

Conseil provincial des affaires sociales

Constitution

Updated October 2017

CONSEIL PROVINCIAL DES AFFAIRES SOCIALES

Constitution

ARTICLE

| | | |
|----|--|----|
| 1 | Role of the Conseil provincial des affaires sociales | 3 |
| 2 | Composition of the Conseil | 4 |
| 3 | Convention..... | 5 |
| 4 | Representation at the Convention | 6 |
| 5 | General Council | 8 |
| 6 | Executive Board..... | 10 |
| 7 | Role of Members of the Executive Board..... | 13 |
| 8 | Auditors..... | 17 |
| 9 | Bargaining Committee | 18 |
| 10 | Representation on Other Union Organizations | 20 |
| 11 | Revenues..... | 21 |
| 12 | Affiliations | 22 |
| 13 | Resolutions and Amendments to the Constitution | 23 |
| 14 | Headquarters | 24 |
| 15 | Expenses | 25 |
| 16 | Emergency Fund | 26 |
| 17 | Equalization Fund | 27 |
| 18 | Voting rights..... | 28 |

Article 1

Role of the Conseil provincial des affaires sociales

- 1.01 The role of the Conseil provincial des affaires sociales will be to
- a) Promote the social, economic and political advancement of its members from a union perspective;
 - b) Promote unionism in Québec;
 - c) Influence the policy directions of the union organizations to which its members are affiliated to ensure that such organizations take into account the needs and objectives of the Conseil provincial des affaires sociales and its members;
 - d) Support its affiliated Local Unions in their demands;
 - e) Foster dialogue among its affiliated Local Unions in order to facilitate union life across Québec and to enhance workers' quality of life in their respective workplaces to the greatest extent possible;
 - f) See to the preparation, negotiation and application of the Québec-wide collective agreement pertaining to its affiliated Local Unions, in close collaboration with CUPE/SCFP;
 - g) Foster as many joint actions as possible among the Local Unions in regard to local bargaining;
 - h) Promote informational and educational programs;
 - i) Encourage its members to become affiliated with and involved in activities organized by various union organizations, particularly the labour councils in each region.

Article 2

Composition of the Conseil

- 2.01 The CPAS will be comprised of all the Local Unions that hold a CUPE charter covering a group of employees in the health and social services sector and that pay the dues stipulated in the current Constitution.

Article 3

Convention

- 3.01 a) A convention assembling all the Local Unions in the CPAS will be held every two (2) years in even-numbered years at the call of the Executive Board of the Conseil Provincial des affaires sociales.

The call to convention must be issued with at least 60 days' notice. The convention will be the Conseil's decision-making body. Before the biennial convention is held, the Executive Board will establish committees composed of persons recognized as delegates at the convention. The committees will report to convention participants and will be dissolved at the close of the convention. At the opening of the convention, the delegates will ratify the establishment of the committees.

- b) A special convention may be ordered pursuant to a decision of the Executive Board or to a request signed by at least 25% of the CPAS's Local Unions. No business will be transacted at the special convention other than that listed in the abovementioned request or in the decision issued by the Executive Board.

The convention must be convened at least 30 days in advance when called by the Executive Board, or within 30 days of the Executive Board's receipt of the request.

- c) The Executive Board determines the location where the biennial or special conventions are to be held.
- d) The quorum for the purpose of deliberations will be one-half of the registered delegates at the convention.

- 3.02 The title of honorary member of the Conseil provincial des affaires sociales will be assigned to Brother Claude Turcotte, designated by the CPAS as an observer at the conventions.

Article 4 Representation at the Convention

4.01 a) Each Local Union will be entitled to the following representation at the convention:

- 1 to 150 members: 2 delegates
- 151 to 300 members: 3 delegates
- 301 to 500 members: 4 delegates
- 501 to 750 members: 5 delegates
- 751 to 1050 members: 6 delegates
- 1051 to 1350 members: 7 delegates
- 1351 to 1650 members: 8 delegates
- 1651 to 1950 members: 9 delegates
- 1951 to 2250 members: 10 delegates
- 2251 to 2550 members: 11 delegates
- 2551 to 2850 members: 12 delegates
- 2851 to 3150 members: 13 delegates
- 3151 to 3450 members: 14 delegates
- 3451 to 3750 members: 15 delegates
- 3751 to 4050 members: 16 delegates
- 4051 to 4350 members: 17 delegates
- 4351 to 4650 members: 18 delegates
- 4651 to 4950 members: 19 delegates
- 4951 to 5250 members: 20 delegates
- 5251 to 5550 members: 21 delegates
- 5551 to 5850 members: 22 delegates
- 5851 to 6150 members: 23 delegates

Each Local Union will be entitled to the same number of observers as the number of admitted delegates. The same representation will apply in the case of special conventions. In both cases, only delegates will have voting rights. Observers will be permitted voice but will not have voting rights.

The President will pass the floor to a person who is neither a delegate nor an observer, when the President deems it appropriate.

- b) A Local Union whose dues are in arrears for more than three (3) accounting periods may not register any delegates to the convention unless the Local Union makes an agreement with the Executive Board.
- c) The members of the Executive Board will be ex officio delegates at any convention of the CPAS.

Article 5

General Council

- 5.01 a) The General Council will be the decision-making body between conventions. Notwithstanding the foregoing, it may not reverse any resolution taken at the convention.
- b) The General Council will be composed of members of the Executive Board and delegates from each Local Union affiliated to the CPAS, as follows:
- 1 to 150 members: 2 delegates
 - 151 to 300 members: 3 delegates
 - 301 to 500 members: 4 delegates
 - 501 to 750 members: 5 delegates
 - 751 to 1050 members: 6 delegates
 - 1051 to 1350 members: 7 delegates
 - 1351 to 1650 members: 8 delegates
 - 1651 to 1950 members: 9 delegates
 - 1951 to 2250 members: 10 delegates
 - 2251 to 2550 members: 11 delegates
 - 2551 to 2850 members: 12 delegates
 - 2851 to 3150 members: 13 delegates
 - 3151 à 3450 members: 14 delegates
 - 3451 to 3750 members: 15 delegates
 - 3751 to 4050 members: 16 delegates
 - 4051 to 4350 members: 17 delegates
 - 4351 to 4650 members: 18 delegates
 - 4651 to 4950 members: 19 delegates
 - 4951 to 5250 members: 20 delegates
 - 5251 to 5550 members: 21 delegates
 - 5551 to 5850 members: 22 delegates
 - 5851 to 6150 members: 23 delegates
- c) A simple majority of delegates from the affiliated Local Unions will constitute a quorum.

- d) Unless circumstances prevent it, the members of the General Council will hold a meeting at least every two (2) months on the date and at the time and place set by the President in consultation with the Executive Board, except during the months of July and August;
- e) To the extent possible, the recommendations of the Executive Board and the various committees involved, and all documents pertaining to the business on the agenda of a meeting of the General Council, will be transmitted to the President of each Local Union along with the notice of meeting and the agenda.

5.02 Powers of the General Council

- a) May inspect any decision or project of the Executive Board;
- b) Ratifies administrative expenses and approves special expenditures;
- c) Approves loans suggested by the Executive Board for the proper conduct of CPAS business;
- d) Determines the mandates of the bargaining committee and the strategy to follow during negotiations;
- e) Debates and approves the resolutions and constitutional amendments that the Conseil provincial des affaires sociales transmits to the conventions of the union organizations to which it is affiliated.

Article 6

Executive Board

- 6.01 a) The Executive Board will see to the proper functioning of the Conseil provincial des affaires sociales between General Council sessions, and will report to the latter.
- b) The Executive Board will be composed of the following:
1. One President
 2. One Secretary General
 3. Four (4) Regional Vice-Presidents respectively representing the following regions:
 - ⇒ Québec, Chaudière-Appalaches and Bas-St-Laurent
 - ⇒ Estrie and Montérégie
 - ⇒ Montréal, Lanaudière and Laurentides
 - ⇒ Abitibi, Témiscamingue and Nord-du-Québec
 4. Four (4) Vice-Presidents respectively appointed from within a job title group in the following job classes:
 - ⇒ Class 1: Nursing and cardio-respiratory care
 - ⇒ Class 2: Paratechnical, auxiliary services and trades personnel
 - ⇒ Class 3: Office personnel and administrative technicians and professionals
 - ⇒ Class 4: Health and social services technicians and professionals

Notwithstanding the foregoing, a job class must include more than 2000 members in order to be represented by a Vice-President.

Vice-Presidents of job classes will be elected by the delegates at the biennial convention, according to the

number of persons in the class represented by the Local Union, as set out in article 4.01 a) of the Constitution.

5. One Provincial Vice-President. When female representation on the Executive Board is less than 50%, this position will be filled by a woman.

The General Council, on the Executive Board's recommendation, may modify the boundaries of a given region or create a new region. The procedure set out in article 6.01 d) will apply when a new Regional Vice-President must be elected.

The President and the Secretary General will be elected by the delegates at the biennial convention.

The Regional Vice-Presidents will be elected by the delegates of their region during the biennial convention.

The Provincial Vice-President will be elected by the delegates to the convention after the other members of the Executive Board have been elected. The term of a Provincial Vice-President will be the same as the term for other members of the Executive Board, regardless of changes to its composition during this period.

The term of office of the Executive Board will be two (2) years.

- c) Quorum: A simple majority will constitute a quorum.
- d)
 1. The office of a President or a Secretary General who resigns or does not respond to the calls to three (3) duly convened meetings without valid reason during the term of office will be filled by delegates to a special convention. The special convention must be held on the same date as a General Council meeting.

However, if fewer than six (6) months remain before the biennial convention, the Executive Board will designate one of its members to fill the position by interim appointment.

2. The office of a Regional Vice-President who resigns or does not respond to the calls to three (3) duly convened meetings without valid reason during the term of office will be filled by delegates from the region concerned at the General Council.

3. The office of a Vice-President of a job class who resigns or does not respond to the calls to three (3) duly convened meetings without valid reason during the term of office will be filled by the delegates in the relevant job class at a General Council of the CPAS, as set out in article 5.01 b) of the Constitution.
 4. The office of a Provincial Vice-President who resigns or does not respond to the calls to three (3) duly convened meetings without valid reason during the term of office will be filled by the delegates at the CPAS General Council.
- e) A Vice-President who is expected to be absent for more than two (2) months will be replaced by a person elected by the General Council.
 - f) The Executive Board will hold at least five (5) meetings per year.
 - h) The Executive Board, upon approval of the General Council, may establish any committees it deems necessary for the smooth administration and the interests of the Conseil. A member of the Executive Board will be an ex officio member of each committee of the CPAS.
 - i) The Executive Board may invite one member of a committee to take part in the discussions and work that will lead to recommendations on subjects pertaining to the mandate of such committee.

Article 7

Role of Members of the Executive Board

7.01

a) President

1. Is the chief executive officer of the Conseil;
2. Leads and coordinates the affairs of the Conseil;
3. Signs all documents related to the President's functions;
4. Presides at all conventions, General Councils, meetings and executive meetings of the CPAS;
5. Reports on own activities at the biennial convention;
6. Is an ex officio member of all committees;
7. Is the official representative of CPAS members in dealings with other union organizations.

b) Secretary General

1. Is responsible for the CPAS's books, files, funds and property, and must make any information concerning these properties available to the Executive Board upon request;
2. Sends the calls to meeting for the CPAS's conventions, General Councils and executive meetings and ensures that these events are organized;
3. Keeps minutes of all meetings and submits them to the appropriate authority for approval;
4. Promptly sends a copy of the minutes of General Councils to the affiliated Local Unions;
5. Administers the funds of the CPAS in conformance with the provisions herein, and submits a financial report once per year;

6. Signs cheques and bank documents; notwithstanding the foregoing, cheques made out for amounts greater than \$1,000 must also be signed by the President;
7. Reports on own activities to the biennial convention;
8. Must be protected by liability insurance for the amount determined by the Executive Board.

c) Regional Vice-Presidents

1. Replace the President as directed;
2. See to CPAS union life in their region;
3. Make contacts to promote the CPAS with new Local Unions;
4. Are the liaison between the Executive Board and the Local Unions in their regions;
5. Give an accounting of the activities and regional union life of their Local Unions at the regular meetings of the CPAS Executive Board;
6. Are the primary representatives of the CPAS in their region during negotiations and conflicts or in connection with any file involving health and social services or other matters;
7. Upon invitation, may attend the general assemblies of the Local Unions in their region;
8. Give an accounting of their activities to the biennial convention;
9. Encourage Local Unions to affiliate with and participate in their region's labour council;
10. Regularly convene regional meetings.

d) Vice-Presidents of job class

1. Replace the President as directed;
2. Act as liaison between the Executive Board and the Local Unions representing members in their job class;
3. Are the ex officio Political Officers for their job class committee;
4. Are ex officio members of the bargaining committee for the purpose of representing their job class, unless they decide to surrender this position;
5. Upon invitation, may take part in the general assemblies of the Local Unions representing members in their job class;
6. Give an accounting of their activities to the biennial convention;
7. Convene meetings for the Local Unions representing members in their job class, as needed.

e) CPAS Provincial Vice-President

1. Replaces the President as directed;
2. Is a full member of the Executive Board and, in this capacity, may be given various general assignments that fall to members of the Executive Board;
3. Gives an activity report to the biennial convention.

f) Role of the Political Officer

1. Is the liaison between committees and the Executive Board;
2. Is the liaison between committees and the General Council;
3. Ensures that the Executive Board and the General Council are informed of committee objectives and deadlines;
4. Ensures that the Executive Board and the General Council are informed of the state of progress of committee work and activities;
5. Ensures that committees submit a report of their activities to the biennial convention.

Article 8

Auditors

8.01 The fiscal year begins on January 1 of each year and ends on December 31 of the same year.

The auditors' report outlines the financial situation of the CPAS and contains the recommendations the auditors deem relevant. The report must be submitted to the Executive Board first, after which it will be presented to the General Council.

A copy of the annual financial report must be transmitted to the National Secretary-Treasurer of the Canadian Union of Public Employees.

The Secretary General's books must be audited once per year by three (3) auditors.

Auditors will be elected alternately at each biennial convention to serve a six- (6) year term. In the event that a position falls vacant during the term, the General Council will elect a replacement to serve out the rest of the term.

Article 9 Bargaining Committee

9.01 a) Composition

The Vice-Presidents of job classes are ex officio members of the bargaining committee. In the event that a Vice-President of a job class is unable to serve on the bargaining committee, the following procedure will apply:

A delegate holding a job title in the relevant job class will be elected during the General Council by the Local Unions representing employees in the designated job class. Voting rights will be established in accordance with the number of members represented by the Local Union in the relevant class, as set out in article 5.01 b) of the Constitution.

When four (4) positions of Vice-Presidents of job classes cannot be filled, the General Council will hold an election to fill the available position(s) as follows:

1. First, a delegate who holds a job title in the relevant class will be elected by the Local Unions representing employees in the designated job class. Voting rights will be established according to the number of persons represented by the Local Union in this job class, as set out in article 5.01 b) of the Constitution.

2. If there are no candidates holding the job title in the relevant job class to fill the position, the position on the bargaining committee will be opened up to all delegates.

The Regional Vice-Presidents will take part in the work of the bargaining committee during strategic periods when major policy directions and decisions must be taken.

The President or the Secretary General who serve on the Executive Board will be required to serve on the bargaining committee.

Lastly, the services of the standing committees of the CPAS will be required when their respective responsibilities include a bargaining issue.

b) Obligations of committee members

1. Produce a detailed report on the progress of negotiations at each General Council and as needed.
2. Attend all bargaining sessions.

c) Ratification of the new collective agreement

Following the General Council's approval of an agreement in principle regarding the renewal of the Québec-wide collective agreement, the relevant Local Unions will hold a separate secret ballot with each bargaining unit they represent.

The Local Unions will transmit the results of the vote to the CPAS within the prescribed time periods for each bargaining unit that voted.

For the purpose of determining the outcome, the CPAS will tally the results of the votes by taking into account the number of members who cast a vote for each bargaining unit. A simple majority of all members will be required to approve an agreement in principle.

d) Procedure for obtaining a strike mandate

The procedure set out in paragraph 9.01 c) will apply mutatis mutandis when the CPAS General Council makes the decision to obtain a strike mandate.

- 9.02 The CPAS will assume the expenses incurred by a maximum of two (2) members of each Local Union affiliated with the CPAS that must negotiate its own collective agreement. These expenses will be related to participation in study and bargaining sessions pertaining to the Local Union's collective agreement or contract.

The reimbursement of such expenses will follow the CPAS's reimbursement policy.

Any additional requests must be transmitted to the CPAS and will be processed by the Executive Board.

Article 10**Representation on Other Union Organizations**

- 10.01 Any office that falls vacant during the period between the conventions of organizations on which the CPAS is represented will be filled by the General Council at a regular meeting of the CPAS.
- 10.02 The officers representing the CPAS at the General Council of CUPE-Québec must include at least one officer who does not serve on the Executive Board of the CPAS. When the total number of officers is six or more, at least two members must not serve on the Executive Board of the CPAS.

Article 11

Revenues

11.01 a) Regular dues

The dues to the CPAS will be 0.09% of the Local Union's total regular salaries.

The dues must be remitted to the Executive Board's Secretary General at the end of each accounting period. They must be accompanied by a form duly completed for this purpose as well as the employer's report showing the total amounts to date.

Of this amount (0.09%), 37.5% will be transferred to the bargaining account at the time of each deposit.

11.02 a) Payment of dues

The Executive Board may decide to eliminate or reduce the payments owed by some Local Unions that are in the process of negotiating their initial collective agreement.

b) The Local Unions covered by a decision made under article 11.02 a) will be considered Local Unions in good standing of the CPAS.

c) A new Local Union that wishes to disaffiliate from the CPAS must return the amounts that were paid during the first round of current negotiations under article 9.02 of the CPAS Constitution, or it must make the reimbursement if fewer than two (2) years have lapsed between the end of negotiations and the Local Union's disaffiliation.

Article 12**Affiliations**

12.01 The CPAS may affiliate to any organization selected by the General Council.

Article 13**Resolutions and Amendments to the Constitution**

- 13.01 Amendments to this Constitution may be approved at the convention by a vote of two thirds (2/3) of the delegates present at the time of the vote, unless such amendments conflict with the Constitutions of CUPE and CUPE-Québec.
- 13.02 To be addressed at the convention, the amendments must have been received at the organization's headquarters at least 30 days before the date of the convention.
- 13.03 To be addressed at the convention, the resolutions must have been received at the organization's headquarters at least 30 days before the date of the convention.

Article 14 Headquarters

14.01 The headquarters of the CPAS will be located in Montréal.

Article 15**Expenses**

- 15.01 The CPAS will assume the expenses incurred for the operation of committees and will be responsible for the Executive Board's expenses.
- 15.02 The Conseil provincial des affaires sociales has a remuneration and expense reimbursement policy. The policy must be approved by the General Council upon the Executive Board's recommendation.

Article16 Emergency Fund

16.01 Purpose

The purpose of the emergency fund is to help Local Unions send a delegate to the conventions, conferences and General Councils organized by the Conseil provincial des affaires sociales. The Local Unions must be affiliated to the Conseil provincial des affaires sociales and meet the criteria of the emergency fund.

16.02 Funding

The CPAS emergency fund will earmark a maximum of \$5,000 for each authorized activity.

16.03 Eligibility criteria

To be eligible, a Local Union must be deemed financially unable, in the eyes of the CPAS Executive Board, to send a delegate to the conventions, conferences and General Councils of the Conseil provincial des affaires sociales.

However, the Local Union must have 150 members or fewer, or be affiliated to the CPAS for less than one (1) year.

In addition, the Local Union must maintain dues payments of at least 1.5% and have less than \$15,000 in funds.

16.04 Annual maximum

A Local Union may use the emergency fund no more than three (3) times per year.

Article 17 Equalization Fund

17.01 Purpose

The purpose of the equalization fund is to help the Local Unions affiliated to the Conseil provincial des affaires sociales take part in events organized by the CPAS.

17.02 Terms and conditions of use

The fund is solely intended to cover travel expenses for one trip per Local Union.

Travel expenses will be reimbursed in accordance with the table shown on the equalization fund claim form.

If an automobile is used, the effective rate in the CPAS expense policy will apply.

Article 18

Voting rights

- 18.01 Only the delegates in attendance at the various official meetings of the Conseil provincial des affaires sociales have the right to vote in an election or on a motion, or to vote on amending the Constitution;
- 18.02 Individuals registered by proxy will not have voting rights.