

Proposed Bylaws Amendments By Some Members and Executive Responses

Article 6.1

General Membership Meetings shall be held at least once between 15 August and 31 December, and at least once between 01 January and 15 May. The Annual General Meeting required by Article 6.7(a) is, for the purpose of interpreting this Article, a General Membership Meeting.

Proposed Amendment:

Delete the final sentence.

Explanation: We need to ensure more frequent opportunities for members to participate in the local's affairs.

Executive Response: The final sentence has nothing to do with providing members greater opportunities for meetings. Additional and more frequent opportunities for General Membership Meetings are covered by Article 6.5(a):

Article 6.5(a): General Membership Meetings may be called at any time by the President, by majority vote of the Executive Committee, by two-thirds majority vote of Stewards' Councils, or by the Executive Committee upon receipt of a written petition signed by not fewer than thirty five (35) members (quorum plus five) in good standing from more than one faculty and more than one Unit during the academic year between September and May subject to the availability of the Executive and the availability of space available for the meeting. The members who call the meeting must submit an agenda to the Executive for approval and the Executive must be present and must set the agenda.

Article 6.7(c)

At the Annual General Meeting, the Treasurer shall, on behalf of the Executive Committee, submit a full financial report, covering the preceding fiscal year, to the membership for approval.

Proposed Amendment:

After the words "...submit a full financial report" include "including separate audited financial statements pertaining to the unit specific professional development, special and benefits and strike defence funds."

Explanation: Section 93 of the Ontario Labour Relations Act requires audited financial statements of funds from which the union distributes money to its members. This change brings us into compliance with the law.

Executive Response: Section 93 of the Ontario Labour Relations Act refers explicitly to money for the purposes of retirement allowances, pensions, and survivors benefits.

The Professional Development and Special Benefits funds are the university's money that is distributed by the union to its members. Moreover, the union is required through the collective agreements to provide the university with a detailed audited financial report to the university regarding these funds. Section 93 has nothing to do with these funds since the money does not belong to the union or its members.

Article 7.1(c)

All duly elected members of the Executive Committee shall be installed at the rise of the meeting at which the elections are held and shall continue in office for two (2) years or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three (3) years. Where a position on the Executive Committee is vacant, a by-election to fill the office for the remainder of the term shall be held at the General Membership Meeting subsequent to the position being vacated.

Proposed Amendment:

Delete "...provided, however that no term of office shall be longer than three years."

Explanation: Three year terms reduce the opportunities available to members to hold the executive accountable and for members to seek election.

Executive Response: This clause and the statement noted is intended to protect the union's integrity and members' position in bargaining years. This clause is meant to ensure the bargaining teams are kept intact for the interest of the members. This clause is intended for emergency situations only, for example, in the event of a strike or for the purposes of bargaining.

Article 7.2(e)

Executive Committee members with a direct or indirect individual pecuniary interest in any matter under consideration shall absent themselves from both discussion and vote.

Proposed Amendment:

Delete the word "pecuniary."

Explanation: Conflicts of interest include but are broader than interests that are pecuniary in nature.

Executive Response: Rather than deleting "pecuniary," we are broadening the clause to include all financial and any other conflicts of interest. It is important to keep the term "pecuniary" as it is the most common form of conflict of interest, although certainly not the only form.

Revised Article 7.2(e):

Executive Committee members with a direct or indirect individual pecuniary interest and any other conflict of interest in any matter under consideration shall absent themselves from both discussion and vote.

Article 8.1(b)

...members who are employed in more than one Unit, may hold stewardship in more than one Unit,...

Proposed Amendment:

Change to: Members who are employed in more than one Unit may hold stewardship in only their primary Unit.

Executive Response: It is up to the members of each Unit in their respective departments to decide who they choose to represent them as department stewards in one or more units. The proposed change is discriminatory. The decision of who should represent the members of different Units in departments should be decided by the members of those departments.

Proposed New Amendment:

Add a new subsection entitled Candidate Platforms the text of which is to read as follows:

All candidates for executive positions are entitled to have posted to the Members' Portal a statement setting out their election platform not to exceed 250 words. Notice of the posting of such statements will be made by the Executive by way of an email to the membership.

Explanation: Members should have as much information as possible regarding the candidates and their intentions prior to voting.

Executive Response: Instead of a new subsection, a new Article 13.2(c) would read as follows:

Candidates who wish to draft a biographical statement for election purposes of no more than 250 words and have it posted to the union's Members' Portal shall send their statements to the VP Communications and Recording Secretary no less than five (5) business days prior to the elections.

Current Articles 13.2(c) and (d) would be moved to become Articles 13.2(d) and (e).

Article 16

Proposed New Amendment:

Add a new subsection 16.6 Audited Statement to read as follows:

Audited financial statements relating to the defence fund shall be provided at the Annual General Meeting.

Explanation: Members do not currently have but are entitled to receive an audited financial statement specific to the defence fund as stipulated in the Ontario Labour Relations Act. This change brings us into compliance with the law. The same can be said of the Unit professional development, special and benefits funds.

Executive Response: The Bylaws are already in compliance with the Ontario Labour Relations Act with regard to the provision of audited financial statements. Audited financial statements that include the audited defense fund are provided to all the members for their approval at the Annual General Meeting.