



Local 365 Bylaws

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Local 365 Bylaws

Ontario Public Service
Employees Union

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Article 1 NAME

1.1 This organization shall be known as the Ontario Public Service Employees Union (OPSEU) Local 365 and shall be a single unit, local of employees eligible for membership in OPSEU who work at Trent University in Peterborough and Durham.

Article 2 AIMS AND 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 and defend the right to strike;
- g) To promote full employment and an equitable distribution of wealth within Canadian and international society;
- h) 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;
- i) To promote justice, equality, and efficiency in services to the public;
- j) 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 **Article 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 of the Constitution**.

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, , 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, , 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 Local 365 shall be organized into working areas. The Members in each working area shall elect one or more Shop Stewards from among themselves.

5.2 The government of Local 365 shall be based on the Shop Steward system and election of Officers of Local Executive Committees shall be from among the Shop Stewards.

5.2.1 For the purpose of electing Stewards the work groups shall be defined and represented proportionally according to position groupings in Seniority List, i.e., L=Library, SB= Services/Buildings, SO=Secretarial/Office, SS=Scientific Staff, A=Administrative, C=Computing, or any other work groups created.

5.2.2 The number of Stewards shall be determined by the following equation: work group member number (rounded to the nearest 10) / 10 = number of Stewards per work group. For example, SO worker # = 60/10=6, L workers # = 78/10=8 Stewards, SS # = 62/10= 6 Stewards. Work groups with fewer than 10 members shall round up to 10 and continue to receive Steward representation until their numbers drop to "0". Any new work groups created after the printing of a collective agreement shall receive representation according to the above formula.

5.2.3 **Each work group elects Stewards** based on the number of members employed in that group at the time of Steward elections. The working groups will be reviewed (equation recalculated) and automatically updated (~~delete in June~~) prior to steward elections.

5.2.4 In the event there are more members running for stewards than the calculated allotment, an election within the work group takes place. The individuals receiving the most votes would be stewards with that workgroup, eligible for executive Officer positions and with voting rights within the LEC. The other individuals would be invited to become shadow stewards. **Shadow stewards** would attend the LEC but would not be eligible for executive positions or have voting rights within the LEC. Shadow members are capped at the same number of voting stewards per work group. *<Suggestion from member: "Shadow members shall also have rights and training opportunities noted in 6.2 and 6.3"*

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 LEC/unit committee;
- c) to communicate LEC/unit 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.
- f) to attend each Local Executive Committee meeting and general membership meeting.

6.2 To carry out these responsibilities, Stewards shall have:

- a) the right of access to LEC/unit 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.

6.3 All stewards must attend mandatory steward training and should actively use email, as this is our primary source of communication.

Article 7 LOCAL EXECUTIVE COMMITTEE (Article 29.2 of the Constitution)

7.1 The Officers of the Local, together with the remaining Shop Stewards (in a Single-Unit Local) shall constitute the Local Executive Committee (LEC). Every Local shall have a President and at least two of the following Officers: Vice-President; Secretary; Treasurer or Secretary-Treasurer. In addition, a Single-Unit Local shall have a Chief Steward as an Officer of the Local Executive Committee (LEC). On the invitation of the Local, the immediate past President of the Local may serve on the LEC as an ex-officio Member with voice but no vote. The Local may designate one of its Local Executive Committee (LEC) members as responsible for equity issues.

7.1.1 OPSEU Local 365 will have the following Officers: President, Vice-President, Treasurer, Secretary and Chief Steward.

7.2 The Local Executive Committee (LEC) shall administer the affairs of the Local in accordance with this Constitution, the Bylaws of the Local and the wishes of the members of the Local. The Committee shall meet at least once every three months. The Local President may call a Committee meeting at any time to deal with business of an urgent nature.

7.2.1 Meetings of Local 365 LEC shall generally be held once per month. The executive officers of Local 365 shall meet on a weekly basis as required.

7.2.2 Approved minutes of all Local Executive Committee meetings shall be available a member upon request. The minutes shall be retained by the Local Union office.

7.3 Term of Office

7.3.1 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.

7.3.2 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 (and, in a multi-unit or composite local, as a Unit Steward).

7.4 Elections

7.4.1 Elections for Officers of the Local shall be conducted at a fall general meeting of the membership. Reasonable notice of the meeting and of the elections to take place must be given. You must be a steward in order to run for an Executive Officer position.

7.4.2 Elections for stewards will normally take place before the fall general meeting. If steward vacancies still exist, they may also be filled at the fall general meeting prior to the election of Executive Officers.

7.4.3 The Nominating committee shall call for nominations for stewards four calendar weeks prior to the fall general meeting. Members can only nominate stewards from within their own work group. Self-nominations are accepted. Nominations will be open for eight (8) working days. Elections if required will take place at least one calendar week before the fall general meeting. The nominating committee shall supervise ballot preparation and voting in each area. All nominees have the right to appoint a scrutineer.

7.4.4 Polls shall be set up by the nominating committee on the campuses to permit access to voting. This will entail a polling station on West and East banks of Symons campus, Trill, and the Durham campus locations.

7.4.5 At least **three (3) working days** before the fall general meeting, the nominating committee will share a list of newly elected stewards and their work location with the membership. Members will be reminded that Executive Officers will be elected at the upcoming fall membership meeting. If you are unable to attend, then written Executive Officer nominations and acceptances (email is fine) must be in the hands of the Nominating committee by the commencement of the general meeting.

7.4.6 Mid-term vacancies occurring among Stewards or Members of LEC's shall be filled promptly, by election in accordance with **Article 29.4.2** except where the vacancy occurs within three months of the expiry of the term of office. In every case of filling a vacancy, the new incumbent shall serve only the unexpired portion of the term of office in question.

7.4.7 All elections within the Union shall be conducted by secret ballot (in person/no proxy voting).

7.4.8 In the event of extended contract negotiations, all elections shall be postponed and terms of office extended. This provision will take effect if negotiations have not been successfully concluded by August 1. Once the collective agreement has been ratified by the membership, elections for stewards and subsequently, officers must take place within eight (8) weeks of ratification.

7.5 Duties of Officers of Locals

7.5.1 President

The President shall enforce compliance with 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.

7.5.2 Vice-President

The Vice-President shall perform all the Presidential functions during any absence of the President and accept and exercise such other duties and powers as may be designated by the OPSEU Local 365 Bylaws –updated 2021 Spring

Local Executive Committee or the President. The Vice-President may also attend all functions (including all regional meetings and Conventions) of the Union, in place of the President when the President cannot attend.

7.5.3 Secretary

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

7.5.4 Treasurer

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

7.5.5 Chief Steward

The Chief Steward shall coordinate and assist the Shop Stewards.

7.6 Trustees

7.6.1 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 at the first election in a Local the terms may be varied to provide subsequently for overlapping terms.

7.6.2 The Trustees shall examine all books, records, and properties of their Local, including any Unit thereof, 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 a Local shall be convened at least twice each year.

8.1.1 One (1) of the two (2) general membership meetings will be held prior to the 2nd November. Elections (if necessary) for officers other than steward will be held at this meeting.

8.1.2 A save the date announcement for the general meeting should normally be sent one month prior it taking place. The agenda and any other required information for the General Membership meetings must be distributed to members at least five (5) working days before the meeting.

8.1.3 The President shall be the Chair at all general membership meetings, Local Executive Committee (LEC) and special membership meetings. Should the President be unable to Chair, the Vice President shall be the Chair, followed by the Chief Steward.

8.2 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.

In presenting an agenda based on the above Order of Business, the LEC should specify subjects under items 9, 10, 12, and 13. A Local may change the above Order of Business by by-law or for any given meeting by giving reasonable advance notice.

8.3 Locals shall follow the Rules of Order laid down in **Article 13.11 of the Constitution**, the necessary changes being made, and shall otherwise be governed by Robert's Rules of Order.

8.4 A special general meeting of the Local shall be convened upon the written request of at least ten per cent of the membership.

8.5 Attendance and participation at Local meetings shall be exclusive to the members of that Local, except that others may attend at the invitation of the President or Executive of that Local or by assignment by the President of OPSEU.

8.6. Quorums

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8.6.1 This article defines the quorum for meetings of Units, Unit Committees, Local Executive Committees and the general membership of a Local.

8.6.2 The quorum for meetings of the above groups shall be:

Size of Group	Quorum
1-20 members	50 percent of the members
21-200 members	10 members
201 or more members	5 percent of the members

8.7 Oaths (Articles 14.7 and 29.9 of the Constitution)

8.7.1 All Officers elected at the Local 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.”

8.7.2 All Shop 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.”

8.7.3 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.

8.7.4 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.

Article 9 FINANCIAL OPERATION (Article 29.10 of the Constitution)

9.1 All funds of the Local 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 or e-transfer and shall be properly supported by vouchers. The signing officers of a Local shall be any two of the President, Vice-President, Secretary, Treasurer (or Secretary-Treasurer) and Chief Steward.

9.2 Financial control of Units 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 Unit general 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. The budget shall include budget lines for each unit, based on the number of dues-paying members in the unit and the projected unit activity for the year. The detailed budget will include review of quarterly revenues and expenses, and forecasts for the next fiscal year.

9.4 The Local President, in consultation with the Executive Officers, shall not decide to make any single expenditure greater than \$900.00 without approval of the Local Executive Committee.

9.5 The fiscal year of Local 365 shall be the calendar year.

New **9.6** Distribute copies of a summary budget at least five (5) working days before the general meeting.

9.7 A discretionary fund shall be established for Local 365. Annual deposits shall total 5% (percent) of the annual Local rebate from OPSEU provincial. These funds shall be prudently invested for the future needs of Local 365.

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 this Constitution and must be adopted by at least two-thirds of the Members voting at a regular or special general membership meeting of the Local for which reasonable notice has been given to all Members of the intention to deal with the Local's bylaws.

10.2 No supplemental bylaws or changes to them shall take effect until they have been approved by the President of OPSEU.

10.3 Any request to change or amend these bylaws must be submitted in writing to the Secretary of the Local at least 20 working days before a general or special membership meeting. Each request must be accompanied with the signature of 10 members who support

the change. These requests will be added to the agenda of the next general meeting. If the amendment to the bylaws is not passed at the general meeting, it may not be voted on again for 12 months.

Article 11. Local 365 Committees

11.1 The following shall be **Local 365 standing committees**. All committees must be composed of at least 3 members and, if composed of more, must total an odd number. All committees must have one member who must be a steward but who may or may not be Chair. Two-year term.

11.1.1 Action Committee

The Action Committee is set up to encourage a strong, vigilant local. It is responsible for identifying issues of importance to the membership. Possible action and response to problems will be recommended to the LEC or its officers for approval.

11.1.2 Communications Committee

The Communications Committee is responsible for disseminating information to the general membership and may assist in producing notices for social activities, educational or other union business.

11.1.3 Grievance Committee

Chair: Chaired by the Chief Steward. The function of this committee shall be to assist the steward body in the grievance process, to assist the Chief Steward in the performance of his/her duties and to assist the membership in the protection of their rights.

11.1.4 Nominating Committee

The Nominating Committee follows procedures set out for various elections and is administratively responsible for the polls, ballots and notices required.

11.1.5 Bylaw Committee

The function of this committee is to review the current bylaws to ensure they are relevant to current operating conditions (i.e., university structure etc.) and review any proposed Bylaw changes (additions/changes/ deletions) to ensure proposed amendments are not in conflict with the OPSEU Constitution, our Collective Agreement or any other provincial/federal statutes. The committee will create its Terms of Reference for approval by the LEC.

11.2 The LEC may form ad hoc committees at any time to deal with particular matters. Ad hoc committee members should be nominated from and elected by the general membership whenever possible. Ad hoc committees will be chaired by a member of the LEC.

11.3 All Committees must forward copies of agendas and minutes of meetings to the Secretary of the Local within two weeks of the date of a committee meeting.

11.4 OPSEU representation on University Committees

These positions will be elected at the general membership meeting.

11.4.1 Multiworkplace Joint Health and Safety Committee

Three (3) representatives of OPSEU positions that form part of the University Multiworkplace Joint Health and Safety Committee for a two-year term. Where possible 1 member should be a steward so can report back at the LEC.

11.4.2 Pension Subcommittee

A subcommittee of the Joint Committee on the Administration of the Collective Agreement. Comprised of three (3) representatives of OPSEU (along with 2 representatives of the Board of Governors and one representative of the Exempt Employees). For complete details on this committee refer to The Contributory Pension Plan for Employees of Trent University (Restated effective July 1, 1998). OPSEU representatives shall be elected annually for staggered two-year rotating term so that an experienced representative is always present (for example in year 1 two members are elected and 1 remains; year 2 one member is elected and 2 remain). Where possible 1 member should be a steward so can report back at the LEC.

Currently one OPSEU shadow member elected at the general meeting and the President also sit on this committee as non-voting members.

11.4.3 Joint Job Evaluation Committee

A subcommittee of Joint Committee which evaluates the classification of OPSEU positions. Comprised of three (3) representatives of OPSEU (along with 3 representatives from Exempt). OPSEU representatives shall be elected annually for staggered two-year rotating term so that an experienced representative is always present (for example in year 1 two members are elected and 1 remains; year 2 one member is elected and 2 remain). Where possible 1 member should be a steward so can report back at the LEC.

11.4.4 Other University committees

As required additional OPSEU representatives will be elected to University committees as required. Terms may be one or two years. Examples include Senate, Human Rights etc.

11.5 Nominations and elections for representatives to Local 365 committees or University committees will take place at the general membership meeting held in the Fall. Nominations can be made from the floor if the nominee is present to accept the nomination. Written nominations signed by the nominator and accepted by the nominee will also be allowed (email is fine). These written nominations must be in the hands of the Nominating committee by the commencement of the general meeting.