



# **Constitution**

## **Association of Postal Officials of Canada**

2007



**CONSTITUTION  
GOVERNING  
THE  
ASSOCIATION  
OF  
POSTAL OFFICIALS  
OF  
CANADA**

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Amended on: October 11, 1967; June 2, 1968; September 15, 1968; June 6, 1969; June 21, 1974; June 17, 1980; June 14, 1983; June 24, 1986; June 29, 1989; June 25, 1992; June 30, 1995; June 25, 1998; June 28, 2001, June 24, 2004, and June 28, 2007.

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In this Constitution, all genders are to be considered neutral.

Article 1  
Name and Form of Organization

- 1.1 This body shall be known as the Association of Postal Officials of Canada hereinafter referred to as the “Association” and shall be composed of Divisions, Branches and components.

Article 2  
Constitution

- 2.1 The Association shall reproduce this Constitution in both the English and French languages and both texts shall be regarded as official.
- 2.2 A Constitution Committee shall be appointed at least six (6) months prior to Convention.
- 2.3 The Association shall have the power and the authority to amend this Constitution.
- 2.4 Resolutions for the amendment of this Constitution shall be submitted to the National Office of the Association by any Branch of the Association at least three (3) months prior to any National Convention.
- 2.5 Any amendment of this Constitution shall become effective by approval of two-thirds ( $\frac{2}{3}$ ) of the delegates voting at a National Convention of the Association and unless otherwise specified, shall be effective at the time of its adoption.
- 2.6 Between National Conventions, any amendment of this Constitution shall be submitted to a National Branch Presidents’ Meeting, then submitted to the membership and become effective upon approval by two-thirds ( $\frac{2}{3}$ ) of the voting members.

Article 3  
Objectives and Policies

- 3.1 To unite all officials of Canada Post Corporation, or other appropriate employers, in a single organization by soliciting the membership of such officials regardless of their classification, position, location or nature of employment and contribute to an orderly and constructive relationship in the interest of our members.
- 3.2 To obtain certification as official bargaining agent for all officials of Canada Post Corporation, or any other appropriate employers.
- 3.3 To obtain for all members of the Bargaining Unit, through the collective bargaining process, the best standards of compensation and other conditions of employment, and to protect the rights and interests of all members in all matters connected with employer-employee relations

- 3.4 To continue to provide to the membership a group-life insurance plan for their protection and the protection of their families and make available to the membership, at the individual's cost, an option to have increased insurance within the group-life policy.
- 3.5 To conduct training programs for members.
- 3.6 This Constitution, **the Association's National Web Site**, and all reports, regulations, statements and publications of the Association shall be issued in the English and French languages. The only exception to this rule will be the Convention Verbatim Report identified in article 9.58.

Article 4  
Membership

- 4.1 Any official who has an indeterminate appointment with Canada Post Corporation, or other appropriate employer, who is eligible by law can be a member of this Association.
- 4.2 All new members shall be required to complete a membership application and pay five (\$5.00) dollars initiation fee to be retained by the Branch.
- 4.3 The receipt, either directly or from the Branch, of an application for membership shall constitute evidence of membership for:
  - 4.3.1 issuance of a membership card;
  - 4.3.2 granting of all rights and privileges of membership as outlined in this Constitution;
  - 4.3.3 representation to any Convention of the Association.
- 4.4 Every individual member of the Association is deemed to agree to abide by and to be bound by the provisions of this Constitution and the applicable Branch By-Laws, upon applying for or continuing his membership in the Association.
- 4.5 Members in the Association by virtue of their membership authorize Canada Post Corporation, or other appropriate employer, to release to the Association information deemed pertinent to membership.
- 4.6 A member must not hold office in another union, organization or group that is in active competition with the Association.
- 4.7 Any member on leave of absence from Canada Post Corporation, or other appropriate employer, for more than six months, except for Association business, shall not be entitled to stand for elections in the Association.
- 4.8 Any representative of the Association who has been discharged from Canada Post Corporation, or other appropriate employer, for their Association activities shall continue to be a member in good standing until all avenues of appeal have been completed or the **National Executive** decides not to proceed with the case.
- 4.9 All members shall be required to pay dues as detailed in article 10.

- 4.10 A member who becomes in arrears in the payment of his dues while off duty without pay shall become subject to those outstanding dues upon his return to a position represented by the Association or upon his retirement.
- 4.10.1 If the member returns to work in the Bargaining Unit, the arrears in dues will be recovered by deducting one (1) additional deduction each month until the arrears are recovered in full.
- 4.10.2 If the member returns to work in a position not represented by the Association, the arrears will be recovered by deducting one month's dues for each month until the arrears are collected in full.**
- 4.10.3 if the absence in 4.10 is due to illness and without remuneration then upon their termination the recovery of such arrears in dues will be limited to the first two-year period for the member on disability insurance and to the first year for the member on sick leave without pay.
- 4.10.4 Immediately upon the National Office becoming aware of an absence which requires an arrears notice, the Association will send an arrears notice, advising the member that he has the option of arranging for payment during the duration of his absence.**
- 4.11 A member in good standing shall be one who:
- 4.11.1 has signed a membership card and paid their initiation fees;
- 4.11.2 pays dues in accordance with article 10 herein or is on authorized leave from Canada Post Corporation or other appropriate employer;
- 4.11.3 is not currently under suspension from the Association pursuant to clause 4.13.3;
- 4.11.4 is in compliance with article 4.10 herein, if applicable, or;
- 4.11.5 has entered into an arrangement with the Association for the repayment of monies, if applicable.
- 4.12 Any member or representative of the Association is guilty of an offence against this Constitution who:
- 4.12.1 violates any of the provisions of this Constitution or By-Laws;
- 4.12.2 brings an action in a court of law in respect to any matters concerning the affairs of the Association or urges a Branch, a member or an individual to do so against the Association, the Executive Committee, a Branch or a member thereof;
- 4.12.3 advises any Branch or any member to withdraw from the Association or attempts to bring about their withdrawal;
- 4.12.4 works in the interest of any organization competing with the Association in a manner which is detrimental to the Association;
- 4.12.5 wrongfully interferes with any officer or any accredited representative of the Association in the discharge of their duties;
- 4.12.6 circulates reports designed or calculated to injure or weaken the Association;
- 4.12.7 refuses to comply with a constitutional order from the **National Executive**;

- 4.12.8 seriously neglects to perform the duties of his office.
- 4.13 Should any of the above procedures be violated by a member, the following actions shall be taken in the following order:
- 4.13.1 written reprimand;
  - 4.13.2 written reprimand which outlines the benefits lost to non-members;
  - 4.13.3 suspension from membership for a specified period;
  - 4.13.4 expulsion from the Association;
- 4.14 Should any of the above procedures be violated by an Association representative, the following actions shall be taken in the following order:
- 4.14.1 written reprimand;
  - 4.14.2 removal from his elected or appointed office;
  - 4.14.3 in case of major misconduct, the written reprimand referred to in 4.14.1 may be bypassed;
  - 4.14.4 should it be found necessary to remove an Association representative from office for major misconduct, the member shall be barred for life from holding any office within the Association, unless the original decision is over turned upon appeal in accordance with clause 4.15.
- 4.15 Any member or Association representative may appeal the corrective action taken by a Branch or the Executive Committee in the following manner:
- 4.15.1 where the Branch Executive took the action concerning a member or an Association representative:
    - 4.15.1.1 appeal to the Branch meeting;
    - 4.15.1.2 written appeal to the **National Executive**;
  - 4.15.2 where the action was taken by the Executive Committee in regard to a member or an Association representative:
    - 4.15.2.1 written appeal to the Executive Committee;
    - 4.15.2.2 appeal to the National Branch Presidents Meeting.
- 4.16 A member or an Association representative, who takes action in a Court of Law against the Association, without first exhausting all the remedies through the forms of appeal provided for in this Constitution, shall bear the total cost of such action including the cost of defending against such action.

Article 5  
Associate Members

- 5.1 The Association or any of its Branches may extend associate membership to a member:
- 5.1.1 who has accepted a position outside the Bargaining Unit for services rendered to the Association.
  - 5.1.2 who has retired. The retired member may be entitled to some rights and privileges of membership in the Association as provided for in this Constitution.
- 5.2 If the member retires, any arrears in dues must be paid in full as a condition of his becoming an Associate member.
- 5.3 Associate members shall not be required to pay dues to the Association and shall not count as a member for the purpose of article 9.
- 5.4 Associate members shall not be entitled to vote at meetings or to stand for elections in the Association.

Article 6  
Branches

- 6.1 The recognized established Branches under article 1 of this Constitution shall be:
- 6.1.1 ATLANTIC  
Newfoundland and Labrador Branch  
Cape Breton Regional Branch  
Halifax & District Branch  
Moncton Regional Branch  
N.B.West Regional Branch  
Prince Edward Island Branch
  - 6.1.2 MONTREAL  
Montreal Branch
  - 6.1.3 QUEBEC  
Quebec Branch
  - 6.1.4 RIDEAU  
Ottawa District Branch  
Northern Ontario Branch  
Trent Severn Branch
  - 6.1.5 YORK  
York Branch
  - 6.1.6 HURON  
Greater Niagara Branch  
Kitchener & District Branch  
London District Branch  
Windsor Regional Branch

- 6.1.7 MIDWEST
  - Lakehead Branch
  - Manitoba Branch
  - North Saskatchewan Branch
  - South Saskatchewan & West Manitoba Branch
- 6.1.8 FOOTHILLS
  - Edmonton & District Branch
  - Calgary Area Branch
- 6.1.9 PACIFIC
  - Okanagan-Mainline Branch
  - Kootenay Branch
  - Pacific Coast** Branch
  - Vancouver Island Branch
  - Victoria Area Branch
  - Northern B.C. & Yukon Branch

- 6.2 The area of jurisdiction of a Branch and its boundaries shall be as defined by the Executive Committee from time to time and the Branch shall have jurisdiction over its members, who shall be subject to the terms and conditions of the Constitution and/or By-Laws of the Branch.
- 6.3 A new Branch shall consist of not less than thirty (30) members.
- 6.4 Notwithstanding clause 6.3, there shall be a minimum of one (1) Branch in each Province.
- 6.5 A Branch shall be established only on the provision that, in the opinion of the three full time Association Officers and the responsible Divisional Vice-President, it is capable of discharging effectively the duties and responsibilities of a Branch, subject to appeal to the Executive Committee.
- 6.6 When members are moved from one area to another by virtue of reorganization, they shall be reassigned to the appropriate Branch.
- 6.7 If the total membership of a Branch becomes too small to operate in a sound financial manner, the matter shall be referred to the Executive Committee who shall decide by a two-thirds ( $\frac{2}{3}$ ) majority vote, whether it is in the best interests of the Association for the members to remain in a separate Branch or to be assigned to one of the Branches recognized in clause 6.1.
- 6.8 A Branch shall establish a Constitution and/or By-Laws for its operation and such Constitution and/or By-Laws shall be fully consistent with the Constitution of the Association and shall in no way contravene its provisions.
  - 6.8.1 Any subject not addressed in a local Constitution shall be governed by the National Constitution if applicable.
  - 6.8.2 Copies of all Branches' Constitutions and/or By-Laws must be sent to the National Office, **no later than six (6) months after the Branch has received the hard copy of the National Constitution approved at the last convention, and/or no later than six (6) months after any local amendments are made.**

- 6.9 The mandate of its Constitution and/or By-Laws shall govern a Branch provided that the mandate is within the exclusive jurisdiction of the Branch and does not contravene the jurisdiction of the Association.
- 6.10 A Branch shall have the right to elect its own officers and shall have the right to hold meetings as outlined in its own Constitution and/or By-Laws.
- 6.10.1 copies of minutes from all Branch meetings, including the Treasurer's report, shall be provided to the Divisional Vice-President.
- 6.11 The internal operations of a Branch shall be the primary concern and responsibility of that Branch and its members.
- 6.12 A Branch shall be solely responsible for all costs involved in its internal operations except as provided elsewhere in this Constitution.
- 6.13 A Branch shall:
- 6.13.1 process grievances involving employees as per the grievance procedure;
- 6.13.2 be delegated authority from the Association and assume responsibility at the local level, for collective agreements signed by the Association;
- 6.13.3 represent employees on matters not covered by collective agreements and all matters which are solely of concern to them as decided by the Branch Executive Committee;
- 6.13.4 provide the liaison between its members and the Association;
- 6.13.5 report the voting results of any National ratification, referendum, etc., to the National Office. This shall be done on the first working day following the closing date of the vote. Results submitted after the day following the closing date will not be accepted;
- 6.13.6 provide a ballot to any member who did not receive one, but only after verification with the National Office. The Branch will then be responsible for sending to the National Office a list of those names with current addresses.
- 6.14 A Branch shall be restricted in its operations to matters which solely affect its own membership within its defined area of jurisdiction as provided by article 6.2.
- 6.15 A Branch has the responsibility to publish newsletters or similar publications dealing with matters of concern to its members. Only copies of minutes pertaining to Branch or Branch Executive meetings and work related documents, including such newsletters or similar publications can be forwarded to other Branch Executives and the Divisional Vice-Presidents.
- 6.16 A Branch may, through the democratic process, establish an additional amount of dues to be paid by its members. Such additional dues shall include that portion levied by the Association as provided by article 10, subject to approval by the Association.
- 6.17 Branches shall have the right to any services provided by the Association under the terms of the Constitution.

- 6.18 Any Branch requesting assistance or service may delegate the Branch functions to the Association from time to time.
- 6.19 Each Branch shall provide annually to its members a detailed audited statement of receipts and expenditures certified by their duly elected auditors and shall submit a copy to the National Office of the Association.
- 6.19.1 Audit Reports must be submitted to the National Office no later than March 30<sup>th</sup> of each year. Branches, who fail to submit their audit report by that time, could lose their Branch Status.
- 6.20 For purposes of representation at any National Convention of the Association, each Branch shall be entitled to elect delegates on the following basis:
- 6.20.1 one delegate for the first fifty (50) members or fraction thereof;
- 6.20.2 one additional delegate for each additional fifty (50) members or fraction thereof;
- 6.20.3 the Branch President shall automatically become one of the delegates identified in 6.20.1 and 6.20.2;
- 6.20.4 Branches with more than two hundred & fifty (250) members will be entitled to one (1) additional delegate for every two hundred (200) members or fraction thereof, excluding the first two hundred & fifty (250) members. These criteria will also apply in establishing voting delegates to the National Branch Presidents' Meeting.
- 6.20.5 For the purposes of clause 6.20 only, the number of members shall be increased by the number of those people who are lawfully entitled to be members but have refused to do so.
- 6.21 Delegates **and alternates** to a National Convention must be elected at least **four (4)** months prior to the date of the Convention and must be members of the Association in good standing. **Such delegates and alternates must continue to be members of the Association in good standing and must continue to be members of the Branch from which they were elected to represent, up to an including the close of the National Convention.**
- 6.22 The Branches must submit to the Association a list of all delegates at least three (3) months prior to the date of Convention.
- 6.23 Branches may elect alternate delegates.
- 6.24 The cost involved for alternates attending a National Convention shall be the responsibility of the individual Branch.
- 6.25 Any Branch of the Association is guilty of an offence against this Constitution that:
- 6.25.1 violates any of the provisions of this Constitution or By-Laws;
- 6.25.2 brings an action in a court of law in respect to any matters concerning the affairs of the Association or urges a Branch, a member or an individual to do so against the Association, the Executive Committee, a Branch or a member thereof;
- 6.25.3 advises any Branch or any member to withdraw from the Association or attempts to bring about their withdrawal;

- 6.25.4 works in the interest of any organization competing with the Association in a manner which is detrimental to the Association;
  - 6.25.5 wrongfully interferes with any officer or any accredited representative of the Association in the discharge of their duties;
  - 6.25.6 circulates reports designed or calculated to injure or weaken the Association;
  - 6.25.7 refuses to comply with a constitutional order from the **National Executive**.
- 6.26 Should any of the above procedures be violated, the following action shall be taken:
- 6.26.1 a Branch may be placed under trusteeship by the **National Executive** until the Branch is prepared to abide by the Constitution and By-Laws of the Association;
  - 6.26.2 a Branch that takes action in a Court of Law against the Association, without first exhausting all the remedies through the forms of appeal provided for in this Constitution, shall bear the total cost of such action including the cost of defending against such action.
- 6.27 Any Branch may appeal the corrective action taken by the **National Executive** in the following manner:
- 6.27.1 written appeal to the Executive Committee;
  - 6.27.2 appeal to the National Branch President Meeting;
  - 6.27.3 appeal to the National Convention;

NOTE: Should the National Convention precede the Branch Presidents meeting steps 6.27.2 and 6.27.3 would be synonymous.

#### Article 7 Divisions

- 7.1 The recognized established Divisions under article 1 of this Constitution shall be:
- 7.1.1 Atlantic Division;
  - 7.1.2 Montreal Division;
  - 7.1.3 Quebec Division;
  - 7.1.4 Rideau Division;
  - 7.1.5 York Division;
  - 7.1.6 Huron Division;
  - 7.1.7 Midwest Division;
  - 7.1.8 Foothills Division;
  - 7.1.9 Pacific Division;

- 7.2 The Association shall establish divisional boundaries.
- 7.3 There shall be a Divisional Vice-President for each Division who shall:
- 7.3.1 be a member and attend all National Branch Presidents' and Divisional Council meetings;
  - 7.3.2 be a member and attend all meetings of the Executive Committee;
  - 7.3.3 assist the National President in conducting the affairs of the Association;
  - 7.3.4 represent and administer the affairs of the Association in his Division;
  - 7.3.5 visit all Branches in his Division once each year, **and verify the bylaws and the finance books of the Branch;**
  - 7.3.6 represent the Association at all functions when requested by the Executive Committee;
  - 7.3.7 represent the Association at all expedited arbitration hearings, and make recommendations for grievances to be sent to formal arbitration to the National Office for approval.
- 7.4 The Divisional Vice-Presidents shall work in the Division they represent. When a Divisional Vice-President is outside of his Division, he must vacate the Divisional Vice-President position for the duration of the absence.
- 7.5 Each Divisional Vice-President shall be granted an annual honorarium equal to twenty (20%) per cent of the maximum salary of an APOC 1, **or it's equivalent under any subsequent job evaluation plan to be settled in equal monthly payments.**
- 7.6 The Divisional Vice-Presidents may delegate any of their responsibilities to an elected officer of the Association in the following order:
- 7.6.1 Alternate Divisional Vice-President;
  - 7.6.2 President of a duly established Branch within the Division;
  - 7.6.3 Vice-President of a duly established Branch within the Division.
- 7.7 In each Division there will be an Alternate Divisional Vice-President. The Alternate shall be selected from among the Branch Presidents in the Division and shall not add additional members to the National Branch Presidents' Meetings or Divisional Council Meetings.
- 7.8 The Alternate Divisional Vice-President shall:
- 7.8.1 be a President of a duly established Branch within that Division;
  - 7.8.2 replace the Divisional Vice-President in case of absence or failure to discharge the duties of the position. The Honorarium shall be paid to the Alternate Divisional Vice-President when the period is four (4) consecutive weeks or more;
  - 7.8.3 accede to the position of Divisional Vice-President when it becomes vacant;

- 7.8.4 be considered as a member of the Executive Committee only when he replaces the Divisional Vice-President;
  - 7.8.5 attend all National Branch Presidents meetings and Divisional Council meetings;
  - 7.8.6 be assigned other duties to assist the Divisional Vice-President as deemed necessary by the Divisional Council;
  - 7.8.7 vacate the position of Alternate Divisional Vice-President if he ceases to be a Branch President within that Division.
  - 7.8.8 Attend the Executive Committee Meeting attached to the Branch President's meeting as an observer.
- 7.9 A nominee for office as an Alternate Divisional Vice-President must be a President of a duly established Branch within that Division.
- 7.9.1 If an election to fill the Divisional Vice-President is necessary, a successor shall be elected by and from the respective Divisional Council.
  - 7.9.2 If an election to fill the Alternate Divisional Vice-President is necessary, a successor shall be elected by and from the respective Divisional Council.
- 7.10 The Divisional Council shall be comprised of the Divisional Vice-President and Branch Presidents except where one of the Branches consists of more than two hundred and fifty (250) members in which case the Branch will be entitled to one (1) additional member for every two hundred (200) members or fraction thereof, excluding the first two hundred and fifty (250).
- 7.11 The Divisional Council shall:
- 7.11.1 be used to discuss and seek solutions to problems affecting Branches and members in the Division;
  - 7.11.2 serve as liaison between Branches and the Association and between Branches in the Division;
  - 7.11.3 advise the Association on divisional and local matters affecting the membership;
  - 7.11.4 attend Divisional Consultation meetings when requested to do so by the Divisional Vice-President;
  - 7.11.5 normally have only two meetings per year. However, the Divisional Vice-President may call an additional meeting for one day prior to the National Branch Presidents' Meeting to deal with concerns that may have been raised since their previous meeting;
  - 7.11.6 the minutes of all divisional council meetings must be sent to the National Office.
- 7.12 The channel of communication for Divisional Councils to the Association shall be through the Divisional Vice-President. Any matter which has only local implication which has not been dealt with at the Divisional level cannot be referred to the National Branch Presidents' Meetings.

Article 8  
Association

- 8.1 The Association shall be solely and exclusively responsible for:
- 8.1.1 carrying out all policies of the Association as established at National Conventions;
  - 8.1.2 collective bargaining for all Bargaining Units for which the Association has been certified as the Bargaining Agent;
  - 8.1.3 the establishment of policies on matters related to collective bargaining, such as bargaining committees, negotiating teams and ratification of agreements;
  - 8.1.4 the organization and operation of Divisions;
  - 8.1.5 the representation at all levels of Canada Post Corporation, or other appropriate employers, on matters which are not the sole and exclusive responsibility of one Branch;
  - 8.1.6 the establishment, maintenance and control of all organizing work;
  - 8.1.7 the employment, assignment, performance, salaries, conditions of employment and office accommodation of all paid staff of the Association both at the National Office and in the field;
  - 8.1.8 the preparation and processing of all business for Association Conventions, including a proposed budget and dues structure;
  - 8.1.9 all residual power, authority and rights not specifically established by the Constitution in either the Association or the Branches shall reside in the Association subject to ratification by the National Convention;
- 8.2 The Association shall issue Charters, duly executed by the National President and co-signed by the responsible Divisional Vice-President, to new Branches established in accordance with article 6.
- 8.3 The Association shall have complete jurisdiction over all questions arising between Branches and its judgement in all cases shall be final.
- 8.4 Headquarters of the Association shall be at the same geographical area as the Headquarters of Canada Post Corporation.
- 8.5 The Association shall provide for its full-time elected officers an equitable pension plan.
- 8.6 The Executive Committee shall be the governing body of the Association in periods between National Conventions and shall be recognized by the Branches under the terms of the Constitution.
- 8.7 The **National Executive** shall consist of the following officers:
- National President;**
  - National Vice-President;**
  - National Secretary-Treasurer;**
- 8.7.1 **The Executive Committee shall consist of the National Executive and the Divisional Vice Presidents**

- 8.8 The Executive Committee shall:
- 8.8.1 be responsible for the affairs of the Association between National Conventions;
  - 8.8.2 report to all Branches once a year on all outstanding resolutions passed at Convention, and present the new regulations adopted during the year;
  - 8.8.3 meet at every National Branch Presidents' Meetings and as required.
- 8.9 Without limiting the generality of clause 8.8, the Executive Committee shall be charged with the responsibility for:
- 8.9.1 carrying out the policies of the Association as established at National Conventions, and ensuring that the Association and the Branches have strictly observed the provisions of this Constitution;
  - 8.9.2 ensuring that the Association is represented in all matters affecting the membership generally;
  - 8.9.3 obtaining the offices and facilities necessary to conduct the affairs of the Association;
  - 8.9.4 the employment, salaries and other conditions of employment of full-time and/or part-time employees of the Association;
  - 8.9.5 establishing the conditions of employment excluding salaries of the full-time and part-time elected or appointed officers of the Association;
  - 8.9.6 ensuring that the Association provides for its members a minimum of two publications per year designed to keep them informed of the activities of the Association;
  - 8.9.7 considering and preparing business to be brought to the National Convention and all arrangements in connection with the National Convention, including the submission of a budget to the Convention for the current three year (3) period and a recommendation respecting the date and location of the following National Convention;
  - 8.9.8 adopting regulations pertaining to financial, organizational and operational matters;
  - 8.9.9 defining the area of jurisdiction of each Branch;
  - 8.9.10 ratifying appointments to the negotiation committee, other than that of the National President and the National Vice-President.
- 8.10 In order to hold any position on the Executive Committee of the Association, a member must be an indeterminate employee of Canada Post Corporation, or any other appropriate employer, or be on full-time Association leave.
- 8.11 If a member terminates his employment status with Canada Post Corporation, or any other appropriate employer, he must also tender his resignation with the Association or be requested, by the Executive Committee, to vacate his position.
- 8.12 In the event of a vacancy in any of the positions on the **National Executive**, the following order shall apply:

- 8.12.1 the position of the National President shall be filled by the National Vice-President;
- 8.12.2 in the event that the office of National Vice-President or National Secretary-Treasurer becomes vacant, a meeting of the **Executive Committee** shall be called to elect a new officer;
- 8.12.3 in the event that no one on the Executive Committee is prepared to assume the duties of the vacant full-time position, an election will be held by members of the National Branch Presidents' Meeting to name a new officer;
- 8.13 Nominees for a full-time elected office of the Association must be prepared to live in the area where the Headquarters of the Association is located.
- 8.14 Elected officers of the Association shall assume their position within ninety (90) days following the adjournment of the National Convention.
- 8.15 The full time Officers of the Executive Committee must enrol in language training in an attempt to become bilingual **in both official languages**.
- 8.16 Each member of the Executive Committee shall be entitled to attend a National Convention of the Association and shall be accorded all the rights and privileges of accredited delegates.
- 8.17 Outgoing full-time officers shall be kept on strength for at least sixty (60) days but not more than one hundred and twenty (120) days following the adjournment of the National Convention, **and must return to the Association, each time it is required to do so, any amounts of money, documents, or any other properties belonging to the Association that they may have in their possession.**
- 8.18 A quorum of the Executive Committee shall be two-thirds ( $\frac{2}{3}$ ) of that body.
- 8.19 At meetings of the Executive Committee, each member of the Committee shall be entitled to one (1) vote only.
- 8.20 Special meetings of the Executive Committee shall be called on the written request of two-thirds ( $\frac{2}{3}$ ) of its members or by the National President.
- 8.21 The proceedings of the Executive Committee's meetings shall be in both official languages.
- 8.22 At the National level all deliberations should be in both official languages when required.
- 8.23 The National President shall function as the Chief Executive Officer of the Association, subject to the approval of the Executive Committee, he shall:
  - 8.23.1 exercise supervision over the affairs of the Association;
  - 8.23.2 sign all official documents and preside at regular and special Conventions;
  - 8.23.3 preside at all meetings of the Executive Committee, Branch Presidents and special meetings;
  - 8.23.4 assign duties to members of the Executive Committee;
  - 8.23.5 have the authority to interpret the Constitution and his interpretation shall be conclusive and in full force and effect unless reversed by the Executive Committee or a National Convention;

- 8.23.6 have the power to define and regulate the admission, suspension or cancellation of the Charter of any Branch of the Association for just cause subject to two-thirds ( $\frac{2}{3}$ ) approval of the Executive Committee;
- 8.23.7 report on the administration of the office and on the affairs of the Association to each regular meeting of the Executive Committee and to each Convention;
- 8.23.8 appoint members on all committees unless otherwise specified by the Constitution;
- 8.23.9 be the chairperson of the negotiation committee;
- 8.23.10 ensure that any amendments to the collective agreement between negotiations shall be presented to and voted upon by the Executive Committee. A two-thirds ( $\frac{2}{3}$ ) majority vote shall be required to carry the amendments;
- 8.23.11 setup and administer education sessions and training programs.
- 8.23.12 Ensure the correcting of spelling, grammatical, formatting and translation errors, in this constitution, when they are discovered, in cases where the intent of the Constitution provision would not be changed/altered.

**8.24** The National Vice-President shall:

- 8.24.1 replace the National President in his absence or his failure to discharge the duties of the position;
- 8.24.2 accede to the position of National President in case of his death or resignation;
- 8.24.3 be a member of the negotiation committee;
- 8.24.4 attend all meetings of the Executive Committee;
- 8.24.5 assist the National President in conducting the affairs of the Association;
- 8.24.6 represent the National President when required;
- 8.24.7 report to the National Convention.

**8.25** The National Secretary-Treasurer shall:

- 8.25.1 have charge of all correspondence, finances and official documents;
- 8.25.2 compile and publish all amendments to the Constitution;
- 8.25.3 keep a record of all proceedings and reports;
- 8.25.4 draw and attest cheques;
- 8.25.5 collect all assessments and membership dues levied by order of the Association and of the Branches;
- 8.25.6 have his accounts correctly posted and ready for examination;

- 8.25.7 report to the Convention on the state of the finances of the Association;
  - 8.25.8 be responsible for the efficient operation of the office of the Association;
  - 8.25.9 collect all premiums and process all claims relating to the Group Life-Assurance Plan of the Association;
  - 8.25.10 send copies of the financial statement to the Treasurers of all Branches once each year;
  - 8.25.11 assist the National President in conducting the affairs of the Association.
- 8.26 The weekly salaries and accountable allowances of the full-time elected officers of the Executive Committee shall be:
- 8.26.1 National President - 175% of the maximum salary of a APOC 1 **or it's equivalent under any subsequent job evaluation plan.**
  - 8.26.2 National Vice-President - 90% of the salary of the National President
  - 8.26.3 National Secretary-Treasurer - 90% of the salary of the National President
- 8.27 When weekly salaries applying to the Postal Operations Group (Supervisory) are revised, such revision shall apply to all full-time officers.
- 8.28 As far as possible, terms and conditions of employment other than salaries for full-time officers shall be similar to terms and conditions of employment applying to the Postal Operations Group (Supervisory) of Canada Post.
- 8.29 The National Branch Presidents' Meeting will be held in the spring of each year, except in the year of the National Convention, unless an item of an urgent nature arises then a meeting could be called by the Executive Committee or a simple majority of the Branch Presidents.
- 8.30 The Association shall pay all cost of National Branch Presidents' Meetings and Divisional Council meetings.
- 8.31 Remuneration for expenses incurred by members attending National Branch Presidents' Meetings, Divisional Council meetings shall be governed by the regulations established by the Executive Committee.
- 8.32 The Negotiation Committee shall be comprised of:
- National President
  - National Vice-President
  - one representative from the Atlantic
  - one representative from Quebec
  - one representative from Ontario
  - representative from the area west of Ontario
- 8.33 **The information process following a tentative agreement and process related to voting.:**
- 8.33.1 **The negotiating team must follow the communication plan included in the Association's regulations, in order to present the information on a tentative agreement.**

- 8.33.2 the responsibility for issuing ratification, referendum, etc., ballots shall rest strictly with the National Office;
- 8.33.3 an envelope containing only the following documents will be sent to each member in good standing:
  - 8.33.3.1 a complete copy, in the language chosen by the Branch, dealing with the subject being voted on;
  - 8.33.3.2 a ballot;
  - 8.33.3.3 self-addressed opaque envelope for the return of the ballot.
- 8.33.4 the ballot only will bear the following information:
  - 8.33.4.1 two (2) squares either (Yes/No) or (In Favour/Against) allowing the member to express his vote;
  - 8.33.4.2 closing date of the vote;
- 8.33.5 in the case of a ratification ballot, a copy of the agreement will be forwarded to the Branch in the official language chosen by the Branch President;
- 8.33.6 each voting member will return his ballot to his Branch no later than the indicated closing date. The voting period will last approximately fifteen (15) calendar days. Ballots received after the closing date will not be counted;
- 8.33.7 as soon as the National Office compiles the results, they should be transmitted to all Branches on the day following the day that the results were submitted to the National Office;

## Article 9 Convention

- 9.1 The National Convention shall be the supreme governing body of the Association.
- 9.2 PURPOSE - The National Convention shall control and regulate the policy and work of the Association, hear and determine all matters which may properly be brought before it, provide for the revenues of the Association; whether by a monthly dues on the membership, or by fees and assessments or otherwise, and in general do all things as may in its opinion, be necessary for the advancement of the welfare and progress of the Association.
- 9.3 The Association shall hold triennial National Conventions.
- 9.4 The National Convention of the Association shall be held in Canada at a place to be determined by a majority vote of the delegates at the previous National Convention.
- 9.5 In no case shall the interval between regular National Conventions be less than thirty (30) months or more than forty-two (42) months.

- 9.6 The **National Executive** shall issue a call to meet in Convention to all Branches not less than six (6) months prior to the date of the National Convention. Such Convention call to include the final date for receipt of resolutions from Branches on matters relating to the Constitution, organization, general policy, welfare or interest of the Association.
- 9.7 Copies of the agenda shall be forwarded to each Branch Secretary and to each delegate, one (1) month prior to any Convention.
- 9.8 The National Convention shall commence on the date specified in the Convention call and shall be for the duration specified, subject to any modification by the Convention.
- 9.9 National Conventions shall be chaired by the National President.
- 9.10 The Convention shall:
- 9.10.1 adopt rules of procedure governing the processing of all matters before the Convention;
  - 9.10.2 deal with all resolutions and matters submitted to it by the Branches and by the Executive Committee;
  - 9.10.3 deal with all specific matters assigned to it by the Constitution;
  - 9.10.4 establish the general policies of the Association;
  - 9.10.5 elect from among its delegates, officers of the Association as outlined in article 8 of this Constitution;
  - 9.10.6 ratify all appointments to Committees of the National Convention made by the Executive Committee;
  - 9.10.7 establish the budget for the current three year period including the dues to be paid by each member of the Association;
  - 9.10.8 review all reports submitted to it by officers and subordinate bodies;
  - 9.10.9 act upon any other items of business placed before it by the duly elected delegates in the manner prescribed by the procedural rules adopted by the Convention for the orderly processing of its business.
- 9.11 Special Conventions shall be called on the written request of two-thirds ( $\frac{2}{3}$ ) of the members of the Executive Committee or on the written request of the executive bodies of two-thirds ( $\frac{2}{3}$ ) of the duly established Branches as described in article 6.
- 9.12 A special Convention shall deal only with the matters for which it is called, unless a two-thirds ( $\frac{2}{3}$ ) majority of the delegates agree to consider other matters of an urgent or necessary nature within the time limits set for the special Convention.
- 9.13 Delegate entitlement shall be determined in accordance with clause 4.3 and the number of members on the first day of the month during which a call to Convention is issued.

- 9.14 A Branch shall have the right to elect at a meeting within a period of not less than five (5) months prior to the regular Convention of the Association, delegates and alternates to the forthcoming National Convention of the Association. Only dues paying members in good standing shall be eligible for election as delegates or alternates.
- 9.15 Guests at Convention**
- 9.15.1 Partners and Children of the delegates or alternates are automatically invited to Convention. Children will not participate in the evening activities except for opening night, unless authorized by the National Executive.**
- 9.15.2 All other guests must be authorized by the Executive Committee who shall have the sole authority to approve invitations, and to limit participation at any of the activities if such restrictions are deemed necessary.**
- 9.16 The Chairperson shall call the Convention to order at the time specified.
- 9.17 Unless expressly provided otherwise in this Constitution, all decisions requiring a vote shall be decided by a simple majority.
- 9.18 All accredited delegates shall have voice and voting rights.
- 9.19 Alternate delegates attending a National Convention of the Association shall be entitled to all the rights of delegates other than voting or standing for office.
- 9.20 In all matters to be referred to the membership for a referendum vote, the Convention shall decide if such a vote will require a two-thirds ( $\frac{2}{3}$ ) majority or a simple majority of those voting.
- 9.21 When a delegate wishes to speak, he shall raise his hand. When recognized by the Chairperson, he shall give his name and the name of the Branch he represents and shall confine his remarks to the question at issue.
- 9.22 A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
- 9.23 Speeches shall be limited to three (3) minutes. In the case where the speaker requests additional time, a further three (3) minutes may be granted if approved by a simple majority vote of the delegates.
- 9.24 A delegate shall not interrupt another, except to call to a point of order.
- 9.25 If a delegate is called to order he shall take his seat until the Chairperson has decided the question of order.
- 9.26 Should a delegate persist in unparliamentary conduct, the Chairperson will be compelled to name the delegate and submit their conduct to the judgement of the Convention.
- 9.27 A delegate whose conduct is in question should explain and then withdraw and the Convention will determine what course to pursue in the matter.
- 9.28 When a question is put, the Chairperson after announcing the question shall ask: "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.

- 9.29 Questions may be decided by a show of hands or a standing vote. A secret ballot or a recorded roll call vote may be demanded upon adoption of a motion to that effect by one-third ( $\frac{1}{3}$ ) of the delegates present.
- 9.30 A delegate may appeal the decision of the chair. The Chairperson shall then put the question: "Shall the decision of the chair be sustained?" The question shall not be debatable except that the Chairperson may explain his decision.
- 9.31 When the previous question is moved, no discussion or amendment of either motion is permitted. If the majority vote that the question be now put, the original motion must be put without debate. The previous question can only be moved or seconded by members who have not previously spoken on the question. If the motion to put the question is defeated, discussion on the original motion will continue.
- 9.32 A motion to refer back is not debatable when properly seconded, the question shall be immediately put to the Convention.
- 9.33 A motion to refer back to the Committee for reconsideration shall be in order.
- 9.34 If the report of a committee is defeated, it may be referred back to the Committee for reconsideration.
- 9.35 If the report of a committee is adopted, it becomes the decision of the Convention.
- 9.36 In the case of a tie vote, the Chairperson shall cast the deciding vote.
- 9.37 The Convention may suspend the rules of order by a two-thirds ( $\frac{2}{3}$ ) majority vote of the delegates.
- 9.38 Unless otherwise specified, any decisions taken by the Convention shall take effect immediately upon adjournment of the National Convention. This does not apply to constitutional changes which are covered under article 2.3.
- 9.39 All resolutions to a National Convention must be in writing and must have been discussed and passed at a Branch membership meeting and be endorsed with the signatures of the President and the Secretary of the Branch.
- 9.40 Notwithstanding the provisions of clause 9.38, resolutions which have been passed at a Branch membership meeting, may be presented at a meeting of a Divisional Council who may combine or amend resolutions or prepare a composite to cover the intent of the question at issue.
- 9.41 The Association shall not receive resolutions from any individual member.
- 9.42 To be in order, resolutions **to amend the National Constitution** must be submitted to the **National Office of the Association** three (3) months prior to **the commencement of** any National Convention.
- 9.43 Committees may combine, amend resolutions or prepare a composite to cover the intent of the question at issue.
- 9.44 At each National Convention or special Convention if notice is given, a Nomination Committee of at least five (5) persons shall be appointed by the Executive Committee from among those present.
- 9.45 The Chairperson of the Nomination Committee shall be appointed by the Executive Committee. He shall conduct the election of all officers. He shall have the power to appoint scrutineers and assistants deemed necessary to conduct the election in an orderly manner.

- 9.46** The duties of the Nomination Committee shall be:
- 9.46.1** to receive nominations for each of the following offices: National President, National Vice-President, National Secretary-Treasurer, Divisional Vice-Presidents, Alternate Divisional Vice-Presidents and the Standing Committee on Finance;
  - 9.46.2** to verify the eligibility of nominees for office;
  - 9.46.3** to ascertain the willingness of nominees to accept and perform the duties of any office to which they may be elected;
  - 9.46.4** to report to the Convention the names of all such nominees.
- 9.47** All nominees for elected office must be:
- 9.47.1** members of the Association in good standing;
  - 9.47.2** delegates to the National Convention and must attend; unless, their attendance is prevented by circumstances beyond their control.
- 9.48** Nominations for all offices filed with the Committee shall be in writing, signed by a nominator, a seconder and the nominee, each of whom shall be an accredited delegate.
- 9.48.1** Nominations shall be opened on the first day of the National Convention and will be closed at noon the next day;
  - 9.48.2** Divisional Vice-Presidents will be nominated, seconded and elected by the delegates from their respective Division at the National Convention;
  - 9.48.3** Alternate Divisional Vice-Presidents will be elected from their respective Divisional Council by their delegates at National Convention.
- 9.49** The election of officers shall take place on the last day of the National Convention in the morning.
- 9.50** The election of each office shall be conducted in turn. Each office shall be called and completed before the next office is called. The following order shall apply:
- 9. 50.1** the National President;
  - 9. 50.2** the National Vice-President;
  - 9. 50.3** the National Secretary-Treasurer;
  - 9. 50.4** the Divisional Vice-Presidents in turn from East to West;
  - 9. 50.5** the Alternate Divisional Vice-President in turn from East to West;
  - 9. 50.6** three (3) members from the delegates present to be known as the Standing Committee on Finances;
  - 9. 50.7** three (3) alternates for the Standing Committee on Finance.

- 9.51 As the election for each office is called, only the nominator or seconder of each nominee may speak to the Convention for no more than three (3) minutes on behalf of that nominee.
- 9.52 The election to each office shall be by secret ballot. A numbered blank ballot paper shall be distributed to all in attendance entitled to vote for each office in turn as it is called. Each person in attendance entitled to vote shall write on the ballot paper the name of his or her choice for the office called from among the nominees for the office.
- 9.53 **A candidate will be declared elected when there is a majority of votes in his favour. When more than two candidates stand for election to any office and no nominee obtains a clear majority of the ballots cast, the election procedure shall be by way of elimination. The Candidate with the least number of votes is eliminated from the next round and so on.**
- 9.54 In case of a tie vote:
- 9.54.1 the Chairperson shall immediately take a second ballot without recess or adjournment. If this results in a second tie vote, the Chairperson shall call a short recess before taking the third ballot;
- 9.54.2 in the event of a tied vote under 9.49.4 or 9.49.5 and following three (3) votes having been cast, the three (3) full time Officers shall be included in the vote to break the tie.
- 9.55 The number of votes obtained by each candidate in an election must be announced.
- 9.56 All Officers assuming office in this Association shall take the following oath:
- “I do hereby sincerely pledge my word and honour to perform my duties, as an officer of the Association of Postal Officials of Canada. I shall uphold and follow the Constitution and By-Laws of the Association. At the end of my term of office, I shall turn over to the Association all properties and funds in my possession, that belong to the Association.”
- 9.57 A two-thirds ( $\frac{2}{3}$ ) decision by a Convention shall be required for membership or affiliation by the Association in any organization or body having similar aims, objectives and functions as the Association.
- 9.58 The proceedings of the National Convention should be conducted in both languages, French and English.
- 9.59 A copy of the Convention Verbatim Report shall be distributed to each Branch.
- 9.60 The National Office will send to each Branch a summary of all resolutions passed at the National Convention translated into both official languages.

#### Article 10 Finances

- 10.1 The amount of the annual membership dues including the per capita assessed cost for the Association's Group Life Insurance plan payable by each member of the Association shall be 1.28 per cent of the maximum salary of an APOC 1 **or its equivalent under any subsequent job evaluation plan**. This amount to be settled annually in twenty-four (24) equal payments.

- 10.1.1 Increase in dues becomes effective only on the first day of the month following the month in which a salary increase becomes effective.
- 10.1.2 The National Secretary-Treasurer shall have the authority to automatically adjust the monthly dues deduction to the nearest dollar amount.
- 10.1.3 A Branch may, through the democratic process, establish an additional amount of dues to be paid by its members. Such additional dues shall include that portion levied by the Association as provided by article 10, subject to approval by the Association.
- 10.2 The membership dues less the per capita assessed cost for the Association's Group Life Insurance plan shall be divided as follows:
  - 10.2.1 to the general fund seventy-five (75%) per cent;
  - 10.2.2 to the Branch, twenty-five (25%) per cent;
- 10.3 Authority for payroll deduction shall be vested in the Association.
- 10.4 Collection of the total amount of dues as provided in clause 10.1 shall be by payroll deduction.
- 10.5 Authorization shall be granted to the Employer to remit to the Association all bimonthly dues collected through payroll deduction. The Association shall ensure that the Branch rebates are transmitted at the earliest possible date.
- 10.6 The general fund shall be used to pay:
  - 10.6.1 all cost of regular or special Conventions.
    - 10.6.1.1 remuneration of delegates to any Convention of the Association shall consist of all necessary transportation, per diem at a flat rate to cover subsistence expenses incurred during attendance at the National Convention, the flat rate to be established by the Executive Committee subject to the limitations imposed by the Convention;
    - 10.6.1.2 all expenses incurred in the entertainment of invited guests and alternate delegates while in attendance at a National Convention;
  - 10.6.2 all cost of Divisional Council Meetings;
  - 10.6.3 all cost of National Branch Presidents Meetings;
  - 10.6.4 for other purposes as authorized by the Executive Committee.
- 10.7 The Association shall not be responsible for payment of any account which the Executive Committee has not authorized by minutes or delegation.
- 10.8 All monies received shall be deposited in a chartered bank and/or a credit union designated by the Executive Committee, to the credit of the Association.
- 10.9 Funds required for current expenses shall be maintained in a bank account or accounts opened as instructed by the Executive Committee.

- 10.10 Funds not required for current operation may be invested in securities by the Executive Committee. Such investments shall only be in Government guaranteed bonds or in chartered banks certificates.
- 10.11 The Executive Committee may, upon approval by two-thirds ( $\frac{2}{3}$ ) of the members of the Executive Committee, enter into an agreement with a chartered bank and/or a credit union for the purpose of borrowing monies, under arrangements as deemed necessary by the bank and/or credit union.
- 10.12 Cheques shall be signed by any two (2) of the following officers:
- 10.12.1 the National Secretary-Treasurer;
  - 10.12.2 the National President;
  - 10.12.3 the National Vice-President; or
  - 10.12.4 the Divisional Vice-Presidents in the absence or incapacity of any two of the three officers mentioned above.
- 10.13 Each member of the Executive Committee who is authorized to sign cheques under clause 10.12 shall be bonded in an amount of not less than \$100,000.00. All other staff concerned with the administration of finances or the control of equipment and supplies shall also be bonded in an amount decided by the Executive Committee. The cost of all such bonds shall be borne by the Association.
- 10.14 Standing advances for expense purposes as approved by the Executive Committee shall be provided to all elected officers and appointed members of Committees.
- 10.15 Remuneration of elected and appointed officers, staff and other persons, for expenses incurred while on official business for the Association, shall be governed by regulations established by the Executive Committee.
- 10.16 The fiscal year of the Association shall be the calendar year ending December 31.
- 10.17 The Association shall provide an "Accident Insurance" to cover all members of the Executive Committee engaged in Association affairs, a "Mercantile Insurance Policy" (fire, theft, etc.) to protect the property of the Association and a "Public Liability Insurance Policy."
- 10.18 A qualified and licensed public accountant, approved by the Executive Committee shall audit annually the finances of the Association. Copies of the audited annual statement shall be distributed to all Branches.
- 10.19 A Standing Committee on Finances consisting of three (3) members other than Executive Committee members shall be elected from delegates attending the National Convention.
- 10. 19.1 The duties of the Committee shall be:
    - 10. 19.1.1 to review all expenditures past and present, the general operation of the Association and the annual financial statement of the independent chartered accountant;
    - 10. 19.1.2 to report to the Executive Committee on the state of finances and the operation of the Association.

10. 19.2 The Standing Committee on Finances shall meet once each year following the audit expressed in 10.18 or on any occasion deemed necessary by the Executive Committee upon a majority vote.
10. 19.3 All reports shall be signed by the members of the Committee, carried over and submitted to the next National Convention.

Article 11  
Paid Staff of the Association

- 11.1 The Executive Committee shall be solely responsible for the employment, assignment, performance and office accommodation for all paid staff of the Association both at the National Office and in the field.
- 11.2 As far as possible, terms and conditions of employment other than salaries for all paid staff of the Association, shall be similar to terms and conditions of employment applying to the Postal Operations Group (Supervisory) of Canada Post.
- 11.3 The weekly salaries of all paid staff of the Association shall be established by the Executive Committee within budget limitations.
- 11.4 Notwithstanding clauses 11.2 and 11.3, terms of any negotiated agreement with all paid staff of the Association or parts thereof shall serve to amend and shall take precedence.
- 11.5 The Association shall provide an equitable pension plan for all paid staff of the Association.

**FRANCOIS GOULET** - National President

**TERRY COTTON** - National Secretary-treasurer