

# **By-laws and Policies – CEP Atlantic Communications Council**

## **ARTICLE 1 – NAME**

- 1.1 This organization shall be known as the “CEP Atlantic Communications Council”, hereinafter referred to as the “Council”.

## **ARTICLE 2 – PURPOSE**

- 2.1 The purpose of the Council is:
- (a) To jointly bargain and administer all aspects of the common collective agreement between CEP Locals 401, 410, 506 and 2289 and their employer;
  - (b) To jointly establish, administer and manage all designated Council Funds;
  - (c) To encourage membership through the member Locals;
  - (d) To promote cooperation in collective bargaining among the member Locals;
  - (e) To promote job security and enhance the terms and conditions of employment for all members of the Council;
  - (f) To provide appropriate representation for the membership of each of the member Locals;
  - (g) To regulate relations between individual members and their employer.

## **ARTICLE 3 – MEMBERSHIP**

- 3.1 The membership of the Council shall consist of Communications, Energy and Paperworkers Union of Canada (CEP) Locals 401, 410, 506 and 2289.

## **ARTICLE 4 – JURISDICTION AND REPRESENTATION**

- 4.1 The member Locals recognize and accept the jurisdiction of CEP as the bargaining agent for all employees in the bargaining unit whose jurisdiction is or will be transferred to the CEP.
- 4.2 Each member Local recognizes and accepts the jurisdiction and responsibility of the other member Local to represent their members in their respective Province.
- 4.3 Each member Local further recognizes and accepts the jurisdiction and responsibility of the Council to represent members, as set out in Article 2 of these By-laws and, where there is a conflict between Local representation and Council representation, such matters shall be resolved by the Council Executive Board.

## ARTICLE 5 – GOVERNING AUTHORITY

- 5.1 (a) The highest governing authority of the Council are delegates at the Biennial Council Locals Meeting. In between Biennial Council Locals Meetings, the affairs of the Council will be governed by the Council Executive Board.

The Council Executive Board shall include:

- i. President of each participating Local (or his/her designated alternate)
  - ii. Treasurer (initially elected from the existing Council Board of Governors and subsequently elected from and by Local delegates at a bi-annual Council Locals Meeting, in accordance with Article 13 of these By-laws)
  - iii. Recording Secretary (initially elected from the existing Council Board of Governors and subsequently elected by Local delegates at a bi-annual Council Locals Meeting, in accordance with Article 13 of these By-laws)
  - iv. CEP National Representatives responsible for servicing of member Locals may attend Executive Board meetings and will have voice but no vote at those meetings.
- (b) Initially, Presidents of the member Locals will select, from among their own ranks, a Chairperson and a Vice-Chairperson. Subsequently, the Chair and Vice-Chair of the Council Executive Board will be elected, from the ranks of the Presidents of the member Locals, by Local delegates at the biennial Council Locals Meeting in accordance with Article 13 of these By-laws.
- 5.2 (a) There shall be six (6) regular meetings of the Council Executive Board in each calendar year. Meetings shall be held at a time and place decided by the Council Executive Board.
- (b) Special meetings of the Council Executive Board may be held when deemed necessary by a majority of the members of the Council Executive Board.
- (c) A majority of the members of the Council Executive Board shall constitute a quorum.
- (d) Meetings shall be conducted in accordance with these By-laws and Policies and the CEP Constitution. Where any rules are not otherwise specifically covered, Bourinot's Rules of Order shall apply.
- (e) National Officers of CEP may attend meetings of the Council Executive Board, as necessary and will be allowed full voice but will not be entitled to vote on Council business.
- (f) Decisions of the Council Executive Board shall be made wherever possible by consensus. When consensus cannot be reached, decisions shall be made on the basis of a majority vote, with each Local's voting strength being determined by its number of dues paying members on the most recent per-capita report to the National Union. Where more than one representative from a member Local is

voting, the total voting strength of that Local will be divided equally between the voting representatives. The presiding Chairperson shall have the right to speak and vote on all issues at meetings of the Council Executive Board.

- (g) Normally, members of the Executive Board shall meet face to face in the same location. However, in exceptional circumstances where convening such a meeting would prohibit the Executive Board from acting on any issue because of time constraints, the Executive Board may conduct a meeting by conference call to deal with that issue only. All issues which are dealt with in this manner shall be placed on the agenda and be noted in the minutes of the next regularly scheduled Executive Board meeting.
- (h) The local presidents or designated alternate may meet by conference call and/or face to face to deal with impending issues. Such meetings will include all local presidents or designated alternate. All issues which are dealt with in this manner shall be placed on the agenda and be noted in the minutes of the next regularly scheduled Executive Board meeting.

5.3 The responsibilities of the Council Executive Board shall be to oversee the operation and administration of the Council, and shall include, but not be limited to, the following:

- (i) determine the time, location, logistical requirements and number of Local representatives attending the pre-bargaining caucus;
- (ii) establish a bargaining committee to conduct collective bargaining with the employer in accordance with Article 9 of these By-laws;
- (iii) make recommendations to the membership of the member Locals on tentative agreements and final offers;
- (iv) set direction and policy for the operations of the Council, and the expenditure of Council Funds;
- (v) ultimately approve all decisions relating to dispensation of grievances and/or arbitrations arising from the Collective Agreement;
- (vi) ensure adequate funding for the Council;
- (vii) prepare and distribute an annual report of the Council's activities;
- (viii) determine the method for selecting representatives on all Council Committees and ensure that all vacancies are filled without unnecessary delay;
- (ix) meet as necessary and as required.

## **ARTICLE 6 - ELECTION OF COUNCIL EXECUTIVE BOARD OFFICERS**

6.1 Presidents of member Locals of the Council will automatically become members of the Council Executive Board. Delegates to the bi-annual Council Locals Meeting will elect a Chair and Vice-Chair of the Council Executive Board from among the ranks of the existing Presidents of member Locals. Any member in good standing of a member Local may run for the office of Treasurer or Recording Secretary of the Council Executive Board provided they are in attendance at the Council Locals Meeting or if absent have signified in writing their willingness to accept nomination. The term of office for all elected Council Executive Board positions, as set out in Article 6.4 below, shall be two

- (2) years and all members of the Council Executive Board shall serve until their successors are duly elected.
- 6.2 Election of Council Executive Board members shall be by a secret ballot vote with each Local's voting strength being determined by its number of dues paying members on the most recent per-capita report to the National Union. Where more than one representative from a member Local is voting, the total voting strength of that Local will be divided equally between the voting representatives.
- 6.3 A candidate must receive a majority of the unspoiled ballots cast to be declared elected.
- 6.4 Election shall be conducted in the following order:
- (i) Chairperson
  - (ii) Vice-Chairperson
  - (iii) Treasurer
  - (iv) Recording Secretary
- 6.5 Where a vacancy occurs in one of the elected offices, it shall be filled in the following manner:
- (i) Where the vacancy occurs more than six months prior to a biennial Council Locals meeting, the delegates to the previous biennial meeting will elect a person to fill the vacancy by mail-in ballot. Delegates will vote according to their Local's voting strength as set out in Article 6.2, above.
  - (ii) Where the vacancy occurs less than six months prior to a biennial Council Local meeting, a vacancy in the office of the Chairperson shall be filled by the Vice-Chairperson. In the case of a vacancy in the office of Treasurer or Recording Secretary, the Executive Board of the Council shall appoint a member of a member Local to temporarily fill the vacancy until the next bi-annual Council Locals Meeting.

## **ARTICLE 7 – DUTIES OF COUNCIL EXECUTIVE BOARD OFFICERS**

### **Chairperson**

The Chairperson shall preside over meetings of the Council Executive Board and shall carry out such other duties as may be assigned by the Council. The Chairperson shall have joint signing authority for Council funds as described in Article 8, below.

### **Vice-Chairperson**

The Vice-Chairperson shall perform the duties of the Chairperson in his or her absence and shall carry out such other duties as may be assigned by the Council.

### **Treasurer**

The duties of the Treasurer shall be as follows:

- (i) Keep an accurate record of all incomes and expenditures of the Council and cause all authorized bills to be paid.
- (ii) Maintain an accurate record of the membership in each Local upon which Council dues are paid.
- (iii) Provide a financial report to each meeting of the Council.

- (iv) Advise each member Local when they are 60 days in default of their affiliation fees and provide the Council Executive Board meeting with a report of any Locals who are in default.
- (v) Provide an audited annual financial report to the Council and to each member Local at the first meeting of the every calendar year.
- (vi) Propose a budget to the Council, for approval, and to each member Local by December 15th of each year.
- (vii) The Treasurer shall have joint signing authority for Council funds as described in Article 8, below.

### **Recording Secretary**

The duties of the Recording Secretary shall be as follows:

- (i) Take accurate minutes of each Council meeting and maintain records.
- (ii) Provide each member Local with a copy of the meeting minutes at least 30 days prior to the next Council Executive Board meeting.
- (iii) Perform the required correspondence of the Council.

## **ARTICLE 8 – FINANCES**

- 8.1 Each member Local shall be responsible on behalf of the Council to service the needs of its members as set out in Article 4 and each member Local shall pay the cost of servicing the needs of its members.
- 8.2 The Council Executive Board will establish a funds to be administered by the Executive Board to be known as “Council Funds”. The Council Chairperson and Treasurer shall have joint signing authority over any bank accounts established for the purposes of conducting the legitimate business of the Council and to expend Council Funds, as approved by the Council Executive Board. In extreme circumstances, in the absence of either the Chairperson or Treasurer and with the approval of the Executive Board, the Vice Chairperson shall have joint signing authority for Council funds.
- 8.3 The Council Executive Board shall provide an annual, independently audited statement of the operation of Council funds to each member Local.
- 8.4 Each member Local shall, effective the 1<sup>st</sup> day of April, 2005 and continuing thereafter until this Article is modified, pay dues of \$10.00 per member per month to the Council Funds on behalf of each individual member of the member Local. For the purposes of this clause, membership in each Local shall be based on the average number of members for the previous quarter. Payment must be issued by each Local no later than the last business day of each month. Each member Local must be prepared to substantiate the membership information to support its dues to the Council upon request. For greater clarity, quarters are determined by calendar year. (i.e. 1<sup>st</sup> quarter is January 1<sup>st</sup> to March 31<sup>st</sup>)
- 8.5 Any Local which is 60 days or more in arrears in its dues to the Council, shall be eligible to participate in the meetings of the Council as an observer only and shall not have voting rights or be eligible to receive any financial disbursements from the Council unless such action is approved by a meeting of the Council.

- 8.6 Any Local which is 60 days or more in arrears in its dues to the Council, shall be reinstated with full rights only upon payment of all outstanding dues or upon action of a meeting of the Council to waive payment of outstanding dues.
- 8.7 Expenses for reimbursement from CEPACC, to any local, must be submitted to the Treasurer within 120 days of the expense being incurred.
- 8.8 The cost of any officer of the Council doing the administrative work of the Council be considered legitimate expenses and covered by the Council Fund.

**ARTICLE 9 – BARGAINING**

9.1 Each member Local shall be entitled to representation on the Council Bargaining Committee. Each Local shall determine its own method for selecting its Council Bargaining Committee representative(s). The number of representatives on the Committee from each Local shall be determined by the number of dues paying members in the Local at the time the Committee is established and shall be as follows:

- 1 to 500 members                      1 Bargaining representative
- 501 to 1000 members                2 Bargaining representatives
- 1001 to 1500 members               3 Bargaining representatives
- 1 additional Bargaining representative for each additional 500 members beyond 1500

9.2 The CEP Atlantic Region Vice-President will assign CEP personnel, as required, to assist with Council Bargaining and will appoint a Chairperson responsible for chairing all meetings of the Council Bargaining Committee and Council contract negotiations. CEP personnel who are assigned to assist with or Chair Council Bargaining committee meetings will have a voice but no vote in decisions of the Bargaining Committee. CEP will cover all costs associated with the participation of CEP personnel who are assigned to assist with Council bargaining.

9.3 The Bargaining Committee Chairperson shall be the official spokesperson on all matters relating to bargaining and he/she shall be the only person authorized to provide information to the media or to delegate this authority to other members of the Bargaining Committee. All reports on bargaining, including reports to the membership must first receive the approval of the Bargaining Chairperson.

9.4 In the event that a Bargaining Committee member is unable to attend meetings of the Committee for any period extending beyond five (5) days, the Local which the committee member represents may appoint a replacement for that member until he/she returns. Where the absence of a member of the bargaining Committee will leave a Member Local unrepresented, the affected Local may appoint an alternate member immediately.

9.5 The Bargaining Committee shall make regular reports to the member Locals of the Council. The regular report shall include a description of the activities of the Committee since the last report.

- 9.6 The Bargaining Committee may, at its discretion, appoint a Recording Secretary who shall act as the Secretary of the Bargaining Committee.
- 9.7 The Bargaining Committee shall meet as required.
- 9.8 A quorum of the Bargaining Committee shall be at least half of the total voting representation on the Committee and must include at least one committee member from each Member Local .
- 9.9 Bargaining Committee decisions shall be made wherever possible by consensus. Where consensus cannot be reached decisions shall be made by balloted vote. Committee members will vote according to their Local’s voting strength as set out in Article 6.2, above.
- 9.10 At least six (6) months before the expiry of the Collective Agreement, the Council Executive Board shall call upon each member Local to make proposals for negotiations with the employer and to select their Bargaining Committee representative(s).
- 9.11 At least four (4) months before the expiry of the Collective Agreement, the Council Executive Board shall call a special “Pre-Bargaining Caucus” meeting to decide upon a common set of proposals for negotiations with the employer and to develop an overall plan for bargaining. Logistical details of the “Pre-Bargaining Caucus” meeting, including the total number of participants, will be determined by the Council Executive Board. Each Local’s entitlement to representation at the “Bargaining Caucus” meeting will be determined by consensus of the Council Executive Board. If consensus cannot be reached, Local representation will be determined on the basis of Local membership as follows:

<b><u>Membership</u></b>	<b><u># of Local Participants to Bargaining Caucus</u></b>
0 to 500 members	3 representatives
501 to 1000 members	5 representatives
1001 to 1500 members	6 representatives
1501 members plus	1 additional representative for every 500 members

Once bargaining commences, the Bargaining Committee of the Council has the right to add to, amend or delete bargaining proposals as it deems necessary.

- 9.12 The Bargaining Committee may appoint sub-committees in order to facilitate collective bargaining and to better represent the interests of members. However, no decision making authority of the full bargaining committee will ever be delegated to such sub-committees.
- 9.13 No bargaining for the Council bargaining unit will proceed except with the approval of the Council Bargaining Committee.

9.14 Except as otherwise provided in these By-laws and Policies, Bourinot's Rules of Order shall govern the conduct of all meetings of the Bargaining Committee.

9.15 The Council Bargaining Committee shall have the full authority of the Council to conclude a memorandum of agreement with an employer.

#### **ARTICLE 10 – RATIFICATION**

10.1 When the Council Bargaining Committee concludes a tentative agreement or otherwise decides to consider an offer from the employer, pursuant to collective bargaining as in Article 9 above, such agreement or offer shall be subject to ratification by the individual members of the member Locals.

#### **ARTICLE 11 – STRIKE VOTE**

11.1 Where the Council has conducted collective bargaining in accordance with Article 9, the Council Bargaining Committee may require, at any time, that the member Locals conduct a secret ballot strike vote of their individual members. When such a request is made, the member Locals shall distribute a ballot to each member in their jurisdiction and conduct the strike vote in accordance with procedures established by the Council Bargaining Committee. The Council Bargaining Committee shall draw up the ballots. The Council Bargaining Committee shall specify the method of the balloting and the last day on which ballots may be cast.

11.2 The completed ballots are to be forwarded to the Council Bargaining Committee who shall establish an adequately independent process for counting. All ballots of all individual members of the member Locals shall be pooled and placed in a single ballot box for purposes of counting.

11.3 Spoiled and blank ballots will not be counted.

11.4 Where a majority of ballots cast are in favour of a strike, and the necessary strike authorization procedures have been met, the Council Bargaining Committee may initiate strike action with the employer.

11.5 No member Local or individual member of any member Local may declare, authorize or participate in a strike that has not been authorized in accordance with this Article and the CEP Constitution.

#### **ARTICLE 12 – ADMINISTRATION OF COLLECTIVE AGREEMENT**

12.1 Each member Local shall be responsible for the administration of the Collective Agreement as it affects members in its jurisdiction.

- 12.2 All grievances filed by any individual member or any member Local shall be deemed to be “Council grievances”.
- 12.3 A copy of all grievances shall be filed with both the Chair of the Council Executive Board and the Chair of the Council Grievance Committee when filed with the employer. This obligation will be considered as sufficiently met if such copies are forwarded, either electronically or by mail, to the attention of the Council Grievance Committee at an address designated by the Council Executive Board.
- 12.4 Each member Local shall appoint its shop stewards who shall have authority pursuant to the By-laws and Policies of the member Local to file and pursue grievances, but shall not be entitled to resolve any grievance without the consent of the Council.
- 12.5 All grievances shall be processed by the member Local who has the responsibility to service the individual member who has filed the grievance or by the member Local itself.
- 12.6 All grievances are Council grievances and the ultimate responsibility for the conduct of the grievance and all financial responsibility for the grievance shall be borne by the Council.
- 12.7 (a) It is understood that the Executive Board of the Council has ultimate authority to approve or reject a tentative grievance settlement. The Executive Board shall create a Grievance Committee, which will be authorized to accept or reject grievance settlements and to refer grievances to arbitration on behalf of the Council.
- (b) Local Council officials in each province will have the authority to enter into a tentative settlement of grievances of a local nature pending the final approval of the Grievance Committee.
- (c) The Grievance Committee shall meet by teleconference as soon as reasonably practicable to decide on outstanding grievances.
- 12.8 The Council Grievance Committee will appoint a Chairperson for the Committee.

### **ARTICLE 13 – BIENNIAL COUNCIL LOCALS MEETING**

- 13.1 In the first quarter of each odd-numbered year, the Council Executive Board will call a Council Locals Meeting. The date and location of the Council Locals Meeting will be determined by the Council Executive Board. Council Executive Board members may attend the Council Locals Meetings exclusive of each Locals representation as determined in Article 13.3. Council Locals Meetings will be chaired by the Chair of the Council Executive Board.
- 13.2 The purpose of the Biennial Council Locals Meeting is;
- (a) to exchange ideas and make policy recommendations to the Council Executive Board and the National Union.

- (b) to provide a forum for member Locals to share information, coordinate activities, and build on solidarity with one another.
- (c) to assist all Locals in participating in the affairs of the Council.
- (d) to elect the Chair, Vice-Chair, Treasurer and Recording Secretary of the Council Executive Board.
- (e) To amend these bylaws.
- (f) Policies can be established, deleted &/or amended by delegates voting at the Biennial Council Locals Meeting. All policies & amendments shall be published on the Council website within 30 days of such changes &/or amendments.

13.3 Each Local’s entitlement to representation at the bi-annual Council Locals Meeting shall be determined on the basis of membership represented as follows:

<b><u>Membership Represented</u></b>	<b><u># of Delegates to Council Locals Meeting</u></b>
0 to 500 members	3 Delegates
for each additional 200 members or portion thereof	1 Additional Delegate

- 13.4 A special Council Locals Meeting may be held when deemed necessary by the Council Executive Board. Such a meeting will deal exclusively with special issues as determined by the Executive.
- 13.5 A quorum shall consist of a majority of the eligible delegates and must include at least one delegate from each Member Local.
- 13.6 Meetings shall be conducted in accordance with these By-laws and Policies and the Union Constitution. Where any rules are not specifically covered, Bourinot’s Rules of Order shall apply.
- 13.7 Voting at a Council Locals Meeting shall be on the basis of one vote per delegate unless 20% or more of the delegates request a roll call vote on the basis of the membership represented. Where a roll call vote is called, Delegates will vote according to their Local’s voting strength as set out in Article 6.2, above.
- 13.8
  - (a) The Council Executive Board will organize the Biennial meeting, and establish a funding formula for the meeting.
  - (b) Where extraordinary circumstance arise such that Local financial constraints prevent a local’s participation, the Council Executive Board will consider special funding arrangements for that local.

## **ARTICLE 14– AMENDMENTS**

- 14.1 These By-laws may be amended by a two-thirds majority vote of the delegates voting at a Council Locals Meeting.
- 14.2 Notice to amend these By-laws shall be submitted in advance in writing to the Chairperson of the Council Executive Board who shall add it to the agenda of the next Biennial Council Locals Meeting.

## **ARTICLE 15 – APPLICATION**

- 15.1 The provisions of these By-laws and Policies shall govern relations between the members of the Council.
- 15.2 The Council Executive Board shall decide any dispute over the interpretation or application of the By-laws and Policies of the Council by consensus. If the Board cannot reach a decision, the matter will be decided by a majority vote of the Board in accordance with Article 5.2(f) of these By-laws.

## **ARTICLE 16– MISCELLANEOUS**

- 16.1 Membership in the Locals of the Council shall be governed by the CEP Constitution and By-laws of each Local.
- 16.2 Membership in each of the member Local of the Council shall be deemed to be membership in the Council.
- 16.3 Meetings of the Executive Board of the Council shall be open for members to attend as observers. Membership observers attending Council Executive Board meetings will be limited to one observer per member Local unless otherwise approved by the Council Executive Board. Members who choose to attend Board meetings, as observers, must have the approval of their Local Executive and shall have no voice or vote. The Council shall not be responsible for any expense incurred by observers.