



**Union of Postal  
Communications Employees**

**Syndicat des employés  
des postes et communication**

**UPCE By-laws (2014)**

**June 2017 Edition**

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**BY-LAWS**  
**OF THE**  
**UNION OF POSTAL COMMUNICATIONS EMPLOYEES**

**As adopted by the**  
**Founding Convention in 1967,**  
**And as amended by the:**

First Triennial Convention, Toronto (1969)  
Second Triennial Convention, Quebec City (1972)  
Third Triennial Convention, Halifax (1975)  
Fourth Triennial Convention, Vancouver (1978)  
Fifth Triennial Convention, Montreal (1981)  
Sixth Triennial Convention, Winnipeg (1984)  
Seventh Triennial Convention, Ottawa (1987)  
Eight Triennial Convention, Ottawa (1990)  
Ninth Triennial Convention, Halifax (1993)  
Tenth Triennial Convention, Ste-Foy (1996)  
Eleventh Triennial Convention, Vancouver (1999)  
Twelfth Triennial Convention, Ottawa (2002)  
Thirteenth Triennial Convention, Halifax (2005)  
Fourteenth Triennial Convention, Montreal (2008)  
Fifteenth Triennial Convention, Ottawa (2012)  
Sixteenth Triennial Convention, Gatineau (2014)

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## **By-law 1**

### **Roles and Function**

#### **Section 1**

##### **Name**

This Component will be known as the Union of Postal Communications Employees of the Public Service Alliance of Canada (UPCE-PSAC).

#### **Section 2**

##### **Headquarters of the National Office**

The Component's headquarters are located in the National Capital Region.

##### **Aims and Objectives**

UPCE-PSAC seeks to:

#### **Section 3**

Unite our members into a single union that acts on their behalf, regardless of employer, classification, position, vocation, location, or nature of employment.

#### **Section 4**

Subscribe unconditionally to the aims and objectives as outlined in the Constitution of the PSAC, and fully support PSAC in furthering its constitutional responsibility to improve and protect wages and other terms of employment for our members.

#### **Section 5**

Obtain for our members, through democratic means, the best possible standards of wages, salaries and other conditions of employment, and to protect our members' interests, rights, and privileges.

#### **Section 6**

Cooperate with other PSAC components and unions having similar interests in furthering the welfare of all public service employees.

#### **Section 7**

Cooperate with all other CLC-affiliated unions.

## **By-law 2**

### **Membership**

#### **Section 1**

##### **Regular Membership**

All employees over whom UPCE has jurisdiction are eligible for membership in a Local of the Component. An employee who lives or works in an area with no functioning Local will be assigned to the nearest appropriate Local in accordance with regulations established by the National Executive.

#### **Section 2**

##### **Honorary Membership (Former Members)**

Locals can apply to the National President to grant honorary membership to former members for outstanding service. The National Executive will approve all such applications. Honorary members are also eligible for honorary membership in the PSAC under Section 4, Subsection 5 of the PSAC Constitution.

#### **Section 3**

##### **Honorary Membership (Non-Members)**

Any person who is deemed to merit this honour, and who is not eligible for regular membership, can be nominated for honorary membership in UPCE. Nominations are confirmed by the National Executive, the UPCE National Convention, or by a Local nomination approved by the National Executive.

#### **Section 4**

##### **Honorary Membership (General)**

Honorary members are not entitled to vote at meetings or to hold elected office, but have all other rights and privileges of membership.

#### **Section 5**

##### **Life Membership (UPCE)**

Any member who has devoted extraordinary time and energy to the affairs of this Component, and who has given of her or himself personally to our affairs, may be awarded a life membership. Decisions for such memberships are made by the National Executive, the UPCE National Convention, or by a Local nomination approved by the National Executive. The number of life memberships at one time is limited to 20. The list of life members will be read into the record of each National Convention at a time to be decided by the National President.

#### **Section 6**

##### **Dues Exemptions**

Members are required to pay dues according to By-law 5, with the exception of membership provided by Sections 2, 3, and 5 of this by-law.

## **Section 7**

### **Membership Cards**

Except for memberships as provided by Sections 2, 3, and 5 of this by-law, when members submit a PSAC membership application form, they receive a membership card approved by the National Board of Directors of the PSAC as evidence of their membership.

## **Section 8**

### **Evidence of Membership**

To be issued a membership card, to attend conferences and conventions, and to qualify for all the rights and privileges outlined in UPCE's by-laws, prospective members will show receipt of a signed payroll authorization card for deduction of dues or a PSAC application for membership form.

## **Section 9**

### **Revocation of Honorary Membership**

Lifetime or Honorary membership can be revoked for violating By-law 13 or the PSAC Constitution.

## **By-law 3**

### **Membership Responsibility**

#### **Section 1**

##### **Your Responsibilities**

When you become a member of PSAC, UPCE, and a Local, you are expected to abide by the provisions of our by-laws and the PSAC Constitution.

#### **Section 2**

##### **We act as your Agents**

For the duration of your membership, it is understood that you have appointed the Component and the PSAC as your agents in negotiations with your employer. Each party will negotiate according to its sphere of competence.

#### **Section 3**

##### **Bargaining**

It is also understood that the UPCE and the PSAC will act as agents in collective bargaining with the employers according to the laws set out for collective bargaining in the Canada Labour Code. The PSAC has the power to ratify and sign agreements reached through collective bargaining, conciliation, and arbitration procedures established by law.

## **By-law 4**

### **Membership Dues**

#### **Section 1**

##### **UPCE Dues**

The UPCE National Convention establishes the monthly dues paid to UPCE by each of its members and deductees.

#### **Section 2**

##### **PSAC Dues**

Members and deductees of UPCE are also required to pay the dues established by the PSAC Convention.

#### **Section 3**

##### **Local Dues**

Locals may establish dues by a simple majority vote of the members in attendance at a general meeting. Members will be provided a notice of motion 14 days before such meetings. Such dues are collected by PSAC and paid by UPCE to the Local, provided that the Local conforms to all rules in the UPCE by-laws and regulations.

#### **Section 4**

##### **Notice of Change**

The Local will forward to the UPCE office notice that dues have been changed so that the Component can implement the change.

#### **Section 5**

##### **Minimum Local Dues**

Minimum Local dues of \$ 1.25 per member per month will be collected by PSAC and paid by UPCE to each Local, provided that the Local conforms to all rules in the UPCE by-laws and regulations.



## **By-law 5**

### **Form of the Organization**

#### **Section 1**

##### **Locals**

UPCE is composed of groups of members that we refer to as Locals. A Local is a locally based trade-union organization that forms part of the larger national union. Locals are organized to represent the union's members from a particular geographic area or employer organization. Locals have their own governing bodies that represent the interests of the national union while at the same time responding to the desires of their constituents and organizing regular meetings for members.

#### **Section 2**

##### **Jurisdiction of Locals**

The names and areas of jurisdiction of UPCE Locals are set out in a regulation established by the National Executive. In the case of a jurisdictional dispute between Locals, the question will be referred to the National Executive for examination and decision. The decisions of the National Executive in such cases are final and binding.

#### **Section 3**

##### **Recognition of Locals**

In order to be recognized as an active Local, Locals must conform to Sections 7 and 11 of this by-law, and By-law 10, Section 8, as well as all other relevant rules in the UPCE by-laws and regulations.

#### **Section 4**

##### **Small Locals**

Any Local with fewer than 20 members that becomes inactive by not complying with Sections 7 and 11 of this by-law, and By-law 10, Section 8, and all other rules in the UPCE by-laws and regulations for more than a six-month period, will be automatically dissolved and the members assigned to other existing active Locals.

#### **Section 5**

##### **Local Trusteeship**

Any Local which has not carried out the responsibilities required by these by-laws will be considered inactive. The National Executive has the authority, through a two-thirds majority vote, to appoint a trustee to manage the Local's affairs and reactivate it as soon as possible.

#### **Section 6**

##### **Chartering a Local**

The National Executive may charter a Local when the Executive feels it is in the best interests of the Component and its members to do so.

## **Section 7**

### **Criteria by which Locals may be Created**

The National Executive will approved the creation of a Local if:

- a) It determines the Local to have achieved a large enough membership base (usually at least 20 members, although the Executive may approve Locals with fewer members, given special circumstances)
- b) There are enough people among the Local's members who are prepared to serve as that Local's executive officers
- c) The majority of the members concerned are in favour
- d) There are enough people among the Local's members who are prepared to take training to qualify as union stewards and subsequently to act as in that position

## **Section 8**

### **Adopting and Amending Local By-laws**

Locals will adopt by-laws to conduct their business. A Local may amend its by-laws by a two-thirds majority vote of its membership at the annual general meeting, or a special meeting, provided a 14-day notice has been provided to the membership in each case. A copy of the minutes of the meetings where such amendments are made will be forwarded immediately to the National Office.

## **Section 9**

### **Locals' Spheres of Influence**

Each Local has the authority to manage issues particular to its Local, as well as issues that affect the interests of its own members, so long as the Local's work or regulations do not contravene any collective agreements or the Constitution, by-laws, or policies of PSAC or UPCE. Local regulations will be forwarded immediately to the National Office.

## **Section 10**

### **Election of Local Officers**

An election of Local Officers is to take place at annual general meetings, or special meetings called for that purpose. This election must be held during the calendar year prior to the UPCE National Triennial Convention.

## **Section 11**

### **Minimum Number of Local Officers**

In accordance with its by-laws and the by-laws of UPCE, each Local will elect at least three Executive Officers: a President, a Vice-President, and a Secretary-Treasurer, to conduct its affairs.

## **Section 12**

### **Local Term of Office**

The term of office for Local Officers is three years. Elections for specific positions may be held at each annual general meeting to ensure continuity on the Local Executive.

### **Section 13**

#### **Local Executive Meetings**

Each Local's Executive Officers will hold at least three scheduled Executive meetings annually to ensure that the Local conducts its business properly. Minutes or proceedings of all meetings will be taken.

### **Section 14**

#### **Local Annual General Meetings**

Each Local will hold a regular annual general meeting to receive: annual reports from its Officers, financial statements, Local budgets (where applicable), and the minutes of the previous annual general meeting for consideration of business, as required.

### **Section 15**

#### **Reporting Requirements**

Each year, Locals will submit to the UPCE National Office their Local's audited or reviewed financial statements, their Officers' names, any amended by-laws or regulations, and minutes of their annual general meeting.

### **Section 16**

#### **Hiring Officers or Staff**

Subject to the approval of the National Executive, Locals may designate any one of its elected offices a Full-time Officer of the Local, and may hire staff to handle their affairs. All costs of employing Officers or staff will be borne by the Local.

### **Section 17**

#### **Acquiring Facilities**

Subject to the approval of the National Executive, Locals may acquire space and facilities to conduct their business. All costs for these facilities are borne by the Local.

### **Section 18**

#### **Inactive Locals**

Should a local no longer function for any reason, all documents, property, and funds will be returned to UPCE for care and safekeeping. These assets will be either placed into trust by the National Executive until the Local is reinstated, transferred to the new Local or Locals if members are reassigned in accordance with Sections 3 or 4 of this by-law, or placed into UPCE's general revenue account to be used for organizational purposes as the National Executive may direct.

## **By-law 6**

### **National Executive**

#### **Section 1**

##### **Composition**

The National Executive is composed of one elected Full-time National President, one elected Full-time National Vice-President, and three elected on-call National Executive Officers.

#### **Section 2**

##### **Function**

The National Executive of this Component is the governing body of UPCE in periods between National Conventions.

#### **Section 3**

##### **Policies and Regulations**

The National Executive has the power to make the policies and regulations necessary for this Component to conduct business, provided the policies and regulations do not conflict with the provisions of the UPCE by-laws or the PSAC Constitution. New policies and regulations will be ratified by an UPCE National Convention.

#### **Section 4**

##### **Resolutions**

The National Executive has the right to present resolutions to the National Convention.

#### **Section 5**

##### **Review**

All actions by the National Executive on behalf of this Component are subject to review at the UPCE National Convention.

#### **Section 6**

##### **National Convention**

The National Executive is considered to be in business session throughout the National Convention, and its members have all the rights and privileges due to National Convention delegates.

#### **Section 7**

##### **Committees**

The National Executive may establish any committee necessary for UPCE to conduct its affairs. The National President is *ex officio* a member of any such committee.

#### **Section 8**

##### **Quorum**

A quorum of the National Executive requires the National President or the National Vice-President, and a majority of the other members of the National Executive.

## **Section 9**

### **Executive Meetings**

The National Executive will hold meetings at least two times a year, preferably in advance of the regular meetings of the PSAC National Board of Directors, at the call of the National President, or at any other time if requested by a majority of members of the National Executive. Notice of Executive Meetings is forwarded to all Locals. The minutes of Executive Meetings are forwarded to all Locals within 30 working days of an Executive Meeting's end.

## **Section 10**

### **National Executive Agenda**

On request, the National Executive agenda will be made available.

## **Section 11**

### **Recorded Votes**

A recorded vote on all substantive motions will be taken at all National Executive Meetings.

## **Section 12**

### **Observers**

National Executive Meetings are open to observers who are members in good standing. Observers have no voice or vote. Expenses will be borne by the Locals that have authorized the observers' attendance at the meeting, or by the observers themselves.

## **Section 13**

### **Special National Executive Meeting**

A special National Executive Meeting will be called, if requested in writing by a simple majority of the National Executive.

## By-law 7

### National Officers

#### Conditions of Employment of the National President

##### Section 1

The National President:

- a) Is a full-time elected officer with wages, benefits, and expenses paid.
- b) Lives in Ottawa-Gatineau (the National Capital Region).
- c) Is paid at her/his substantive level plus \$10,000, to a minimum of \$75,000.
- d) Salary includes the additional amount only to the maximum T3 level;
- e) Receives the same increment entitlements and economic increases negotiated in the CPC collective agreement.
- f) No overtime will be paid during weekdays, and any overtime authorized and worked on a weekend, shall be compensated at regular time, up to a maximum of 7.5 hours per day. For the UPCE National Convention, a per diem, as per By-law 10 Section 13, will be paid to the National President instead of per hour regular pay, for each day (or part of) worked during the weekend of the National Convention.
- g) All other benefits of the Canada Post Corporation collective agreement that do not conflict with the UPCE By-laws or the PSAC Constitution will be maintained.

#### Duties of the National President

##### Section 2

The National President will:

- a) Function as the Chief Executive Officer of UPCE and, as such, supervise the affairs of the Component and sign all official documents.
- b) Follow and implement the decisions taken by the National Executive.
- c) Represent the Component on the National Board of Directors of PSAC as required by Section 12, Subsection 1 of the PSAC Constitution.
- d) Call and preside at all regular and special meetings of the National Executive.
- e) Be an “*ex officio*” member of all committees of the National Executive.
- f) Preside at all sessions of the UPCE National Convention or Special Conventions.
- g) Interpret the by-laws of the UPCE Component, subject to review by the National Executive.
- h) Ensure that the National Executive carry out the directives, policies, aims, and aspirations of the union as established by the National Conventions of the PSAC and of this Component.
- i) Ensure that the members of the National Executive carry out their duties as described in the by-laws, and provide direction where necessary.

- j) Ensure that the National Executive is informed of all Component affairs that affect the members they represent, and that such information is delivered to the National Executive in a complete, relevant, and timely manner.
- k) Participate in or delegate the hiring of all component staff.
- l) Abide by the Component's budget, as established by the National Convention.
- m) Report in writing on her/his activities and, when appropriate, those of Component staff, at all meetings of the National Executive.
- n) Provide an activity report to a Local, upon written request, and within a reasonable timeframe.
- o) Report in writing to the National Convention on her/his activities, and on the activities of the Component in general, with recommendations for continuing the aims and objectives of the Component and the PSAC.
- p) Be the chief spokesperson for UPCE in dealings with the media, the public, and with our employer counterparts.
- q) Will resign any Local office, or other Component position, within one month of being elected as National President.
- r) Be accorded all the rights and privileges of, and perform such other duties as are within the authority of, presiding officers of deliberative bodies.
- s) Perform other duties assigned by the National Executive.

## **Conditions of Employment of the National Vice-President**

### **Section 3**

The National Vice-President:

- a) Is a full-time elected officer with wages, benefits, and expenses paid.
- b) Lives in Canada.
- c) Is paid at her/his substantive level plus \$5,000, to a minimum of \$60,000.
- d) Salary includes the additional amount only to the maximum T3 level.
- e) Receives the same increment entitlements and economic increases negotiated in the CPC collective agreement.
- f) No overtime will be paid during weekdays, and any overtime authorized and worked on a weekend, shall be compensated at regular time, up to a maximum of 7.5 hours per day. For the UPCE National Convention, a per diem, as per By-law 10 Section 13, will be paid to the National Vice-President, instead of per hour regular pay, for each day (or part of ) worked during the weekend of the National Convention.
- g) All other benefits of the Canada Post Corporation collective agreement that do not conflict with the UPCE By-laws or the PSAC constitution will be maintained.

## Duties of the National Vice-President

### Section 4

The National Vice-President will:

- a) Follow the decisions taken by the National Executive and the National Conventions of the UPCE and the PSAC;
- b) Attend all meetings of the National Executive, and submits a written report of her/his activities at each of these meetings. The report forms part of the minutes of the National Executive Meetings and will be forwarded to all Locals.
- c) Participate in the committees of the National Executive as required.
- d) Represent the UPCE at PSAC Regional Meetings and Committees, or in other forums as required.
- e) File a written report to the National Executive on her/his activities and recommendations four months prior to the National Convention. This report is forwarded to the National Executive, to all Locals, and to Convention delegates.
- f) Be responsible to the National President and National Executive for the duties assigned to her/him as required by the National Executive.
- g) Contact Locals on a regular basis, and is available to visit Locals upon reasonable request.
- h) Have authority to attend any Local meeting, and to examine the records and accounts of any Local of the UPCE.
- i) Resign any Local office or other Component position within one month of being elected as the National Vice-President.
- j) Participate in PSAC activities in her/ his community, and encourage Locals to do the same.
- k) Provide guidance to Locals.
- l) Encourage membership participation in PSAC and other union-sponsored education.
- m) Organize meetings at least once per year with the Presidents of the Locals. This may include meetings that take place during bargaining conferences.
- n) Perform other duties as assigned by the National President or the National Executive.



## **Conditions of Employment of the National Executive Officers**

### **Section 5**

The National Executive Officers:

- a) Are an “on-call” elected officer of the UPCE.
- b) Are paid by the employer, either Canada Post or Purolator.
- c) Live in Canada.
- d) When called upon by the National President to work for the UPCE on “national business”, will take leave from their respective employer using “union billed” leave.
- e) Must receive authorization from the National President before working any overtime.
- f) No overtime will be paid during weekdays, and that any overtime authorized and worked on a weekend, shall be compensated at regular time, up to a maximum of 7.5 hours per day.
- g) For the UPCE National Convention, a per diem, as per By-law 10 Section 13, will be paid, instead of per hour regular pay, for each day (or part of) worked during the weekend of the National Convention.

## **Duties of the National Executive Officers**

### **Section 6**

National Executive Officers will:

- a) Attend all meetings of the National Executive, and submit a written report of their activities at each of these meetings. The report forms part of the minutes of the National Executive Meetings, and will be forwarded to all Locals.
- b) Participate in the committees of the National Executive as required.
- c) Provide guidance and assistance to members and Locals on a regular basis, and are available to visit Locals upon reasonable request.
- d) Perform other duties as assigned by the National President.

### **Section 7**

#### **Officers and Employees**

All officers and employees of UPCE will deal promptly and appropriately with matters submitted to them by the members or by National Officers.

### **Section 8**

#### **Officer Turnover**

When they vacate their positions, all officers of UPCE will deliver to their successors all documents, money, and other UPCE property.

## **By-law 8**

### **Election of Officers**

#### **Section 1**

##### **National Officers**

The National President, the National Vice-President and the National Executive Officers, are nominated and elected at each UPCE Triennial National Convention by the voting delegates in attendance.

#### **Section 2**

##### **Eligibility for Office**

Any UPCE member in good standing may be nominated and elected to office at the UPCE National Convention or at a Local meeting, provided that the candidate submits confirmation in writing that she/he is willing to accept their nomination. At least one candidate shall have French as their mother tongue or be bilingual. In the event that no candidate whose mother tongue is French or bilingual runs for election, the position can be filled with an unilingual English speaking person.

#### **Section 3**

##### **Elections**

Elections for UPCE Officers at any level are conducted in accordance with the PSAC Rules of Order.

- a) All elections are by secret ballot and decided by a clear majority of votes cast.
- b) Proxy votes are not permitted.
- c) In the event of more than two candidates running for office, the candidate receiving the fewest votes will be dropped from the ballot whenever there is not a clear majority of votes cast to any candidate. This procedure will continue on each succeeding ballot for the position until a candidate receives the necessary majority.
- d) The Oath of Office shall be administered to all officers immediately before taking office.

#### **Section 4**

##### **Order of Elections at the UPCE National Convention**

The election of the National President, the National Vice-President, and the National Executive Officers will proceed in the following order:

- a) The nomination and election of the National President.
- b) The nomination and election of the National Vice-President.
- c) The nominations and elections of the National Executive Officers.
- d) The nominations and elections of the three alternates for the three National Executive Officers. One of these shall be reserved for a Purolator member. In the event that there are no Purolator candidates, the position can be filled by any other candidate.

- e) The election for the alternate National Vice-President, only from the National Executive Officers as elected under By-law 8 Section 4 (c).

## **Section 5**

### **National President Vacancy**

In the event of a vacancy in the position of National President, the National Vice-President assumes the presidency.

## **Section 6**

### **National Vice-President Vacancy**

In the event of a vacancy in the position of National Vice-President, the National Executive Officer elected as the Alternate National Vice-President at the UPCE Triennial Convention will assume the National Vice-President's duties for the remainder of the term.

## **Section 7**

### **National Executive Officer Vacancy**

In the event of a vacancy in the position of National Executive Officer, the first elected Alternate National Executive Officer elected at the UPCE Triennial Convention will assume the National Executive Officer's duties for the remainder of the term.

## **Section 8**

### **Mail-in Ballot**

If more than six months prior to the next National Convention there occurs a vacancy on the National Executive, and the process as outlined in By-law 8, Sections 5, 6, & 7 fails to fill the position, then the Convention Delegates who attended the previous National Convention, and who have remained in good standing, will elect a candidate by mail-in ballot to assume the vacant National Executive position.

## **Section 9**

### **No Backfill**

If within six months prior to the next National Convention there occurs a vacancy on the National Executive, and the process as outlined in By-law 8, Sections 5, 6, & 7 fails to fill the position, then the position which is vacant will remain unfilled.

## **Section 10**

### **Taking Office**

All officers of the Component and Locals, will take office at the conclusion of the National Convention or meeting where they were elected.

In the event that any elected member is unable to take the oath at the meeting or National Convention, the elected member will not be, or act as, an officer until she/he takes the oath, regardless of whether she/he has previously served as an officer of the Component.

The UPCE Oath of Office reads as follows:

“I, ....., having been elected an officer of the Union of Postal Communications Employees, Public Service Alliance of Canada, solemnly declare that for my term of office I will fulfill the duties of such office to the best of my ability, will maintain and uphold the dignity of the union, will always keep confidential all matters concerning the affairs of the union that are brought to my attention, and will promptly deliver to the Component all monies, records, and other property of the union in my possession at the close of my term in office.”

The Oath of Office will be printed and signed by each elected officer and kept on file at the UPCE National Office.

## **By-law 9**

### **National Conventions**

#### **Section 1**

##### **UPCE Triennial Convention**

The supreme governing body of the UPCE, consistent with its area of jurisdiction as provided by the PSAC Constitution, is the UPCE Triennial Convention.

#### **Section 2**

##### **Resolutions**

The National Convention will deal with all resolutions and matters brought before it from local meetings and the National Executive.

#### **Section 3**

##### **By-law Amendments**

The Component's By-laws may only be amended by obtaining a two-thirds majority vote at the National Convention.

#### **Section 4**

##### **Accredited Delegates**

The National Convention of this Component is comprised of Delegates elected in accordance with Section 14 of this by-law, from active Locals conforming to By-law 6, Section 3, and the members of the National Executive.

#### **Section 5**

##### **Quorum**

A quorum for the National Convention is a simple majority of accredited Delegates.

#### **Section 6**

##### **Language**

All documents relating to the Convention and all documents submitted for consideration by the Convention will be presented in both official languages.

Simultaneous translation will be provided in all plenary sessions of the Convention.

All other official meetings related to the Convention will be provided with simultaneous translation services, as required.

#### **Section 7**

##### **Convention Call-out**

The National Executive decides the place and date of the National Convention, and will issue a call-out for the Convention at least six months prior to the opening date of the Convention.

## **Section 8**

### **Resolution Deadline**

The deadline for submitting resolutions to the Convention is four months prior to the opening date of the Convention.

## **Section 9**

### **National Convention Date**

The UPCE Triennial Convention is held in Canada at a date consistent with Section 9, Subsections 4 (b) and 13 of the PSAC Constitution.

## **Section 10**

### **Convention Votes**

Each accredited Delegate present at the National Convention is entitled to one vote on each question. Proxy votes are not permitted.

## **Section 11**

### **Convention Committees**

At least three months prior to the National Triennial Convention, the National Executive will appoint from among accredited Delegates the committees necessary for the convention's business. At least two months prior to the National Triennial Convention, Delegates will be advised of committee assignments and supplied with the committee's agenda and resolutions.

Simultaneous translation will be available to National Convention Committees while they are in session, if required.

## **Section 12**

### **Observers**

All Locals have the right to send observers to a National Convention, at Local expense. Observers have no right to vote or to participate in debate at National Conventions.

## **Section 13**

### **Special National Conventions**

A Special National Convention is held when two-thirds of the National Executive votes to hold such a convention or when 51 percent of active Locals request it. A Special National Convention occurs at a time and place decided by the National Executive.

Special National Conventions are composed of Delegates elected by active Locals in accordance with the numerical table specified in Section 14 of this By-law.

Special National Conventions deal only with the matters for which they are called, unless the Convention agrees by a two-thirds majority vote of assembled Delegates to consider other urgent matters. Dealing with such issues will fall within the time limit set for the Convention.

## **Section 14**

### **Election of Delegates**

At least four months prior to the opening date of the UPCE National Convention, each active Local that has met the requirements of By-law 5, Section 3, will elect from among members at least one accredited Delegate to the Convention. The number of Delegates per Local is based on the highest monthly number of members in good standing in the Local within one year of the opening date of the convention:

03 to 200 members = one delegate  
201 to 300 members = two delegates  
301 to 400 members = three delegates  
401 to 500 members = four delegates  
501 members or more = five delegates.

## **Section 15**

### **Alternates**

Each active Local will elect alternates to attend National Convention in place of any accredited Delegates who may become unable to attend.

## **Section 16**

### **Accreditation**

Immediately after Locals elect Delegates to National Convention, the Locals will submit those names to the UPCE National Office on a Component credential form. The information provided to the National Office will include a copy of the Local's minutes that show the actual motion to elect delegates and alternates.

## **Section 17**

### **Supplementary or Late Resolutions**

Supplementary or late resolutions to a National Convention will be submitted to the Component at least 48 hours prior to the opening date of the Convention. Such resolutions will be the last order of business at the Convention.

## **Section 18**

### **PSAC Convention Delegates**

Delegates and alternates to the PSAC Triennial Convention are elected during a plenary session of the UPCE National Convention.

## **By-law 10**

### **Finances**

#### **Section 1**

##### **UPCE Audits**

The financial records of UPCE are audited once a year by a firm of chartered or certified accountants, as approved by the National Executive. When the audit is complete, the component immediately forwards one copy of the financial statement to each Local and National Officer, and two copies to the PSAC.

#### **Section 2**

##### **UPCE Signing Officers**

The signing officers of UPCE are the National President and two other members of the National Executive, as appointed by the National Executive.

In case of emergency, the National Executive has the authority to designate one or more additional members of the National Executive as signing officers of the Component.

#### **Section 3**

##### **Fiscal Year**

UPCE's fiscal year is from January 1 to December 31. The same applies to all UPCE Locals.

#### **Section 4**

##### **Submitting Budgets**

The National Executive will submit for approval to each UPCE National Convention a year-to-year budget for the ensuing three-year period.

#### **Section 5**

##### **Approval of Yearly Budget**

The National Executive will approve the yearly budget.

#### **Section 6**

##### **Retention of Financial Records**

UPCE and its Locals should retain all financial records for the legal period prescribed by the *Income Tax Act*.

#### **Section 7**

##### **Local Signing Officers**

Locals will approve at least three and no more than five signing officers, two of whom will sign all cheques. No disbursements may be made that are not in accordance with the Local's By-laws.



## **Section 8**

### **Submission of Financial Statements**

The Secretary-treasurer or Treasurer will prepare the Local's financial statements, which will then be presented to the Local President for review. The financial status of the Local shall be made available to the members at all Local meetings.

## **Section 9**

### **Local Finances**

The Secretary-treasurer or Treasurer will also submit to the UPCE National Office, before March 1 of each year, annual financial statements reviewed and signed by the Local President. These financial statements will cover the previous year ending December 31. The UPCE National Office will not remit the refundable portion of dues until the Local's financial statement has been received and approved.

## **Section 10**

### **Local Contracting**

No Local may enter into any financial contractual understanding or agreement without prior approval by the National Executive.

## **Section 11**

### **Financial Records**

All financial records of the UPCE and its subordinate bodies will be maintained in the following manner: in the case of the National Office, in an approved manner as advised by the auditors; and in the case of each Local, by the National Executive.

## **Section 12**

### **Union Credit Card**

The union credit card will be used exclusively for union related expenses.

## **Section 13**

### **Per Diem Allowance**

A per diem allowance of \$150 will be paid to any member, except a full-time National Officer, who is on authorized union business on a day of rest.

## **By-law 11**

### **Discipline**

#### **Section 1**

##### **Discipline by the National Executive**

- a) The National Executive of the Component has the authority to discipline, including the removal from office, of any Local Officer or National Officer, excluding the National President, who contravenes any provision of these By-laws or the PSAC Constitution.
- b) Any written complaints forwarded to the National Executive within 90 calendar days of an alleged offence, or within 90 calendar days of someone becoming aware of an alleged offence, will be investigated. The process followed in investigation is governed by the provisions of PSAC Regulation 19.
- c) The National President or National Executive may waive the 90 calendar-day timeframe.

#### **Section 2**

##### **Discipline by Locals**

All UPCE Locals may remove from office any officer for contravening a provision of the Local's By-laws, the Component's By-laws, the PSAC Constitution, or for cause as listed under Section 4 of this By-law. The provisions of PSAC Regulation 19 are to be followed.

#### **Section 3**

##### **Appeals**

An officer disciplined under Sections 1 or 2 of this By-law has the right to appeal the decision to the National Executive. The procedures for the proper handling of such matters will be in accordance with Section 25 of the PSAC Constitution and PSAC Regulation 19.

#### **Section 4**

##### **Actions that can lead to Penalties:**

- a) Violating any provision of the Local By-laws, the By-laws of UPCE, or the PSAC Constitution.
- b) Obtaining membership or soliciting members by misrepresentation.
- c) Instituting, urging, or advocating that a member of any Local, take court action against the UPCE or the Public Service Alliance of Canada, or any of their officers, or against a Local or any of its officers, without first exhausting all remedies through appeal within the organization.
- d) Advocating or attempting to bring about the withdrawal of any member or group of members from the UPCE or any Local, other than through the proper Component channels.
- e) Publishing or circulating among the members false reports or willful misrepresentations.
- f) Working in the interests of a rival organization.

- g) Slandering, libeling, or willfully wronging an officer or member of the UPCE or of the Public Service Alliance of Canada.
- h) Using abusive language or disturbing the peace of any meeting of the UPCE or its Locals.
- i) Fraudulently receiving money due to the UPCE or any of its Locals, or misappropriating the monies of the Component or any of its Locals.
- j) Using the name of a Local of the UPCE to solicit funds, advertising and the like without the consent of the Local concerned or the National Executive of the Component, whichever applies.
- k) Giving a complete or partial list or any information on the membership of the UPCE or of any Local to anyone other than those whose official position entitles them to have such a list.
- l) Deliberately interfering with an official of the UPCE or of the PSAC in the discharge of her/his duties.
- m) Being a worker in a legal strike position, who either crosses the picket line or is paid by the employer not to participate in strike action, or who performs work for the employer, unless required to do so by law, or who voluntarily performs struck work.
- n) Sexually or personally harassing another member.
- o) Any other conduct prejudicial to the good order and welfare of the UPCE or of the PSAC.

## **Section 5**

### **Membership Suspensions**

The National Executive may recommend, to the PSAC National Board of Directors, the suspension from membership of any individual or group of members for acts detrimental to the UPCE, or for violating any provision of the by-laws of the component, or the PSAC Constitution, or for any of the reasons listed in Section 4, Subsection (a) to (o).

The Local may request the presence of a National Executive officer at one of their meetings to explain the cause of the suspension. Any member who has been suspended may submit an appeal to the National President of the PSAC under Section 25, Subsection 4, of the PSAC Constitution, and PSAC Regulation 19, Section 12.

## **By-law 12**

### **General**

#### **Section 1**

##### **Conflict**

Nothing in the UPCE By-laws may conflict with the PSAC Constitution.

#### **Section 2**

##### **Rules of Order**

Unless otherwise stated by these by-laws, PSAC Rules of Order will apply at all meetings and conventions of this component.

#### **Section 3**

##### **Keeping Members Informed**

The Component issues publications in various formats, including electronically, to keep its members informed on key matters. Minutes of National Executive meetings and reports on other Component events will be forwarded to Locals in a timely way.

#### **Section 4**

##### **National Conferences**

The Component holds National Conferences to help educate members, improve communication between the National Office and members, build solidarity, and to gather information for collective bargaining.

#### **Section 5**

##### **Language**

UPCE provides services to its members in Canada's two official languages, or in the official language of their choice.