



Local 464 Bylaws

Enacted as of February 27, 2019

Local 464 Bylaws

Ontario Public Service Employees Union

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Article 1 Name

- 1.1** This organization shall be known as Local 464, Ontario Public Service Employees Union (OPSEU).
- 1.2** The Local Union shall be composed of workers eligible for membership in OPSEU, Local 464.

Article 2 Aims & Purposes (Article 4 of the Constitution)

2.1 The aims and purposes of the Union shall be:

- a) To regulate labour relations between the Members and their employers and managers, said labour relations to include the scope of negotiation, collective bargaining, the enforcement of collective agreements and health and safety standards, and the safeguarding of human rights;
- b) To organize, sign to membership, and represent employees in Ontario;
- c) To advance the common interests, economic, social and political, of the Members and of all public employees, wherever possible, by all appropriate means;
- d) To bring about improvements in the wages and working conditions of the membership, including the right of equal pay for work of equal value;
- e) To work for and defend members to ensure that our workplaces are safe and free from harassment and discrimination;
- f) To promote full employment and an equitable distribution of wealth within Canadian and international society;
- g) To co-operate with labour unions and other organizations with similar objectives in strengthening the Canadian labour union movement as a means towards advancing the interests and improving the well-being of workers generally in Canada and internationally;
- h) To promote justice, equality, and efficiency in services to the public;
- i) To strengthen, by precept and example, democratic principles and practices both in the Canadian labour union movement and in all manner of institutions, organizations, and government in Canada and internationally.

Article 3 Membership (Article 6 of the Constitution)

3.1 A Member shall remain in good standing provided s/he is:

- a) Not more than three months in arrears in payment of dues;

- b) Gainfully employed in a bargaining unit for which the Union holds or seeks recognized bargaining rights;
- c) Not penalized by suspension or expulsion following conviction under Article 30 of the Constitution; and
- d) Not penalized by suspension or expulsion following conviction of a breach of OPSEU's harassment and discrimination or personal harassment policy, provided that in accordance with any applicable laws, no such penalty shall require the employer to discharge such Member from employment.
- e) Not penalized by suspension under Art. 16.10 of the Constitution.
- f) Not penalized by failure to step down from an acting management or acting excluded management position under Article 3.8.

However, failure to meet the requirements of (a) or (b) above shall not disqualify Members who are absent from their regular place of employment on leave of absence, paid or unpaid.

"Leave of absence" shall include sabbatical leave, long-term disability, maternity leave, parental leave, workers' compensation, and any other form of extended leave of absence while remaining in the employ of the employer. Members on long-term disability, and members on workers' compensation who do not meet the requirements of (a), may seek and hold office in the Union or any of its subsidiary bodies, and may be delegates to Union meetings, provided they pay uniform monthly dues, not to exceed \$5.00, to be set by the Executive Board, and are both able and available to carry out their duties. Members on other leaves of absence may seek and hold office in the Union or any of its subsidiary bodies, and may be delegates to Union meetings, provided they pay full Union dues and are both able and available to carry out their duties. Any dispute as to ability or availability shall be decided by the President, with right of appeal to the Executive Board.

- 3.2** Notwithstanding the provisions of any other article of this Constitution, a Member subject to regular seasonal and/or short-term lay-offs may remain in good standing for up to one year while laid off without payment of dues, but a Member subject to permanent or indefinite lay-off shall not be eligible for continuing membership for any period of the lay-off.
- 3.3** Notwithstanding the provision of Articles 3.1(b) and 3.2, a Member dismissed or improperly laid off by his/her employer shall, if a grievance is submitted on the dismissal or lay-off, remain a Member in good standing until the grievance is settled, provided that if the Member wishes to seek or hold office in the Union, s/he must pay a uniform monthly amount of Union dues, not to exceed \$5, to be set by the Executive Board.
- 3.4** Notwithstanding the provision of Article 3.1(b), upon payment of full Union dues a Member shall remain in good standing while:
 - a) holding elected political office in any government, municipality, municipal board or commission, school board, public utility, social or welfare agency; or

- b) holding appointed office on any board or commission, etc., as a representative of labour;
or
 - c) holding elected or appointed office in any labour organization to which the Union is affiliated.
- 3.5** A person who ceases to be a Member by reason only of non-payment of dues shall be reinstated upon submission to the Union of a new membership application accompanied by all arrears in dues.
- 3.6** A Shop Steward, Unit Steward, local officer, trustee, delegate, team or committee member who is temporarily assigned (seconded) by the employer from his/her normal workplace to another workplace within the bargaining unit, and who retains the right to return to his/her normal workplace, shall be entitled to continue to hold or seek re-election to the Union office or function in his/her normal workplace during the term of such assignment (secondment), provided s/he is willing, able and available to carry out the duties of the Union office or function. Any dispute as to ability or availability shall be decided by the President, with right of appeal to the Executive Board. While occupying such Union office or function, the member shall be ineligible to seek or hold any Union office or function in the other workplace.
- 3.7** A shop Steward, Unit Steward, local officer, trustee, delegate, team or committee member who volunteers and is assigned or seconded by the employer from his/her normal workplace to a position outside any OPSEU bargaining unit shall not be entitled to continue to carry out the duties or functions of his/her office during the period of assignment or secondment. The Member shall be entitled to retain all other rights as a Member in Good Standing.
- 3.8** Any member who is in a temporary management or temporary excluded management position shall return to their home position when required, under authority of the President, to do so. If they fail to step down, they shall be ineligible to seek or hold any Union office or function.

Article 4 Membership Rights (Article 7 of the Constitution)

- 4.1** Every Member in good standing is entitled:
- a) To be represented by the Union;
 - b) To be treated with dignity and respect within the Union;
 - c) To be free from discrimination, interference, restriction, coercion, harassment, intimidation or disciplinary action exercised or practised by a Member with respect to another Member, both within the Union and in the workplace, by reason of race, colour, age, national or ethnic origin, political or religious affiliation, sex, sexual orientation, family status, marital status, record of offences, physical characteristics or physical or mental disability;

- d) Subject to any qualifications stipulated elsewhere in this Constitution, to be nominated for, and hold, one or more offices in the Union;
- e) To participate in the Union's business at the Local level, participate in the election of delegates and alternate delegates to Conventions, and vote on the ratification of collective agreements affecting such Member, except where the collective agreement is the result of binding arbitration;
- f) To make a formal presentation to the Board upon receipt of such presentation in writing at Headquarters not less than ten (10) calendar days before the date of the regularly scheduled Board Meeting at which the presentation is to be made, provided always that notice may be waived by majority vote of the Board;
- g) To attend any meeting of the Board, notwithstanding that s/he may not have a vote at such meeting, except that the Board may meet in closed session for purposes of discussing individual or staff contracts of employment;
- h) To receive a copy of the Constitution of the Union and to be advised of amendments to it, and to receive an up-to-date copy whenever the Constitution is compiled and reprinted.

4.2 Only Members in good standing may hold office.

4.3 A member may be removed from office and/or barred from running for office for a specified term by a two-thirds majority vote of the Executive Board after a finding of a breach of OPSEU's harassment and discrimination or personal harassment policy.

4.4 A member will be removed from office and will be barred from running for office if they refuse to return to their OPSEU bargaining unit position from an acting management or excluded management position when required, under authority of the President, to do so.

4.5 Proxy voting is not permitted at any level of the Union.

Article 5 Steward System (Article 29.1 of the Constitution)

5.1 Members of this Local shall be organized in their respective work areas.

5.2 The Members in each work area shall elect one Shop Steward, or 2 for groups of 50 workers or more, from among themselves.

5.3 The government of this Local shall be based on the Shop Steward system and election of Officers of the Local Executive Committee shall be from among the Shop Stewards.

Article 6 Stewards' Responsibilities and Rights (Article 8 of the Constitution)

6.1 Each Union Steward shall be responsible for representation of members in a working area, including the responsibility:

- a) to distribute information to the group;
- b) to carry the group's issues to the Local Executive Committee;
- c) to communicate Local Executive Committee decisions to the group;
- d) to enlist support of members of the group in workplace actions and union campaigns; and
- e) to prepare and investigate grievances from the group.

6.2 To carry out these responsibilities, Stewards shall have:

- a) the right of access to Local Executive Committee meetings;
- b) the right to be informed of the status and disposition of grievances from the group; and
- c) the right to high quality education and training necessary to effectively exercise all their responsibilities.

Article 7 Local Executive Committee (Article 29.2 of the Constitution)

7.1 The officers of the Local shall be (Article 29.2.1):

- 1. President (corporate)
- 2. 1st, 2nd 3rd & 4th Vice-Presidents (campus specific)
- 3. Secretary
- 4. Treasurer
- 5. Chief Steward
- 6. Health & Safety Officer
- 7. Return to Work Officer

7.2 The Local Executive Committee shall be composed of the Officers and the remaining Shop Stewards. The immediate Past-President may serve on the Local Executive Committee as an ex-officio member with voice but no vote (Article 29.2.1).

7.3 Meetings of the Local Executive Committee shall be held at least once every three months. Special meetings may be called by the President or by a majority of the Committee members (Article 29.2.2).

7.4 Quorum for a Local Executive Committee meeting is as per the OPSEU Constitution (Article 29.8.2).

7.5 Terms of Office

- a) The term of office for Shop Stewards and all Officers of LEC's shall be not more than two years or less than one year.

- b) Any Member of the LEC may stand for re-election, provided that a Unit Steward must first have been elected or re-elected as a Shop Steward, and an Officer must first have been elected or re-elected as a Shop Steward

7.6 Elections

- a) Elections shall be conducted at a General Membership Meeting of the Members concerned. Notice of the meeting, and of the election to take place, will be given 14 days in advance.
- b) All elections of Stewards and the Local Executive Committee shall be based on the principle of winning a clear majority, with run-off ballots, if necessary.
- c) Elections will be held every two years.
- d) Mid-term vacancies among Stewards or members of the Local Executive Committee shall be filled promptly by election in accord with Article 29.4.1 of the Constitution, except within three (3) months of the end of term. The new incumbent shall serve only the un-expired portion of the term of office.

7.7 Duties of Officers

The duties of the Officers of the Local shall be as outlined in Article 29.5 of the Constitution.

President: shall enforce compliance with the Bylaws and regulations of the Union and Local; preside at Local meetings; be an ex-officio member of all Local committees; generally, supervise the affairs and operations of the Local; carry out such other duties as may be prescribed by Local Bylaws.

1st Vice-President: Shall perform all the Presidential duties during any absence of the President and accept and exercise such other duties and powers as may be designated by the Local Executive Committee or the President; attend all functions (including all Regional meetings and Conventions) of the Union, in place of the President when the President is unable to attend. In addition, he/she shall supervise the business of the Local at his/her respective campus.

2nd, 3rd & 4th Vice-Presidents: shall supervise the business of the Local at their respective Campus; Perform any duties as may be required in the absence of the President and 1st Vice-President.

Secretary: shall attend all meetings of the Local and keep the Minutes; distribute notices to all Members of the Local; answer and/or forward all pertinent correspondence; and forward all pertinent membership information to the appropriate union regional office.

Treasurer: shall be responsible for proper administration of the assets of the Local, including the operating funds.

Chief Steward: shall supervise and assist the Shop Stewards in the performance of their duties and shall chair the Local's Grievance Committee.

Health & Safety Officer: shall be responsible for overseeing all Health & Safety related issues affecting the local and the members of the local; and shall chair the local's Health & Safety Committee

Return to Work Officer: shall help members with their dealings with Occupational Health Services and the Workplace Safety and Insurance Board.

Trustees: every Local shall elect an audit committee composed of at least two members to be known as Trustees. The Trustees shall be elected at a General Membership Meeting from among the members and may not hold any other office in any Local. They shall hold office for a two-year term, but the terms may be varied to provide for overlapping terms. The Trustees shall examine all books, records, and properties of the Local at least twice each year. All Officers of the Local are required to make available all necessary documents to the Trustees on reasonable notice. The Trustees shall file an audit report, in a form specified by Headquarters, to Headquarters at least once in every six months and shall also make a full report to the first General Membership Meeting following each audit.

Article 8 Membership Meetings (Article 29.7 of the Constitution)

- 8.1** General Membership Meetings of all members of this Local shall be convened at least twice each year. The quorum shall be five (5) per cent (%) of the membership.
- 8.2** A special General Membership Meeting of Local 464 may be called by the President, or a majority of the Local Executive Committee, or by a petition signed by not less than ten (10) per cent (%) of the Membership.
- 8.3** The President shall chair all General Membership Meetings and preside at all meetings (Article 29.7.4). In his/her absence a Vice-President will be designated chair.
- 8.4** Reasonable advance notice shall be given for all General Membership Meetings. A copy of the Agenda shall be posted at each site prior to any General Membership Meeting. Expenses at these meetings, such as refreshments, parking, or speakers, may be paid for by the Local, subject to member ratification.
- 8.5** The Order of Business at a general membership meeting shall be:

- 1. Call to order.

2. Statement of Respect
3. Adoption of agenda.
4. Minutes of previous meeting.
5. Business arising.
6. Treasurer's report.
7. Correspondence.
8. Initiation of new members.
9. Reports of Officers.
10. Reports of Committees.
11. Nominations and/or elections.
12. Unfinished business.
13. New business.
14. Adjournment.

8.6 Local 464 shall follow the Rules of Order, laid down in Section 13.11 of the Constitution and shall otherwise be governed by Robert's Rules of Order (Article 29.7.3 of the Constitution).

8.7 Oaths (Articles 14.7 and 29.9 of the Constitution).

- a) All Officers elected at the Local or Unit level shall take the Oath of Office before being allowed to take office. The oath shall be administered at a general membership meeting or at a meeting of the LEC.

"I, _____, promise that I will uphold and obey the Constitution and duly-authorized policies of the Ontario Public Service Employees Union, fulfil the obligations and responsibilities of my office to the best of my ability, and promptly deliver to my successor all monies, records, and other property of the Union in my possession at the close of my term in office."

- b) All Shop and Unit Stewards shall take the following oath before being allowed to take office. The oath shall be administered at a general membership meeting or at a meeting of the LEC, or by submitting a signed copy, to be read aloud at a general membership meeting:

"I, _____, promise that I will uphold and obey the Constitution and policies of the Ontario Public Service Employees Union and the Bylaws of my Local, work with the Officers of the Local to represent the members, and fulfil the obligations and responsibilities of my elected position as Steward to the best of my ability."

- c) Every new Member shall, as part of his/her application for membership in the Union, be required to sign a declaration containing the following words:

"I, _____, solemnly promise to uphold and obey the Constitution and Bylaws of this Union, to assist my fellow members to improve their economic, political, and social conditions, to uphold the principles of democracy and fair play, and to do no deliberate wrong or harm to any other member of this Union."

Every such declaration must be witnessed by a person who may be a member of the Local, an employee of the Union, or any other representative of the Union duly authorized by it.

- d) It shall be the duty of all Officers and Members to uphold their respective oaths and failure to act in accordance with them shall be deemed to be contrary to the Constitution.

8.7 Power of Administration

- a) The Membership is the highest authority in Local 464 and shall be empowered to take or direct any action not inconsistent with the Constitution or these Bylaws.
- b) Between Membership meetings, the Local Executive Committee shall be the highest authority in Local 464, and shall be empowered to act on behalf of the Membership to the extent urgent business requires prompt and decisive action, subject to subsequent ratification by the Membership.
- c) Between meetings of the Local Executive Committee the President shall exercise general administrative authority and shall be empowered to act on behalf of the Local Executive Committee subject to subsequent ratification by the Local Executive Committee.
- d) All Letters of Understanding, Memorandums of Agreement or Documents entered into on behalf of the local or its members are to be signed by no less than two officers of the local and the Staff Representative where applicable.

Article 9 Financial Operation (Article 29.10 of the Constitution)

- 9.1** All funds of Locals shall be used only for legitimate trade union purposes. Accounting for revenue and disbursements shall be done in a proper and business-like manner. Except for reasonable amounts in petty cash accounts, all expenditures shall be by cheque and shall be properly supported by vouchers. The signing officers of a Local shall be any two of the President, Vice-President, Secretary, Treasurer and Chief Steward.
- 9.2** Financial control shall rest with the Local Executive Committee. The Local shall have full control of funds they may raise through their own activities, or through local assessments. The Local is obligated to supply sufficient funds for the holding of general membership and negotiating meetings but may retain authority to make the necessary arrangements for the said meetings.
- 9.3** The LEC shall present a budget to the annual general membership meeting of the Local.
- 9.4** The fiscal year of this Local shall be January 01 to December 31.

- 9.5 Paid leave for Local Officers or their designate at their normal Hospital rate of pay will be provided as required and all available avenues to offset the cost associated with said time off are to be exhausted.
- 9.6 The office of the Local President is to be a full-time position. The local president's wages shall be covered by OPSEU and the employer as per Article 15.02(c) of our Collective Agreement.
- 9.7 Elected delegates of this Local to Regional and Provincial meetings, and Annual and National Conventions, will have the difference between single and double accommodation reimbursed by the Local.
- 9.8 Honorariums: At the beginning of each fiscal year the LEC will approve this expenditure for that fiscal year. If approved, \$650.00 will be paid at the end of the fiscal year to the Officers and Stewards who have attended seventy-five (75) per cent (%) of all meetings (LEC and GMM) of that fiscal year. The Secretary of the Local will take attendance. If a Steward or Officer resigns from the LEC midyear, their honorarium will be prorated based on their attendance to the date of their resignation. All honorariums will be processed through head office for payment.
- 9.9 This Local supports the education of its Membership to assist in conducting the business of the Union. To this end the Local Executive Committee may expend funds for this purpose, subject to subsequent ratification by the Membership.

Article 10 Amendments (Article 12.5.1 of the Constitution)

- 10.1 These Bylaws may be amended, and any subsequent changes to them, must not be in conflict with the Constitution.
- 10.2 These Bylaws may be amended by presenting the amendments in writing to the Secretary of the Local Executive Committee at least thirty (30) days prior to a General Membership Meeting. The Agenda for the upcoming meeting must contain a notice of the particular Bylaw amendment that will be considered. Approval by two-thirds of those present and voting is required for the amendment to be adopted.
- 10.3 No supplemental bylaws or changes to them shall take effect until they have been approved by the President of OPSEU.

Article 11 Local Negotiating Team Elections

- 11.1 Elections for the Local Negotiating Team will be held as required. The number of members will be in accordance with the Collective Agreement.

- 11.2** The Local President is automatically a member of the Negotiating Team.
- 11.3** The other members shall include at least one representative from each of the following areas: Civic Campus, General Campus, Riverside Campus, Heart Institute, and the Rehabilitation Centre. These members shall be elected by the membership at their respective sites.
- 11.4** The remaining positions will be elected from the membership at large at a General Membership Meeting prior to local negotiations. Three (3) alternates will be elected and ranked for the negotiating team. In the event a negotiating team member is unable to fulfill his/her duties, the highest ranked alternate will fill in for him/her.

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