least three (3) members of the Hearing Committee to cast their votes against the accused in order to find the accused guilty. Each member of the Hearing Committee, including the Chairperson, shall have one (1) vote. If fewer than three (3) members of the Hearing Committee cast their votes against the accused then the accused shall be deemed to be not guilty of the charges.
- 13.3.14** If the Hearing Committee finds the accused not guilty of the charges submitted, then this decision shall be reported to the next meeting of the Board and it shall be recorded in the minutes of the meeting. This decision shall be final and no appeal may be taken by the accuser against such action. When the accused is found not guilty the Union shall pay travel, meal and accommodation expenses in accordance with Union policy for the accused and the accused's witnesses and further shall pay all legal fees incurred in the presentation of the accused's defence.
- 13.3.15** If the Hearing Committee shall find the accused guilty of the charges submitted, then it shall also recommend the punishment, and the decision together with recommendations, as aforesaid, shall be reported in writing to the next meeting of the Board, at which time the Board shall confirm the punishment recommended by the Hearing Committee.
- 13.3.16** The Hearing Committee shall record the proceedings of the hearing, including the decision rendered by the Hearing Committee.
- 13.3.17** Any decision of the Hearing Committee which is confirmed by the Board shall be binding upon the Union, the accuser and the accused until amended by the Union Appeal Board.

#### **Section 13.4 - Union Appeal Board**

- 13.4.1** The accused may appeal either against conviction or against any penalty imposed, or both, by the Hearing Committee, by appealing to a Union Appeal Board. Such appeal shall be made within sixty (60) days from the date of the decision of the Hearing Committee.
- 13.4.2** The appeal shall be in writing, fully stating the grounds upon which the appeal is based. A copy of the appeal shall be sent to the Secretary-Treasurer who shall upon receipt thereof immediately forward to the President of the Union a copy of the original charges, the evidence offered

and the verdict and a copy thereof shall be sent by the Secretary-Treasurer to the appellant.

- 13.4.3** The accused (appellant) and the accuser (respondent) shall have the right to appear before the Union Appeal Board and shall be notified by personal service or registered mail, of the time and place when the appeal is to be heard.
- 13.4.4** Notice of the time and place for the hearing shall be given one (1) month before the date set for such appeal.
- 13.4.5** The appeal shall be heard within ninety (90) days after the receipt of the appeal.
- 13.4.6** The Union Appeal Board shall be elected at the Convention of the Union. There shall be eleven (11) members elected to the Union Appeal Board. No person may serve on the Union Appeal Board who is a member of the Board of the Union.
- 13.4.7** The President shall call for at least eleven (11) nominations from delegates at the Convention to serve on the Union Appeal Board and the President shall establish a method by which the members of the Union Appeal Board shall be elected.
- 13.4.8** The Union Appeal Board shall serve between Conventions and at Conventions if called upon to do so.
- 13.4.9** In any hearing before the Union Appeal Board only five (5) members of the Board shall be selected to sit. They shall be selected in the same manner as is the Hearing Committee of the Board of the Union in accordance with Section 13.3 of this Article.
- 13.4.10** The Appeal Board shall find the accused guilty or not guilty by secret ballot and it shall be necessary for at least three (3) members of the Appeal Board to cast their votes against the accused in order to find the accused guilty. Each member of the Appeal Board, including the Chairperson, shall have one (1) vote. If fewer than three (3) members of the Appeal Board cast their votes against the accused then the accused shall be deemed to be not guilty of the charges.
- 13.4.11** The decision of any appeal shall be simultaneously delivered to the accused, the accuser and the Secretary-Treasurer, within sixty (60) days after the hearing of the Appeal Board has concluded. Its decision shall be final and binding.

**13.4.12** The legitimate travel, meal and accommodation expenses in accordance with Union Policy and legal fees shall be paid to the accused for appearance before the Union Appeal Board if found not guilty. However if found guilty, the accused shall be responsible for these expenses.

**Nova Scotia Government & General Employees Union**

**BY-LAWS**

**(As amended *May 2009*)**

## **BY-LAWS**

### **Section B1 - Life Membership**

- B1.1** Nominations for Life Membership in the Union must be submitted sixty (60) days prior to Convention. Nominations may be made by a member to the Board in writing, and the nomination shall include a list of accomplishments of the nominee. The nominations shall be investigated by the Executive Committee.
- B1.2** All nominations for Life Membership shall be considered by the Board at a meeting prior to Convention and if approved by two-thirds (2/3) of the Board, Life Membership will be granted to the nominee at Convention.
- B1.3** Members of the Union, including retired members, who have been granted Life Membership, shall be entitled to attend meetings of their current local or the local from which they retired and if not otherwise elected as a delegate attend the Convention as an observer but shall not vote, furthermore, they may only enter debate with the approval of convention. Life Members may be called upon to represent the Union in various capacities.
- B1.4** An employee who has been granted Life Membership in the Union shall have their Life Membership placed in suspension for the duration of their employment in a confidential or managerial capacity or in any position where they are barred from participation in the affairs of the Union.
- B1.4.1** Life Membership may be revoked by a (two-thirds) decision of the Board after careful consideration of evidence as provided by member(s) or local involved which clearly shows the Life Member in question has worked against the best interest of member(s) and or Locals of the NSGEU since or before being granted Life Membership.
- B1.5** A list of Life Memberships shall be established and maintained by the Executive Director.
- B1.6** A Life Member of the Nova Scotia Government and General Employees Union shall not be required to pay dues.

### **Section B2 - Local Biennial Meeting**

- B2.1** Following the conclusion of the Convention of the Union, the biennial meeting of the local shall be held prior to the end of the next calendar month.
- B2.2** Each local shall elect the following Officers:



- B2.2.1** President;
- B2.2.2** (a) one (1) Vice-President;  
(b) Additional Vice-Presidents may be elected where approved by the NSGEU Executive Committee and as outlined in the local's By-Laws to a maximum of four (4);
- B2.2.3** Secretary, Treasurer, or Secretary-Treasurer;
- B2.2.4** Chief Steward.
- B2.3** In the event an Officer is not elected, the Local President may appoint a person to a vacant position.
- B2.4** If a Local fails to elect Officers, the Board may appoint interim officers from the Local to conduct the business of that Local until such time as Officers are elected, or the Local is dissolved.
- B2.5** The President of a Local may at any time call a special meeting of that Local and shall upon the written request of ten percent (10%) of the total of Local membership, convene a special meeting of the Local.
- B2.6** The Secretary shall give at least seven (7) days notice of a biennial or special meeting to the Local members.
- B2.7** At the biennial meeting of a Local, the following business shall be transacted and the order of business may be as follows:
  - B2.7.1** reading and consideration of minutes of previous biennial meeting;
  - B2.7.2** business arising out of minutes;
  - B2.7.3** correspondence;
  - B2.7.4** report of Local President;
  - B2.7.5** report of Local Secretary;
  - B2.7.6** report of Local Treasurer;
  - B2.7.7** report of Regional Councillors;
  - B2.7.8** report of Occupational Councillors;
  - B2.7.9** Auditor's report;

- B2.7.10** reports of subcommittees;
  - B2.7.11** election of Officers and Chief Steward;
  - B2.7.12** election of Regional Councillors;
  - B2.7.13** election of Occupational Councillors;
  - B2.7.14** election of committee pool members;
  - B2.7.15** election of delegates to Labour Council [CLC];
  - B2.7.16** ratification of Stewards previously named;
  - B2.7.17** amendment of Local By-Laws;
  - B2.7.18** general business.
- B2.8** In the event of a vacancy in the office of the Local President, the Local Vice-President or First Vice-President shall perform the duties of the Local President until a successor is elected. It shall be the duty of the Local Vice-President or First Vice-President to issue, within fifteen (15) days of the date of the vacancy, a call for a meeting of the Local, upon thirty (30) days' notice, for the purpose of conducting an election to fill the vacancy for the unexpired term. Where the Local has two (2) or more Vice-Presidents of equal rank, the Local Executive shall determine, by election at the time of the vacancy, which Vice-President shall assume the foregoing responsibilities.
- B2.9** In the event of a vacancy in the office of Local Treasurer or Secretary-Treasurer, the Local Executive shall elect from amongst itself a Local Executive member other than the President, to perform the duties of the Local Treasurer or Secretary-Treasurer until a successor is elected. It shall be the duty of the Local President to issue, within fifteen (15) days of the date of the vacancy, a call for a meeting of the Local, upon thirty (30) days' notice, for the purpose of conducting an election to fill the vacancy for the unexpired term.
- B2.10** In the event of a vacancy in the office of any Local Executive member other than the offices of President, Treasurer or Secretary-Treasurer, the Local President shall perform the duties of the vacant office until a successor is elected. It shall be the duty of the Local President to issue, within fifteen (15) days of the date of the vacancy, a call for a meeting of the Local, upon thirty (30) days' notice, for the purpose of conducting an election to fill the vacancy for the unexpired term.

**B2.11** In the event of a vacancy in the office of Regional Councillor or Occupational Councillor, the Local shall elect a successor at a subsequent meeting of the Local.

### **Section B3 - Election of Local Delegates**

**B3.1** Election of delegates and their alternates to the Union Convention shall take place at a special or regular meeting of the Local at least seventy [70] days prior to the Convention. In the case of a Special Convention when the Local has not elected delegates and alternates, the Local shall hold an emergency meeting as soon as is reasonably practical before the Convention to elect their delegates and alternates.

**B3.2** Except at the formation of a new Local, to be eligible for nomination as a delegate or alternate to convention, a member shall have attended at least forty percent (40%) of the members Local meetings in the twelve (12) month period preceding the date of nominations. Members of a Local shall be deemed to have attended the local meetings if they are unable to attend due to attending to union business or scheduled to work at the time of the Local meeting and have notified the Secretary of the Local in writing.

**B3.3** Following the election of Local delegates to Convention who have met the 40% eligibility requirements for nominations in accordance with By-law Section B3.2 above, if a Local has not elected its full complement of delegates or alternates to Convention, then a member in good standing shall be considered eligible for nomination for the remaining delegate seats or as an alternate.

**B3.4** The election of the delegates shall be through the normal process of nomination and balloting with the successful nomination receiving more than fifty percent (50%) of the votes cast.

**B3.5** Alternates to the delegates elected to attend Convention shall be elected through a separate election in the same manner as delegates.

**B3.6** Each delegate and alternate must be a member of the Local they represent.

**B3.7** The Local Delegates shall report to the next Local meeting following the Convention on business enacted at the Convention as either a group or individual.

**B3.8** Notwithstanding By-Laws – Section B3.3, the Local President may be a delegate as of right providing the Local adopts a By-law providing such right

and those adopted By-laws are submitted for approval to the Executive Committee no later than 30 days after the Biennial Local meeting.

#### **Section B4 - Local Reports**

- B4.1** Not later than five (5) days after the biennial meeting of the Local, the Secretary of the Local shall forward to the Executive Director:
- B4.1.1** a list of the Local Officers, Regional Councillors and Occupational Councillors;
  - B4.1.2** a list of Local Committees;
  - B4.1.3** a list of Committee Pool members;
  - B4.1.4** copies of the Report of the Local President and Local Secretary and audited financial statements which have been presented at the Local biennial meeting.

#### **Section B5 - Convention Credentials**

- B5.1** Each Local Secretary or Secretary-Treasurer shall make out individual delegate's credentials in duplicate and shall mail or deliver one (1) copy to be in the hands of the Executive Director at least two (2) days before the Convention which the delegates are to attend and shall give the other copy to the delegate to be produced by the delegate to the Credentials Committee.

#### **Section B6 - Convention Expenses**

- B6.1** Every delegate attending a Convention shall prepare and deliver to the Secretary-Treasurer of the Union an expense statement showing reasonable transportation costs and subsistence expense at the rate decided upon by the Board.
- B6.2** The expense statements must be checked and any necessary adjustments made by the Secretary-Treasurer of the Union.
- B6.3** The total of such expenses shall be paid from the general funds of the Union.

#### **Section B7 - Local Business**

- B7.1** Each Local, other than a provincial local, and each sub-local of a provincial local shall hold at least four (4) general meetings per year. The meetings are to be determined by the Local's Executive.
- B7.2** Matters affecting the Union may be discussed at meetings of Locals and of the Local Committees, but any recommendations in regard to the membership as a whole shall be referred to the Board for consideration.

### **Section B8 - Transferred Members**

- B8.1** When a member is transferred and the new job location places the member outside the geographic jurisdiction of the Local of the member, the day the permanent transfer takes effect, the member shall immediately relinquish all duties and responsibilities of the previous Local, and automatically assumes membership in the Local which has jurisdiction over the geographic location where the new job places the member.
- B8.2** The President of the Local from which the member is leaving shall forward a letter to the President of the new Local of the member indicating the positions held and the attendance record of the transferred member.

### **Section B9 - Bargaining Unit Negotiating Council**

- B9.1** Each Bargaining Unit Negotiating Council, subject to the Constitution, shall have responsibility for giving direction and guidance to the Bargaining Unit Negotiating Committee.
- B9.2** Each Local President shall call a special meeting of members in each bargaining unit for the purpose of electing members and alternates to the Bargaining Unit Negotiating Council within three (3) months following the signing of the collective agreement involved. Such representation to be comprised of:
- B9.2.1** one (1) representative for 5-100 Local members in a bargaining unit;
- B9.2.2** one (1) additional representative for each 100 members or part thereof in excess of one hundred (100) to a maximum of four (4) representatives for each bargaining unit except where the number of members in the Local bargaining unit is greater than fifty percent (50%) of the total number of members in the entire bargaining unit, in which case a further two (2) representatives shall be elected from the Local bargaining unit to the Bargaining Unit Negotiating Council.
- B9.3** Locals with less than five (5) members in a particular bargaining unit shall be entitled to present written proposals on behalf of those members, to their respective Bargaining Unit Negotiating Councils.

- B9.4** Each member of the Bargaining Unit Negotiating Council shall report any business and progress of bargaining units at regular Local meetings.
- B9.5** Meetings of bargaining unit members in a Local shall be called through the Local President or designate.
- B9.6** Members of the Bargaining Unit Negotiating Council in a Local shall hold a minimum of two (2) meetings of the bargaining unit members each year. Minutes of these meetings shall be forwarded to the Executive Director.
- B9.7** The entire Bargaining Unit Negotiating Council representing all Locals shall hold a minimum of two (2) meetings each year. Minutes of these meetings shall be forwarded to the Executive Director.
- B9.8** The principles and practices enunciated in By-Law subsections B9.3 through to and including By-Law B9.7 of this Article shall also be applicable to those bargaining units under the relevant provincial labour relations legislation and the Canada Labour Code as can be feasibly implemented.

#### **Section B10 - Board**

- B10.1** In compliance with the Constitution, the Board shall keep the membership informed of all policies of the Union as they become approved or changed.
- B10.2** The duties of Regional Board Members shall be to:
- (a) Represent the Regional Council at the Board of Directors.
  - (b) Take a full and active part in the operation of the Board of Directors and serve in various capacities as required.
  - (c) Take concerns of the Regional Council to the Board of Directors and vice versa.
  - (d) Establish and maintain communications between the Regional Councils and the Board of Directors.
  - (e) Attend and participate in meetings of the Regional Councils, Board of Directors, Biennial Conventions and special meetings that may be required from time to time.
  - (f) Submit a written report of the Board's activities to the Regional Council after each Board meeting, in a timely manner.

- (g) Submit a written report of the activities of the Regional Council at each Board of Directors meeting.
- (h) May be required to deal directly with locals and/or local executives when requested by the Regional Council, Board of Directors or Executive Committee of the Union.
- (i) Represent the union at local, provincial or national functions.

**B10.3** The duties of the Occupational Board Members shall be to:

- (a) Represent their Occupational Council at the Board of Directors.
- (b) Take a full and active part in the operation of the Board of Directors and serve in various capacities as required.
- (c) Take concerns of the Occupational Council to the Board of Directors and vice versa.
- (d) Establish and maintain communications between the Board of Directors and the Occupational Council.
- (e) Attend and participate in meetings of respective Occupational grouping. If requested, may attend Regional Council meetings in own respective area.
- (f) Submit a written report of the Board activities to the Occupational Councillors after each Board meeting, in a timely manner.
- (g) Submit a written report of Occupational Grouping to Board of Directors when requested.
- (h) May be required to deal directly with locals and/or local executives when requested by the Occupational Council, Board of Directors or the Executive Committee.
- (i) Represent the Union at local, provincial or national functions.
- (j) Meet with Occupational Councillors in each occupational grouping at least twice per year with the approval of the Executive Committee and the Board.

**B10.4** The Regional Board Members shall make available approved minutes of Board meetings and conventions for the perusal of the Local upon request.

- B10.5** The alternate Regional Board members or alternate Occupational Board members shall act in the place of the Board member during the absence of the latter.
- B10.6** If for any reason during a term of office any member of the Board should cease to be a member of the Board, the Regional Council or the Occupational Council from which the Board member is elected shall conduct an election to be held in the Council for a replacement.
- B10.7** The elected replacement member shall fill the unexpired term of the member being replaced.
- B10.8** The Board may meet at such times and places as the members thereof determine or as summoned by the Executive Director, on the direction of the President. There shall be a minimum of six (6) meetings per year.

**Section B11 - Provincial Committees**

- B11.1** The Executive Committee, with the approval of the Board, shall determine the Committees necessary to conduct the business of the Union.
- B11.2** The Executive Committee, with the approval of the Board, shall determine or change the terms of reference of Provincial Committees. Committees will be subcommittees of the Board.
- B11.3** Chairpersons of Provincial Committees shall be chosen by the Executive and ratified by the Board of Directors.
- B11.4** One member of each Provincial Committee shall be a Board member. At the commencement of each regular Committee meeting, the Board member shall report all business discussed at the previous Board meeting which may affect the committee to ensure no duplication of effort.
- B11.5** To ensure some uniformity of Local representatives on Board Committees or subcommittees, and to provide for input from a wide segment of the membership, the Board shall apportion Committee representation from the Locals which shall be based upon members shown on the membership list of the Local one hundred and twenty (120) calendar days preceding the last Convention on the following basis:
 

5 to 249 members	2 committee members
250 to 749	3 committee members
750 or more	4 committee members
- B11.6** Each Local shall elect the number of Committee Pool members, in accordance with the Local entitlement provided in the NSGEU Constitution and By-Laws, By-Laws Section 11.5 at the Local's Biennial meeting.



- B11.7** The Board shall, at the first regularly scheduled Board meeting of the newly elected board following the Union Convention, ratify Committee members, Board Liaison and Executive Liaison as recommended by the Executive Committee.
- B11.8** To be eligible for election to a Board Committee, a member shall have attended a minimum of forty percent (40%) of his or her Local meetings during the previous twelve (12) months.
- B11.9** Provincial Committees shall be comprised of one (1) member selected from the Committee Pool from each of the eight regions and one (1) member from the Board to act as the Chairperson or Recording Secretary.
- B11.10** Nothing in this Section shall restrict the Executive Committee from appointing ad hoc committees and determining the membership thereof, subject to the approval of the Board.

#### **Section B12 -Union Elections - Absolute Majority and Second-ballot System of Voting**

- B12.1** All elections for union office shall be conducted in accordance with the absolute majority and second-ballot system of voting.
- B12.2** Nominations for office may be accepted from any member who is eligible to vote and present at the meeting called for that purpose.
- B12.3** Nominees must either be present and indicate their willingness to stand for election or, if absent, have indicated in writing their willingness to stand for election.
- B12.4** Except as provided in Article 3, subsections 3.18.2 and 3.19.3, the election for each office shall be completed before nominations may be accepted for any subsequent office.
- B12.5** Elections shall be by secret ballot. No candidate may be declared elected unless he/she has received a majority of votes cast, and second and subsequent ballots shall be taken if necessary to obtain such majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes on the preceding ballot shall be struck from the ballot.
- B12.6** When two (2) or more candidates are to be elected for any position, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
- B12.7** No vote count will be announced.

**B12.8** If there is only one (1) nominee for a position, the chairperson shall declare that nominee elected by acclamation.

**Section B13 - Special Assessment for Employees Providing Emergency Services During a Legal Strike**

**B13.1** In the extraordinary circumstances where the Union agrees to provide employees to perform emergency services during a legal strike by employees in a bargaining unit, the Board by two thirds majority of the Board members present may impose a special assessment on all members of the bargaining unit in the amount of fifty percent of the gross pay earned during the legal strike.

**B13.2** Where the Board imposes a special assessment on the employees who the Union designates to provide emergency services during a legal strike, the full amount of the assessment shall be placed in a Benevolent Fund to assist employees in that bargaining unit who are on strike and who need financial assistance over and above the strike pay paid to them.

**B13.3** If funds remain after a strike, those funds shall be placed in a Benevolent Fund to assist NSGEU members of any bargaining unit who are on a legal strike.

**B13.4** Bylaw B13.3 applies to any Benevolent Fund already in existence.