

2024 NEC RESOLUTIONS –AMENDMENTS TO THE CONSTITUTION
FOR APPROVAL BY THE MEMBERSHIP AT THE 2024 AGM
November 17, 2024

Resolution #1 – Empowering Locals - Amendments to Definitions, Article 6, and Article 22

Overview: These are proposed amendments to the Definitions section of the Constitution, as well as Article 6 (Powers of the National Executive Committee (NEC)) and Article 22 (Locals), which outlines the process for establishing and restructuring locals. These changes also empower locals to adopt by-laws, with NEC approval, tailored to the unique operational circumstances of each group. This would allow for greater local autonomy, while maintaining a level of involvement from the NEC to ensure members’ rights are upheld.

EXISTING TEXT	PROPOSED AMENDMENTS
CONSTITUTION DEFINITIONS	CONSTITUTION DEFINITIONS
NEW TEXT	<p>“Local” - an organized group of members established by the NEC in accordance with the CAPE Constitution and deriving its jurisdiction, authority and rights from Section 22 of the CAPE Constitution. Locals may be associated with a region or an organization.</p> <p><i>Note: if approved, definition of “Local” will be inserted between “Management” and “Local Leadership”, and other definitions will be renumbered accordingly.</i></p>

CONSTITUTION ARTICLE 6 – POWERS OF THE NATIONAL EXECUTIVE COMMITTEE (NEC)	CONSTITUTION ARTICLE 6 – POWERS OF THE NATIONAL EXECUTIVE COMMITTEE (NEC)
6.3 Approve the establishment of Locals and approve stewards where there are no Locals	6.3 Approve the establishment and restructuring of Locals and approve stewards where there are no Locals
CONSTITUTION ARTICLE 22 – LOCALS	CONSTITUTION ARTICLE 22 – LOCALS
22.1 A Local will be formed wherever there is ten or more Regular or Pending Members who support its formation.	22.1 A new Local will be formed upon the application of ten or more Regular or Pending members who are not members of a Local who support its formation.
NEW TEXT	22.2 The application must specify, in the case of a departmental local, which department(s), agency(s) or organization(s) the local shall represent, or in the case of a regional local, the geographic boundaries of the region.
22.2 A member shall belong to only one Local.	<p>22.3 A member shall belong to only one Local of their choosing, provided they can demonstrate that at least one of the following criteria is met:</p> <p>22.3.1 For membership within regional locals, the member works or resides in the region associated with the local</p> <p>22.3.2 For membership within departmental locals, the member is employed by the department, agency or organization associated with the local</p> <p>22.3.3 For the purpose of this section, “employed by” includes situations where a member is in a non-substantive position, but still entitled to representation, such as assignments, secondments, or interchange assignments</p> <p>22.3.4 If a member wishes to change their local membership to an appropriate departmental or regional local other than the one</p>

	<p>that has been assigned to them, they must notify the CAPE national office.</p>
<p>22.3 The establishment of a Local shall be subject to the approval of the NEC.</p>	<p>22.4 The establishment or restructuring of a Local or Locals shall be subject to the approval of the NEC.</p>
<p>NEW TEXT</p>	<p>22.5 Restructuring of a Local or Locals can include:</p> <ul style="list-style-type: none"> 22.5.1 Merging of one or more locals 22.5.2 Dividing an existing local into multiple locals 22.5.3 The transfer of members from one local to another 22.5.4 The addition of members who are not members of an existing local to an existing local 22.5.5 Amendment of local geographic boundaries, in the case of regional locals 22.5.6 Dissolution of a local <p>22.6 in the event of an employer-initiated restructuring of a department, agency or organization, the NEC may initiate the restructuring of a Local or Locals affected.</p> <p>22.7 Locals can initiate a restructuring by presenting an application to the NEC demonstrating the support of a majority of the members affected by the restructuring.</p> <p>22.8 Locals can initiate a merger, division, transfer of members, or dissolution by a motion at a general meeting of the Local (or respective Locals in the case of a merger or a transfer of members).</p> <p>22.9 A group of Regular or Pending members who are not members of a Local may apply to be added to an existing Local. Such an application shall:</p>

	<p>22.9.1 Indicate which department(s), agency(s), organization(s) or region(s) the group consists of;</p> <p>22.9.2 Be supported by the lesser of 10 Regular or Pending members or a majority of the group to be added;</p> <p>22.9.3 Be approved by the executive of the existing Local.</p> <p>22.10 Where the NEC has received an application to establish or restructure a local, the President must consult with any existing local(s) that may be impacted.</p> <p>22.11 The restructuring process is to be completed within one year of receipt of notification of the NEC, pending consultation with members and Local(s) affected and approval by the NEC.</p> <p>22.12 Funds, records, and property belonging to two or more locals participating in a merger shall be combined. Locals will not exhaust their funds in advance of a merger.</p>
<p>22.4 Each Local shall have an Annual General Meeting at which officers shall be elected and stewards approved. Prior to commencing their terms, elected and appointed officers must execute a solemn declaration and return the signed original copy to the National Office.</p>	<p>22.13 Each Local shall have an Annual General Meeting at which officers shall be elected and stewards approved. Prior to commencing their terms, elected and appointed officers must execute a solemn declaration and return the signed original copy to the National Office.</p>
<p>22.5 Each Local may adopt By-Laws which must be consistent with this Constitution. To ensure consistency, By-Laws must be reviewed by the NEC or a delegated sub-committee of the NEC.</p>	<p>22.14 Each Local may adopt By-Laws which must be consistent with this Constitution. To ensure consistency, new and amended By-Laws must be reviewed by the NEC or a delegated sub-committee of the NEC.</p>
<p>NEW TEXT</p>	<p>22.15 Notwithstanding Article 22.14, Locals may create By-laws that differ from the Association's By-laws under these conditions:</p> <ol style="list-style-type: none"> 1. The Local executive must approve the request to derogate by a two-thirds (2/3) majority. 2. After Local approval, the request to derogate goes to a delegated NEC sub-committee for review.

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| | <ol style="list-style-type: none">3. The sub-committee will review and return the proposed Local By-laws to the NEC, with recommendations on advisability and constitutional validity.4. The NEC must then approve the request by a majority vote.5. Approved derogations must be renewed no later than every three (3) years to remain in effect. |
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Note: if approved, existing Articles 22.6 - 22.11 will be renumbered to Articles 22.16 - 22.21.

Resolution #2 – Removing non-voting members from the NEC – Amendments to Article 8

Overview: These are proposed amendments to Article 8 (Composition of the NEC) which removes non-voting members from the NEC. Currently, some staff members are considered non-voting members of the NEC. The NEC should be composed only of members elected or appointed to represent members. Staff members may continue to offer advice and attend NEC meetings as guests.

EXISTING TEXT	PROPOSED AMENDMENTS
<p>CONSTITUTION ARTICLE 8 – COMPOSITION OF THE NEC</p>	<p>CONSTITUTION ARTICLE 8 – COMPOSITION OF THE NEC</p>
<p>8.1 The NEC includes voting members and non-voting members.</p> <p>8.3 The Association's management, exclusive of the President, are non-voting members of the NEC.</p>	<p>8.1 The NEC includes voting members and non-voting members.</p> <p>8.3 The Association's management, exclusive of the President, are non-voting members of the NEC.</p>
<p>8.4 A bargaining unit shall have a Director position for each 1,000 individuals or part thereof.</p> <p>8.5 Notwithstanding clause 8.4, the number of Directors from the EC bargaining unit shall not be less than 8 and the number of Directors from the TR bargaining unit shall not be less than 2.</p> <p>8.6 The number of Directors shall be revised based on the size of the bargaining unit as at the fiscal year end of the Association.</p>	<p>8.3 A bargaining unit shall have a Director position for each 1,000 individuals or part thereof.</p> <p>8.4 Notwithstanding clause 8.4, the number of Directors from the EC bargaining unit shall not be less than 8 and the number of Directors from the TR bargaining unit shall not be less than 2.</p> <p>8.5 The number of Directors shall be revised based on the size of the bargaining unit as at the fiscal year end of the Association.</p>

Resolution #3 – Allowing group representation – Amendment to Article 11.7

Overview: This is a proposed amendment to Article 11 (Duties and Responsibilities of Members of the National Executive Committee). Article 11.7 of the Constitution is contradicted by Article 8 and is not aligned with current practice. In its current form, Article 11.7 states that members of the NEC are elected at large and do not represent a segregated constituency, however, aside from the President, all members of the NEC are elected to represent a specific bargaining unit (EC, TR, LoP, etc.) as per article 8 of the constitution. Removing this from section 11.7 would also allow for future amendments to restructure the NEC. This enables CAPE to explore options such as regional representation or representation from equity-seeking groups in future rounds of constitutional amendments.

EXISTING TEXT	PROPOSED AMENDMENTS
CONSTITUTION ARTICLE 11 – DUTIES AND RESPONSIBILITIES OF MEMBERS OF THE NATIONAL EXECUTIVE COMMITTEE	CONSTITUTION ARTICLE 11 – DUTIES AND RESPONSIBILITIES OF MEMBERS OF THE NATIONAL EXECUTIVE COMMITTEE
11.7 All members of the NEC are elected and represent the Association at large and not a segregated constituency.	11.7 All members of the NEC are elected and represent the Association at large and not a segregated constituency.

Resolution #4 – Position Statement – Addition of Articles 22.9 and 38

Overview: This is a proposal to create two new Articles; Article 38 (Position Statement) and Article 22.9 (Locals). New Article 38 introduces a Position Statement which will allow CAPE to define its position on key issues affecting members, as well as allowing members the opportunity to set priorities for organizing and advocacy. It would also bind the CAPE leadership to act in accordance with those principles and positions. New Article 22.9 outlines the process for amending the Position Statement.

EXISTING TEXT	PROPOSED AMENDMENTS
CONSTITUTION ARTICLE 22 – LOCALS	CONSTITUTION ARTICLE 22 – LOCALS
NEW TEXT	22.9 The amendment of the Position Statement requires a two-thirds majority of the votes cast.
CONSTITUTION ARTICLE 38 – POSITION STATEMENT	CONSTITUTION ARTICLE 38 – POSITION STATEMENT
NEW TEXT	<p>38.1 The Association must promote the positions listed in the Position Statement in the conduct of its activities, in its policies and in its protocols.</p> <p>38.2 The by-laws of the Association must not contradict the positions listed in the Position Statement.</p> <p>38.3 The Association's Constitution takes precedence over the Position Statement.</p> <p>38.4 The Association's communications must not contradict the positions listed in the Position Statement.</p> <p>38.5 Public statements by the President and all persons publicly representing or speaking on behalf of the Association must not contradict the positions listed in the Position Statement.</p>

	<p>38.6 The Position Statement can be amended following an AGM or SGM to review the proposed changes, and approval by a vote of the membership in accordance with clause 29.9.</p>
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	<p>38.7 The NEC may, by a two-thirds majority of its voting members, amend the Position Statement.</p>
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Resolution #5 – Collective Bargaining Committee – Amendment to Article 14.3

Overview: This is a proposed amendment to Article 14 (Collective Bargaining Committees). The new Article 14.3 redefines the role of the Collective Bargaining Committee. As collective bargaining necessitates thorough member reflection and education, this proposal allows for members to be involved in determining the bargaining paths and priorities through general meetings and member votes and, recommends a more democratic process than a simple survey.

EXISTING TEXT	PROPOSED AMENDMENTS
CONSTITUTION ARTICLE 14 – COLLECTIVE BARGAINING COMMITTEES	CONSTITUTION ARTICLE 14 – COLLECTIVE BARGAINING COMMITTEES
<p>14.3 The Collective Bargaining Committee shall prepare demands, issues or proposals, and shall nominate a Negotiating Team from among its members.</p>	<p>14.3 The Collective Bargaining Committee shall convene a general meeting of all members of the bargaining units concerned in order that a debate open to regular members be held. Following the meeting, the Collective Bargaining Committee recommends the demands, issues and proposals to be submitted to the regular members for a vote. The vote determines the path of negotiation and informs the demands. Following the vote, the Collective Bargaining Committee nominates a Negotiating Team from among its members.</p>

Resolution #6 – President’s Powers – Amendment to Article 9.3

Overview: This is a proposed amendment to Article 9 (President’s Duties and Authorities). The change to Article 9.3 reduces the power of the President by allowing the President’s interpretation of the Constitution to be challenged.

EXISTING TEXT	PROPOSED AMENDMENTS
<p>CONSTITUTION ARTICLE 9 – PRESIDENT’S DUTIES AND AUTHORITIES</p> <p>9. PRESIDENT'S DUTIES AND AUTHORITIES The presidency shall be a full-time paid position. The President shall have the authority to:</p> <p>9.1 Officially represent the Association. 9.2 Negotiate collective agreements for members of the Association. 9.3 Interpret the Constitution. ...</p>	<p>CONSTITUTION ARTICLE 9 – PRESIDENT’S DUTIES AND AUTHORITIES</p> <p>9. PRESIDENT'S DUTIES AND AUTHORITIES The presidency shall be a full-time paid position. The President shall have the authority to:</p> <p>9.1 Officially represent the Association. 9.2 Negotiate collective agreements for members of the Association. 9.3 Interpret the Constitution, unless otherwise interpreted by a two-thirds majority of the members of the NEC or a General Meeting. Any interpretation given at a NEC meeting or General Meeting shall be recorded in the minutes. ...</p>

Resolution #7 – Presidential Remuneration – Addition of Article 19.9 and Amendment to Article 36

Overview: These are proposed amendments to Article 19 (Elections and Terms of Office) and Article 36 (President’s Salary and Benefits) to achieve the following:

1. Sets the salary of the President as the highest salary in any CAPE collective agreement, currently an EC-08 Step 5, at 155,927 as of July 2024. This would save over \$30,000 in salary costs alone in the first year, with additional savings in future years. This ensures that the compensation of the President is aligned with that of the members and prevents excessive compensation, while allowing for automatic adjustments aligned with the wage increases in CAPE collective agreements.
2. Prevents the inclusion of incentive pay or other additional bonuses in Presidential compensation in excess of established norms such as a bilingualism bonus.
3. Establishes residency requirements for the President, in order to reduce costs associated with travel.

To strengthen accountability, reduce costs, and prioritize the best interests of the membership. By preventing Presidential compensation from increasing beyond that of the highest-paid members, this creates an incentive to negotiate the best possible contracts, while reducing any incentive to run for President for personal gain rather than the best interest of the membership.

EXISTING TEXT	PROPOSED AMENDMENTS
CONSTITUTION ARTICLE 19 – ELECTIONS AND TERMS OF OFFICE	CONSTITUTION ARTICLE 19 – ELECTIONS AND TERMS OF OFFICE
NEW TEXT	19.9 Candidates for the positions of President and Vice-President are prepared, in the event of their election to the position of President, to reside in the National Capital Region.

CONSTITUTION ARTICLE 36 – PRESIDENT’S SALARY AND BENEFITS	CONSTITUTION ARTICLE 36 – PRESIDENT’S SALARY AND BENEFITS
<p>36. PRESIDENT'S SALARY AND BENEFITS 36.1 The financial terms and conditions for the position of President shall be reviewed on a triennial basis in the year preceding a Presidential election. The review shall be conducted by an independent compensation consultant selected by the NEC.</p>	<p>36. PRESIDENT'S SALARY AND BENEFITS 36.1 The financial terms and conditions for the position of President shall be reviewed on a triennial basis in the year preceding a Presidential election. The review shall be conducted by an independent compensation consultant selected by the NEC.</p>
<p>36.2 The NEC shall establish the financial terms and conditions that will form the basis of the President’s employment contract based on the recommendations received by the independent compensation consultant pursuant to clause 36.1. ... NEW TEXT</p>	<p>36.2 The NEC shall establish the financial terms and conditions that will form the basis of the President’s employment contract in compliance with the Constitution, notably with articles 36.6, 36.7, 36.8, 36.9, 36.10 and 36.11, and with applicable By-laws. ... 36.6 The annual rate of remuneration for the position of President is identical to the highest annual rate of remuneration that a regular member can obtain under a collective agreement in force that has been negotiated by the Association. 36.7 The President is entitled to a bilingualism bonus if, at the time of appointment, he or she holds a valid CBC bilingual language profile or a higher level qualification as established by the Public Service Commission of Canada demonstrating their bilingualism. The annual amount of this bilingualism bonus is identical to the highest annual amount a regular member can obtain as a bilingualism bonus under a collective agreement in force that has been negotiated by the Association. 36.8 The number of hours in a normal work week for the President is identical to the highest number of hours in a normal work week that a regular member may be required to work under a collective agreement in force that has been negotiated by the Association. Overtime is not payable. 36.9 The President's salary structure excludes any form of incentive plan.</p>

36.10 Considering article 19.9 of the Constitution, the employment contract of the President cannot provide for a reimbursement mechanism for expenses incurred while traveling between the President's residence and the National Capital Region.

36.11 Considering article 19.9 of the Constitution, the President's employment contract may provide for the reimbursement of actual and reasonable relocation expenses that must be incurred in the event of the election of a candidate residing outside the National Capital Region. Such expenses may not include those incurred for the rental or purchase of a residence.

Resolution #8 – Adjusting Participation Thresholds – Amendments to Articles 20, 32, and 37

Overview: These are proposed amendments to Article 20 (Removal from Office), Article 32 (Special General Meeting (SGM)), and Article 37 (Constitutional Amendments). CAPE has grown significantly in recent years, however thresholds to trigger events such as special general meetings, recall elections, etc., have not changed. By defining these thresholds as percentages of the membership rather than raw numbers, this would allow these thresholds to automatically increase or decrease to align with changes in CAPE’s membership. This also distinguishes between NEC members who were appointed or acclaimed and those who were elected, creating a higher threshold to initiate a recall election against a member who was democratically elected with a much higher vote total than the number of members required to recall them.

EXISTING TEXT	PROPOSED AMENDMENTS
<p>CONSTITUTION ARTICLE 20 – REMOVAL FROM OFFICE</p> <p>20.1 Notwithstanding clause 32.1, a Special General Meeting called to discuss the removal from office of any member of the NEC may only be called by a two- thirds majority of the NEC, or by a petition signed by 100 Regular or Pending Members. The meeting shall be held in accordance with clauses 32.2 and 32.3.</p>	<p>CONSTITUTION ARTICLE 20 – REMOVAL FROM OFFICE</p> <p>20.1 Notwithstanding clause 32.1, a Special General Meeting called to discuss the removal from office of any member of the NEC may only be called in one of the following ways:</p> <ul style="list-style-type: none"> a) By a two-thirds majority of the NEC; b) By a petition signed by least the lesser of 0.5% of regular and pending members or 10% of regular or pending members in the bargaining unit or constituency which the member of the NEC represents if the NEC member was acclaimed; or c) By a petition signed by a number of regular members that is superior to half the votes the NEC member received at their election. <p>The meeting shall be held in accordance with article 32.2 and 32.3.</p>
<p>CONSTITUTION ARTICLE 32 – SPECIAL GENERAL MEETING (SGM)</p>	<p>CONSTITUTION ARTICLE 32 – SPECIAL GENERAL MEETING (SGM)</p>

<p>32.1 Except in the case of collective bargaining, an SGM shall be called by the NEC, or upon the petition of not less than fifty Regular or Pending Members of the Association. Such a petition must state the reason(s) for the meeting.</p>	<p>32.1 An SGM may be called by the NEC or upon the petition of at least 0.5% of regular members of the Association. This request must specify the reason or reasons for the meeting, and include, if applicable, the motion or the resolution to be considered.</p>
<p>CONSTITUTION ARTICLE 37 – CONSTITUTIONAL AMENDMENTS</p>	<p>CONSTITUTION ARTICLE 37 – CONSTITUTIONAL AMENDMENTS</p>
<p>37.1 As specified in the By-Laws, any Regular or Pending member, or Local, may petition for an amendment to the Constitution. Such petition shall contain 100 signatures of Regular or Pending members.</p>	<p>37.1 As specified in the By-Laws, any Regular or Pending member, or Local, may petition for an amendment to the Constitution. Such petition shall contain the signature of at least 1% of Regular or Pending members.</p>

Resolution #9 – Reinforcing Bilingualism – Amendments to Definitions, Article 4, and Addition of Articles 33.2 and 33.3

Overview: These are proposed amendments to the Definitions section of the Constitution, to Article 4 (Official Languages) and to Article 33 (Rules of Order) to define “bilingual” and “bilingualism”, which were not previously defined, to require the National Office to support locals in holding bilingual AGMs, to ensure that interpretation is available at NEC meetings, and to protect the health and safety of interpreters.

EXISTING TEXT	PROPOSED AMENDMENTS
CONSTITUTION DEFINITIONS	CONSTITUTION DEFINITIONS
NEW TEXT	<p>Definitions</p> <p>...</p> <p>“Bilingual” - refers to the official languages, English and French.</p> <p>“Bilingualism” - refers to proficiency in both official languages, English and French.</p> <p><i>Note: if approved, definition of “Bilingual” and “Bilingualism” will be inserted after “OPBO Group”.</i></p>
CONSTITUTION ARTICLE 4 – OFFICIAL LANGUAGES	CONSTITUTION ARTICLE 4 – OFFICIAL LANGUAGES
<p>4.3 A local may request from the national office interpretation services for a meeting, as well as the production of agenda and notices in both official languages.</p>	<p>4.3 A local may request from the national office interpretation services for a meeting, as well as the production of agenda and notices in both official languages. The National Office is responsible for the costs associated with this request when it concerns the Local's Annual General Meeting.</p>
CONSTITUTION ARTICLE 33 – RULES OF ORDER	CONSTITUTION ARTICLE 33 – RULES OF ORDER
<p>33.1 All meetings of the Association shall be governed by the bilingual rules of procedures set out in the By-Laws.</p>	<p>33.1 All meetings of the Association shall be governed by the bilingual rules of procedures set out in the By-Laws.</p>

NEW TEXT

33.2 Notwithstanding article 33.1, at meetings of the NEC, a member who participates virtually may not speak or intervene if the member is unable to ensure adequate audio quality, for the health and safety of the interpreters. This restriction does not affect the member's right to vote.

33.3 Notwithstanding article 33.1, any motion, resolution or proposal that is not merely procedural must be available in writing in both official languages before it can be considered by the NEC.