

AMURE's bylaws



Adopted in General Assembly, December 8, 2010

Constitution and By-laws of AMURE

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CHAPTER I

GENERAL PROVISIONS

Article 1 – Union name

The following Constitution and By-laws govern the union made up of Research Associates and Research Assistants from McGill University. This Union's name is the Association of McGill University Research Employees [AMURE], local 17601.

The expression "research employee" refers to employees covered by the Union's certificates of accreditation. This Constitution and By-laws apply to all amendments subsequent to the certificate of accreditation and to any new unit accepted by the General Assembly.

Article 2 – Union head office

The Union's head office is in Montreal.

Article 3 – Goals of the Union

The Union's goals are the study, defence and promotion of its members' and other workers' interests, objectives and rights of a union, professional, social, ethical, economic and political nature; and the development of action units with other union bodies, organizations and social groups.

Article 4 – Union jurisdiction

The Union exercises its jurisdiction over all research employees covered by an official AMURE certification unit.

Article 5 – Admission to the Union and conditions of membership

As the union is recognized, the dues will be perceived according to labour code of Quebec.

All persons automatically become a member of the Union upon signing the membership form it shall send to the Union if they are in an employer-employee relationship with the McGill University. Members of the Union in good standing are

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required to abide by the provisions of this Constitution and By-laws and the union's decisions, while exercising their right to belong to and participate in union activities.

(a) all Employees whose contracts have expired may retain their rights and responsibilities as a member for a period of twelve (12) months;

(b) all persons who can prove that they have been offered a contract that will be starting within the following month can become members, where the contract deals with employment subject to accreditation certificates issued by the Labour Relations Board;

(c) employees who have been laid off from a position under the local's jurisdiction, yet still maintain the right to be recalled may remain members.

Article 6 – Suspension and expulsion from the Union

All members who cause serious harm to either the Union or its members are liable to be suspended or expelled, as per the provisions in Section 25 of the PSAC Constitution and Regulations, which appear herein as Appendix 1.

All members who have been suspended or expelled lose all rights to participate at union activities until such time as the suspension has been lifted.

Article 7 – Dues

The General Assembly of members shall set the amount of union dues. The Executive Committee can make recommendations to members concerning any changes to the union dues.

The General Assembly notice must mention the change that is to be made to the union dues.

Two-thirds (2/3) of votes recorded at this meeting are required to change the union dues.

The amount of the regular dues shall be set by the General Assembly along with the PSAC dues, decided at the triennial congress, as voted in their Constitution and Regulations. The aggregate dues shall be calculated based on the salary of the member.

Article 8 – Union affiliation with AMURE

The Union is affiliated with the Public Service Alliance of Canada (PSAC) which is affiliated to the the Fédération des travailleurs et travailleuses du Québec [FTQ] which is the regional organisation of the Canadian Labour Congress (CLC). The Union shall abide by the constitution and regulations of these organizations.

Article 9 – Union structures of AMURE

The Union has established two governing structures as follows:

- the General Assembly;
- the Executive Committee.

Article 10 - Participation in Union meetings

General Assemblies are open to members of the Union in good standing. Moreover, the Union Executive Committee can invite, in various capacities, any person it feels is appropriate at the Union meeting.

However, the meeting shall be held *in camera*, if two-thirds (2/3) of the members in good standing cast valid votes in favour.

Article 11 – Union’s fiscal year

The Union’s fiscal year runs from January 1 to December 31.

Article 11.1 – language

In case of contradiction between the English and French version of the bylaws, the French version is considered the accurate one.

CHAPTER II

GENERAL ASSEMBLY OF AMURE

Article 12 – Make-up of the General Assembly

The General Assembly is made up of all Union members in good standing who participate in the said meeting. To this end, the applicable definition of the term “member” is that stipulated in Article 5 (Chapter I) of this Constitution and By-laws. Nevertheless, this definition also takes into account the provisions in Article 6 (Chapter I) of this Constitution and By-laws.

All Union members in good standing have speaking and voting rights and enjoy all privileges and benefits the Union offers.

Article 13 - Quorum and voting at the General Assembly

The quorum consists of the members present.

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General Assembly decisions shall be made via a simple majority of valid votes by a show of hands, except in situations where different rules apply in one of the following documents: the Quebec Labour Code, this Constitution and By-laws or the PSAC Code of Procedure.

A secret ballot can be requested by five (5) members of the Union in good standing, who are present at the General Assembly. The the Assembly decides by simple majority if it wants to proceed with a secret ballot.

Strike vote would be valid if 50%+1 of all members of a bargaining unit vote in favour of it.

Article 14 – Terms of reference, functions, powers and duties of the General Assembly

The General Assembly is a sovereign body and therefore acts as the supreme authority of the Union. In particular, it is responsible for:

- Defining the Union's general policy;
- Electing members of the Executive Committee;
- Receiving and ruling on reports from members of the General Assembly, the Executive Committee, committees or other persons, groups or organizations;
- Forming all committees it deems useful to its work and electing members thereto. It can delegate to the Executive Committee the power to appoint members to these committees;
- Agreeing with, amending or rejecting all draft collective agreements;
- Deciding to resort to pressure tactics (lobby, boycott, strike, etc.);
- Agreeing to or rejecting a tentative agreement with the employer concerning the provisions of a collective agreement;
- Amending the Constitution and By-laws of the Union;
- Setting the amount of union dues to be collected by the employer;
- Voting on annual budgets presented by the Executive Committee;
- Commenting on the audit of the books and other documents pertaining to the administration of the Union's assets. This audit shall have been performed by two members of the Finance Audit Committee elected by the General Assembly;
- Commenting on all forms of support that would or would not involve special union dues, a donation or a loan;
- Electing a Chair for each of its meetings;
- Take all actions necessary and make all timely decisions regarding the effective operation of the Union.

Article 15 – General Assembly Meetings

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15.1 Annual General Assembly

The Annual General Assembly meets statutorily once (1) per university year between January and April. This assembly shall adopt the budget forecasts for the current year, adopt the financial statements of the previous year, adopt the annual balance sheet and proceed with elections for the vacant positions.

15.2 Regular General Assembly

The Executive Committee can call a Regular General Assembly at any time. The agenda of that assembly shall be amendable during proceedings.

15.3 Special or Emergency General Assembly

The Executive Committee can call a Special or Emergency General Assembly at any time. However, the latter shall only discuss and make decisions on topics appearing on the agenda of the notice of meeting.

Article 16 – Notice of a General Assembly

Annual and General Annual Assemblies must be called at least ten (10) working days prior to being held.

Notices of Special or Emergency General Assemblies must be forty-eight (48) hours in advance.

These assemblies must be called in at least two (2) different ways, which automatically includes e-mail.

Article 17 – General Assembly agenda

The proposed agenda for the Statutory, Special or Emergency General Assembly must be clearly indicated in the notice of meeting.

The following items must appear in the agenda: the adoption of the agenda and the adoption of the minutes of the last Statutory, Special or Emergency General Assembly.

Documents pertaining to the General Assembly are to be sent with the notice of meeting to the greatest extent possible.

Article 18 – General Assembly procedure

The conduct of the Union's General Assemblies is governed by the PSAC Code of Procedure (available on internet), save for the exceptions on voting in Article 13 in this chapter concerning the Quebec Labour Code or in any other article in this Constitution and By-laws.

CHAPTER III

EXECUTIVE COMMITTEE OF AMURE

Article 19 – Make-up of the Executive Committee:

The Executive Committee of the Union shall be made up of seven (7) members in good standing:

- the President;
- the Vice-President Research Associate;
- the Collective Agreement Coordinator Research Associate;
- the Vice-President Research Assistant;
- the Collective Agreement Coordinator Research Assistant;
- the Secretary;
- the Treasurer

Article 20 - Quorum and voting on the Executive Committee

Quorum shall be fifty-one percent (51%) of elected members in good standing and/or appointed to the Executive Committee on an interim basis.

Executive Committee decisions shall be made by a simple majority of the members present, barring provisions to the contrary. Should the voting end in a tie, any contentious proposal shall be carried forwarded to a subsequent meeting of the Executive Committee. If the proposal is submitted for a second time and the vote still ends up in a tie, the Chair shall cast the deciding vote. When the president is absent, the executive chose another elected member to chair the meeting.

Article 21 – Terms of reference, functions, powers and duties of the Executive Committee

The Union Executive Committee shall be responsible for:

- Offering service to members and managing the Union’s day-to-day business;
- Preparing and calling General Assembly meetings;
- Ensuring that decisions made by the General Assembly are implemented;
- Developing and suggesting union policies that must be approved by the General Assembly;
- Ensuring that the collective agreement is applied;
- Forming all committees it deems necessary to its work and appointing members thereto;
- Authorizing solidarity disbursements in the form of a loan or donation not to exceed \$500, in accordance with the policies adopted by the Union’s General Assembly;

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- Managing the hiring, working conditions and compensation of the Union's contract and/or permanent staff;
- Presenting an annual report of its activities to the Union's Statutory General Assembly;
- Seeing to it that the duties of one or several member(s) of the Executive Committee who are temporarily absent are performed;
- Replacing until the next Statutory General Assembly and by a simple majority vote in favour all persons resigning from an elected union position from the General Assembly (with the exception of positions on the Finance Audit Committee); and replacing any person resigning from any other union position, if necessary;
- Developing and implementing the training (education) policy of members of the Union;
- Ensuring that research employees are represented on Union bodies and committees;
- Seeing to it that members of the Union participate in PSAC and FTQ bodies.

Article 22 - Terms of reference, functions, powers and duties of Executive Committee members

The President, Secretary and Treasurer are elected by all members. The 2 Vice-Presidents and 2 Collective Agreement Coordinator are elected by their own group.

22.1 The President shall:

- Be responsible for the internal administration of the Union;
- See to it that all responsibilities entrusted to a member or to a Union committee are indeed performed;
- Be informed of all documents produced by organizations that are directly or indirectly related to the Union's activities; and see to it that this information is forwarded to the appropriate union bodies;
- Be the spokesman and official representative of the Union;
- Be responsible for the Union's relations with the other unions, PSAC bodies and other groups or organizations;
- Chair and direct Executive Committee meetings;
- Sign official documents for the Union: minutes of General Assemblies, Executive Committee meetings and the collective agreement, etc.;
- Automatically sit on all committees;
- Call Union meetings, should the secretary be unable to perform his/her duties;
- Sign documents pertaining to chartered bank instruments.

22.2 The Secretary shall:

- Serve as secretary at General Assembly and Executive Committee meetings;

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- Call Union meetings, write up and send out minutes he/she signs along with the president of the Union;
- Coordinate all correspondence forwarded by or received by the local;
- Sign all official documents with the president of the Union;
- Be responsible for the general organization of the secretariat and make sure that all documents produced by the various committees are received;
- Sign documents pertaining to chartered bank instruments.

22.3 The Treasurer shall:

- Be responsible for the cash receipts owed to the Union and the payment of any amounts owed by the Union; and sign all cheques and all banking documents with the other signers;
- Ensure that the Union's financial transactions are properly posted in all of the appropriate accounting logs; and prepare the Union's financial reports;
- Prepare the budget forecasts with the other members of the Union's Executive Committee and act as the union's financial adviser with respect to the budget adopted by the General Assembly;
- Be responsible for the management of salaries paid to Union employees;
- Be responsible for sending amounts owing to the organizations the Union is affiliated with; and forwarding donations or loans authorized as support by Union bodies;
- Not be allowed to resign until the books have been audited by the Audit Committee which shall have its report ratified by the following General Assembly within thirty (30) days.

22.4 The Vice-President (Research assistants) shall:

- Assist the President with his/her duties. When the President is absent or in vacancy, the executive decides who between the two vice-presidents shall be named president by interim, he/she then shall assume all of the latter's authority;
- Be responsible for ensuring that research employees are represented on Union bodies and committees;
- Be responsible for the Union's personnel management;
- Assist the Collective Agreement Coordinator with his/her duties;
- Be responsible for gathering, compiling and distributing all information to members;
- Implement, coordinate and review, as required, the information disclosure system and the update of union publications, Internet sites and other means of dissemination;
- Be responsible for the visibility and communications of AMURE, among other things, on Internet;
- Coordinate the information and mobilization committee.

22.5 The Collective Agreement Coordinator (Research assistants) shall:

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- Be responsible for the process of developing the draft collective agreement;
- Be responsible for the Collective Agreement Bargaining Committee;
- Be responsible for enforcing the collective agreement and, particularly, for the Grievance Committee;
- Prepare union-employer meetings.

22.6 The Vice-President (Research associates) shall:

- Assist the President with his/her duties. When the Presidency is absent or in vacancy, the executive decides who between the two vice-presidents shall be named president by interim, he/she then shall assume all of the latter's authority;
- Be responsible for ensuring that research employees are represented on Union bodies and committees;
- Be responsible for the Union's personnel management;
- Assist the Collective Agreement Coordinator with his/her duties;
- Be responsible for gathering, compiling and distributing all information to members;
- Implement, coordinate and review, as required, the information disclosure system and the update of union publications, Internet sites and other means of dissemination;
- Be responsible for the visibility and communications of AMURE, among other things, on Internet;
- Coordinate the information and mobilization committee.

22.7 The Collective Agreement Coordinator (Research associates) shall:

- Be responsible for the process of developing the draft collective agreement;
- Be responsible for the Collective Agreement Bargaining Committee;
- Be responsible for enforcing the collective agreement and, particularly, for the Grievance Committee;
- Prepare union-employer meetings.

Article 23 – Executive Committee meetings

Executive Committee meetings shall be held no fewer than nine (9) times a year. Any member of the Executive Committee can request that an Executive Committee meeting be called.

Article 24 – Internal administration of the Executive Committee

The Union Executive Committee establishes its internal rules of operation in compliance with this Constitution and By-laws.

CHAPTER IV

ELECTIONS OF THE UNION

Section 25 – Union elections

25.1 Nominations

All persons who are members of the Union in good standing can present himself or be presented by another for an elected position.

All nominations for an elected position shall take place during the Statutory Elections Assembly, and persons nominated for a position must accept their nomination before a vote is taken to fill the position.

Nominations for the positions of President or the 2 Collective Agreement Coordinators shall take place during even-numbered years.

Nominations for the 2 positions of Vice-Presidents, Treasurer or Secretary shall take place during odd-numbered years.

A member of the Union in good standing who is absent from an assembly meeting where an election is to be held can submit his/her nomination in writing which he/she has hand signed, confirming that he/she has agreed to be nominated.

25.2 Length of term in an elected position

The term for an elected position shall be twenty-four (24) months, or in the event of a replacement by an election, until the end of the initial mandate to the position concerned.

For the establishment of the first executive, the persons elected as President or as the Collective Agreement Coordinator shall hold office for three (3) years.

However, these terms shall be extended when exceptional circumstances prevent elections from being held. In such cases, the Executive Committee must take the steps necessary to ensure that elections are held as soon as possible.

25.3 Holding elected positions

The elected positions provided for in this Constitution and By-laws cannot be held by the same person. Persons elected to the Union's Finance Audit Committee cannot hold any other elected position.

25.4 Election procedure

The General Assembly responsible for elections shall appoint a returning officer and two (2) deputy returning officers. Those designated must not be candidates for a position. The returning officer shall explain the election procedure herein and announce the results. Members of the Union in good standing shall be elected by secret ballot. The vote shall be held position by position to enable defeated candidates to run

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for another elected position. The election of Executive Committee members shall take place in the order the Executive Committee positions are listed herein.

All elected positions must be filled with an absolute majority of votes cast (50% plus one of the valid ballots), with a second ballot held, if necessary. If two (2) candidates in the running on the first ballot and neither candidate can obtain a majority, the top two vote getters automatically move on to the second and last ballot.

In response to a proposal from the assembly that has received simple majority support, the returning officer shall immediately and openly destroy the ballots.

CHAPTER V

AUDIT OF THE UNION'S FINANCES

Article 26 – Election of auditors from the Union

At the Union's Statutory General Assembly, two (2) members of the Union in good standing who do not hold any other elected positions shall be elected to serve as auditor of the Union's accounting records and the financial statements. A resigning auditor can only be replaced during an election at a General Assembly.

Article 27 – Rights and duties of Union auditors

27.1 Auditors of the Union's finances have a duty to:

- Closely monitor the accounting and check the Union's cash regularly;
- Examine the Union's inventories and accounts regularly;
- Report at least once a year in writing to the Union's Statutory General Assembly;
- Audit the books and have the General Assembly ratify his/her report when the Treasurer resigns.

27.2 Auditors of the Union's finances have a duty to:

- Look over the Union's books and entries at all times;
- Unanimously call a Special or Emergency General Assembly and/or other union bodies that will deal with serious or urgent matters relating to the Union's financial aspects.

CHAPTER VI

AMENDMENTS TO THE UNION'S CONSTITUTION AND BY-LAWS

Article 28 – Amendments to the Constitution and By-laws of AMURE

All proposals presented for the purpose of amending the Constitution and By-laws of AMURE, in whole or in part, or changing the Union's name, must be received and deliberated by the General Assembly. Only that assembly can amend the Union's Constitution and By-laws.

Article 29 – Amendment procedure – Constitution and By-laws of AMURE

To amend the Constitution and By-laws of AMURE, each member of the Union in good standing can propose a motion to the General Meeting concerning the text of the suggested changes. This motion will be discussed and voted on at the following General Assembly. The time between the General Assembly that receives the motion and the one that will discuss and vote on the amendment resolution shall be no less than fifteen (15) working days.

An amendment to the Constitution and By-laws of the Union can only occur if two-thirds (2/3) valid votes are in favour and cast at the General Assembly that can make such amendments.

Article 30 – Implementation of amendments to the Constitution and Regulations

Amendments to the Constitution and By-laws of AMURE shall take effect as soon as the General Assembly gives its approval, unless the amendment resolution makes reference to a subsequent implementation date for one or several articles. However, such subsequent dates shall not be more than six (6) months after the decision is made by the General Assembly of AMURE.

The Union's Executive Committee is responsible for taking the measures necessary to facilitate any transition caused by an amendment to the Constitution and By-laws of AMURE, in keeping with the spirit of the Union's Constitution and By-laws.

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APPENDIX I

Section 25 of the PSAC Constitution and Regulations

SECTION 25

DISCIPLINE

Sub-Section (1)

The NBoD shall have the authority, by resolution passed by a majority consisting of two-thirds (2/3) of those eligible to vote, to suspend or expel from membership any PSAC National Officer; any Regional Council, Component, Local, Area Council, or any of their officers or members, for contravening any provision of the Constitution of the PSAC or the By-Laws of any Regional Council or any By-Laws of any Component or the By-Laws of any Local or for causes as listed in Sub-Section (5) of this Section.

(a) An officer or member suspended from membership shall be removed from an office held for a period not exceeding five (5) years. Any person or persons suspended shall turn over to the PSAC all records, documents, funds or property that are held in trust for the PSAC, a Regional Council, a Component, a Local or an Area Council.

(b) An officer or member expelled from membership shall be removed from an office held for a period up to life, subject to a review process every five (5) years. Any person or persons expelled shall turn over to the PSAC all records, documents, funds or property that are held in trust for the PSAC, a Regional Council, a Component, a Local or an Area Council.

Sub-Section (2)

The NBoD shall have the authority by resolution passed by a majority consisting of two-thirds (2/3) of those eligible to vote, to remove from office any PSAC National Officer; any Regional Council, Component, Local or Area Council officer for contravening any provision of the Constitution of the PSAC or the By-Laws of any Component or Local or for causes as listed in Sub-Section (5) of this Section. An officer removed from office shall not be allowed to hold office for a period not exceeding five (5) years. Any person or persons removed from office shall turn over to the PSAC all records, documents, funds or property that are held in trust for the PSAC, a Component, a Local or an Area Council.

Sub-Section (3)

Any disciplinary action taken under the provisions of Sub-Sections (1) and (2) of this Section for a cause listed in Sub-Section (5) (n) of this Section shall include the imposition of a fine that equals the amount of daily remuneration earned by the member, multiplied by the number of days that the member crossed the picket line, performed work for the employer or voluntarily performed struck work.

Sub-Section (4)

(a) Any disciplinary action taken under the provisions of Sub-Sections (1) and (2) of this Section, the applicable Regional Council, Component, Local, Branch or Area Council By-Laws, may be appealed to a tribunal empowered to hear appeals which shall make final and binding decisions thereon. The Chair of the tribunal shall be an independent person agreed to by both parties or appointed by an appropriate labour organization where there is no mutual agreement.

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(b) All terms and conditions of the tribunal shall be contained in an appropriate Regulation adopted by the PSAC NBoD.

Sub-Section (5)

A PSAC, Regional Council, Component, Local, Area Council officer or member, is guilty of an offense against this Constitution who:

- (a) violates any of the provisions of this Constitution;
- (b) obtains membership or solicits membership by misrepresentation;
- (c) institutes, urges or advocates that a member institute action in a court of law against the PSAC, any of its constituent parts or any of their officers without first exhausting all remedies through appeal within the PSAC;
- (d) other than through proper Component channels, advocates or attempts to bring about the withdrawal from the PSAC, its Regional Councils, Components or Locals of any member or group of members;
- (e) publishes or circulates among the members, false reports or misrepresentations;
- (f) works in the interest of a rival organization;
- (g) slanders, libels or wilfully wrongs an officer of the PSAC, its Regional Councils, Components, Locals or Area Councils;
- (h) uses abusive language or disturbs the peace of any meeting or around any office or meeting place of the PSAC, its Regional Councils, Components, Locals or Area Councils;
- (i) fraudulently receives or misappropriates any monies due to the PSAC, its Regional Councils, Components, Locals or Area Councils;
- (j) uses the name of the PSAC for soliciting funds or advertising without the consent of the AEC;
- (k) furnishes without prior authority a list or any information on the membership of the PSAC, its Regional Councils, Components or Locals, to any person or persons other than those whose official position in the PSAC, its Regional Councils, Components or Locals, would entitle them to have such information;
- (l) deliberately interferes with an official of the PSAC or its Components, in the discharge of duties;
- (m) engages in any other conduct prejudicial to the good order and discipline of the PSAC;
- (n) is a worker in a legal strike position, who either crosses the picket line or is paid by the employer not to participate in strike action, or performs work for the employer, unless required to do so by law, or who voluntarily performs struck work;
- (o) being a PSAC, Regional Council, Component or Local Officer who wilfully does not initiate disciplinary action against scabs as defined in paragraph (n) of this Section; or
- (p) sexually or personally harasses another member.

Sub-Section (6)

Any member can initiate disciplinary action against any PSAC, Component or Local Officer under Sub-Section (5) (o) of this Section.

Sub-Section (7)

Within six (6) months of the conclusion of a ratification vote, members of the NBoD shall be responsible for providing the AEC with a status report on disciplinary actions taken against scabs within their Component. The report shall include details of disciplinary action undertaken by Locals and what steps have been taken to ensure that the disciplinary action is taken against scabs as specified in this Constitution.

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Sub-Section (8)

A Regional Council, Component, Local or Area Council which has not carried out the responsibilities required by this Constitution shall be considered to be in violation of this Constitution, and the NBoD shall have the authority to appoint a trustee with the responsibility to manage the Regional Council, Component, Local or Area Council's affairs and to bring about its compliance with this Constitution without delay.

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APPENDIX II

With the exceptions of the articles concerning the petition for certification, there is only two places in the Labor code that talk about secret ballot. There is no special indication for quorums. PSAC bylaws doesn't propose any special procedures for secret ballot or quorums.

Extracts from the *Labor code*.

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20.2. No strike may be declared unless it has been authorized by secret ballot decided by the majority vote of the members of the certified association who are comprised in the bargaining unit and who exercise their right to vote.

The association shall take the measures necessary, having regard to the circumstances, to inform its members, at least 48 hours in advance, that the ballot is to be held.

20.3. The signing of a collective agreement shall not take place unless it has been authorized by secret ballot decided by the majority vote of the members of the certified association who are comprised in the bargaining unit and who exercise their right to vote.

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