



2025 NEC RESOLUTIONS – BY-LAW AMENDMENTS **FOR APPROVAL BY THE MEMBERSHIP AT THE 2025 AGM** **NOVEMBER 16, 2025**

***Please note:** Deleted text is indicated with a ~~striketrough~~ and new text is indicated **in red**.*

Resolution #1 - Elections and Resolutions – Amendments to By-law 3

Rationale:

These amendments address recommendations from the Elections and Resolutions Committees of 2023 and 2024. Notably:

- Elections appeals go to an independent Elections Appeals Committee rather than a sub-committee of the NEC which may not have enough eligible members to function as a committee
- Expectations of candidate conduct and the complaints procedure are more clearly defined.
- Process for reviewing proposed resolutions for consistency with CAPE's Constitution and By-Laws is more clearly defined.
- Space for additional nomination signatures is provided, to make confirmation of eligibility easier.
- Other minor updates

As per Article 18.3 of the CAPE Constitution, these By-laws shall go into effect on March 31, 2026.

Date adopted by the NEC: September 26, 2025

EXISTING TEXT	PROPOSED AMENDMENTS
By-law 3 - Elections and Resolutions	By-law 3 - Elections and Resolutions
B 3.1 Elections and Resolutions Committee	B 3.1 Elections and Resolutions Committee
B 3.1. No later than the end of February of each year, the National Executive Committee (NEC) shall issue a call to all Regular and Pending members asking for volunteers to set up an Elections and Resolutions Committee. The NEC shall confirm the composition of the Committee at its regular meeting in April, which shall endeavour to include at least one member of each bargaining unit represented by the Association. Members of the Elections and Resolutions Committee shall not campaign in support of or against a candidate nor publicly divulge their opinion on a resolution. They shall still be able to exercise their individual right to vote. The Committee shall have the right to revoke the appointment of a Committee member as a result of non- compliance with provisions of these By-Laws pertaining to their responsibilities. Such an action shall require two thirds (2/3) of the votes cast. The NEC replaces the person thus removed with a Regular or Pending member from the same bargaining unit.	B 3.1. No later than the end of February of each year, the National Executive Committee (NEC) shall issue a call to all Regular and Pending members asking for volunteers to set up an Elections and Resolutions Committee (ERC). The Elections and Resolutions Committee shall be assisted by an ERC Secretariat, consisting of supporting staff from CAPE's National Office. The NEC shall confirm the composition of the Elections and Resolutions Committee at its regular meeting in April, which shall endeavour to include at least one member of each bargaining unit represented by the Association. Members of the Elections and Resolutions Committee shall not campaign in support of or against a candidate nor publicly divulge their opinion on a resolution. They shall still be able to exercise their individual right to vote. The Elections and Resolutions Committee shall have the right to revoke the appointment of an Elections and Resolutions Committee member as a result of absenteeism, as defined under By-law 14.2.2, or non-compliance with provisions of these By-Laws pertaining to their responsibilities. Such an action shall require two thirds (2/3) of the votes cast. The NEC may replace the person thus removed with a Regular or Pending member from the same bargaining unit.
B 3.2 The Elections and Resolutions Committee shall have complete and full jurisdiction over the election process, in accordance with these By-Laws and Constitution. Non-compliance with these By-Laws may result in the nomination of a candidate being revoked by the Committee.-Except where otherwise noted in these By-Laws, any decisions made by the Committee shall be the result of a majority vote. ...	B 3.2 The Elections and Resolutions Committee shall have complete and full jurisdiction over the election process, in accordance with these By-Laws and Constitution. Non-compliance with these By-Laws may result in the nomination of a candidate being revoked by the Committee. Except where otherwise noted in these By-Laws, any decisions made by the Elections and Resolutions Committee shall be the result of a majority vote. ...

EXISTING TEXT	PROPOSED AMENDMENTS
B 3.5 Nominations B 3.5 All nominations to the position of Director shall be supported by one Regular or Pending member of the Association. All nominations to the positions of President and Vice-President shall be supported by ten (10) Regular or Pending members of the Association. In each case, nominations shall not be accompanied by more supporting names than the number required. Any supporting name(s) beyond the required number shall be discarded. ...	B 3.5 Nominations B 3.5 All nominations to the position of Director shall be supported by one Regular or Pending member of the Association. All nominations to the positions of President and Vice-President shall be supported by ten (10) Regular or Pending members of the Association. In each case, nominations shall not be accompanied by more supporting names than the number required. Any Nominations may be accompanied by up to two (2) additional supporters. In the event that one or more supporters is determined to be ineligible or their membership status is unverifiable, the additional supporters may be used to fulfill this requirement; otherwise, any supporting name(s) beyond the required number shall be discarded. ...
B 3.7 The nomination form may be provided in print or electronically and accompanied by two pages (8 1/2 x 11) of text using Arial 12 point font or equivalent in which the candidate may provide a biography, his/her reason for running, contact information, and a website address. If the candidate does not provide the required documents in both official languages, the Association shall have the presentation document translated. The candidate shall be allowed five (5) working days to review the translation produced by the Association. ...	B 3.7 The nomination form may be provided in print or electronically and accompanied by two pages (8 1/2 x 11) of text using Arial 12 point font or equivalent in which the candidate may provide a biography, his/her reason for running, contact information, a photo of the candidate, and a website address. If the candidate does not provide the required presentation documents in both official languages, the Association shall have the presentation documents translated. The candidate shall be allowed five (5) working days to review the translation produced by the Association. ...

EXISTING TEXT	PROPOSED AMENDMENTS
B 3.9 Elections Calendar and Counting of Ballots ... B 3.11 Rulings of the Elections and Resolutions Committee may be appealed in respect to: a) A decision regarding candidate's material (3.7); b) A decision regarding candidate's eligibility (3.8). Appeals shall be heard by a sub-committee of the NEC, composed of members who are not candidates or nominees in the current election. The sub-committee may invite a representative of the Elections and Resolutions Committee to provide advice. To reverse a decision made by the Elections and Resolutions Committee, the sub-committee shall require a majority of the votes cast. ...	B 3.9 Elections Calendar and Counting of Ballots ... B 3.11 Rulings of the Elections and Resolutions Committee may be appealed in respect to: a) A decision regarding candidate's material (3.7); b) A decision regarding candidate's eligibility (3.8). Appeals shall be heard by a sub-committee of the NEC, composed of members who are not candidates or nominees in the current election. The sub-committee may invite a representative of the Elections and Resolutions Committee to provide advice. To reverse a decision made by the Elections and Resolutions Committee, the sub-committee shall require a majority of the votes cast. Note: Due to the deletion of By-law 3.11, all subsequent By-laws in By-law 3 have been renumbered (i.e: previous By-law 3.12 is now 3.11, etc...) ...

EXISTING TEXT	PROPOSED AMENDMENTS
B 3.19 Electronic Voting B 3.19. Electronic voting means to vote by using a computer or similar electronic device which is connected to the internet and linked to a secure web site designed to provide online voting.	B 3.18 Electronic Voting B 3.18. Voting shall be done electronically. Electronic voting means to vote by using a computer or similar electronic device which is connected to the internet and linked to a secure web site designed to provide online voting.

B 3.20. Voting by telephone is not available.

B 3.21. The electronic voting instrument will be provided by an independent service provider chosen by the National Office and approved by the Elections and Resolutions Committee.

B 3.22. The National Office will provide members, on request, with an explanation of how the voting instrument chosen for a vote meets the requirements of By-Law 3.17.

B 3.23. The National Office will provide the service provider with all information, including membership information, in order to allow the service provider to establish the electronic vote, accept and control online voting, and report on the results of the vote to the Elections and Resolutions Committee.

- B 3.24. Some of the information required:
- a. Information on the date and time of the election;
 - b. Information on when voting will open and close;
 - c. Information which links each bargaining group member to the candidate for whom they are authorized to vote;
 - d. Information on the candidates;
 - e. Information on the membership which allows the service provider to link the member to a voting control number;
 - f. Other information as required by the service provider to manage the electronic voting process.

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~~B 3.20. Voting by telephone is not available.~~

Note: Due to the deletion of By-law 3.20, all subsequent By-laws in By-law 3 have been renumbered (i.e.: previous By-law 3.21 is now 3.19, etc...)

B 3.19. The electronic voting instrument will be provided by an independent service provider chosen by the National Office and approved by the Elections and Resolutions Committee.

B 3.20. The National Office will provide members, on request, with an explanation of how the voting instrument chosen for a vote meets the requirements of **By-Law 3.16**.

Note: Previous By-laws 3.23 and 3.24 have been merged into new By-law 3.21.

- B. 3.21.** The National Office will provide the service provider with all information; ~~including membership information, in order to allow~~ **required for** the service provider to establish the electronic vote, accept and control online voting, and report on the results of the vote to the Elections and Resolutions Committee, **including:**
- a. Information on the date and time of the election;
 - b. Information on when voting will open and close;
 - c. Information which links each bargaining group member to the candidate for whom they are authorized to vote;
 - d. Information on the candidates;
 - e. Information on the membership which allows the service provider to link the member to a voting control number;
 - f. Other information as required by the service provider to manage the electronic voting process.

Note: All subsequent By-laws in By-law 3 have been renumbered (i.e.: previous By-law 3.25 is now By-law 3.22, etc...)

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EXISTING TEXT	PROPOSED AMENDMENTS
B 3.36 Resolutions ... B 3.37. All resolutions shall be submitted by either ten (10) Regular or Pending members or by one local by completing the resolution submission form. Authors of the resolutions shall clearly indicate their name, their home department, bargaining unit, and a telephone number where they can be reached during regular working hours, and sign their submission. The resolutions and accompanying remarks shall not exceed a one-page (8 1 /2 x 11) text using Arial 12 point font or equivalent. The text shall not refer to any list nor mention individuals or locals who are in support of the resolution. If the authors of the resolution do not provide the document in both official languages, the Association shall have the document translated. The authors shall be granted 5 working days to review the translation produced by the Association. B 3.38. Resolutions in any text medium format with verifiable signatures shall be received at the National Office. Resolutions must be received ninety (90) days before the AGM. Once resolutions have been received and their admissibility confirmed in consultation with the President, the National Office shall organize a vote concurrent with the elections schedule.	B 3.33 Resolutions ... B 3.34. All resolutions shall be submitted by either ten (10) Regular or Pending members or by one local by completing the resolution submission form, or by a motion of the NEC. Authors of the resolutions shall clearly indicate their name, their home department, bargaining unit, and a telephone number where they can be reached during regular working hours, and they must sign their submission form. Signatures may be physical or electronic. The resolutions and accompanying remarks shall not exceed a one-page (8 1 /2 x 11) text using Arial 12 -point font or equivalent. Signatures may be provided on a separate page and do not count towards the Resolution page limit. The text shall not refer to any list nor mention individuals or locals who are in support of the resolution. If the authors of the resolution do not provide the document in both official languages, the Association shall have the document translated. The authors shall be granted five (5) working days to review the translation produced by the Association. B 3.35. Resolutions in any text medium format with verifiable signatures shall be received at by the National Office at the physical or electronic address provided in the call for resolutions. Resolutions must be received ninety (90) days before the AGM. Once resolutions have been received and their admissibility confirmed in consultation with the President, the National Office shall organize a vote concurrent with the elections schedule. B 3.36. The ERC shall review resolutions for form, administrative feasibility, and other issues the ERC determines to be critical to the resolution's viability. B 3.37. The ERC shall review all resolutions for compliance with the Constitution and By-Laws in consultation with the President or their delegate. B 3.38. Once resolutions have been received and their admissibility confirmed in consultation with the President, the National Office shall organize a vote concurrent with the elections schedule.

B 3.39 All resolutions will be reviewed by the Finance Committee for monetary implications. B 3.40. If the Finance Committee determines that implementing a resolution will require funds not available in the current budget; it will inform the authors of the resolution and offer them an opportunity to make changes to the resolution before it is sent to the membership. Any changes must be received sixty-five days before the AGM. ... B 3.42. Authors of the resolution may delegate one (1) scrutineer to the counting of votes. All other provisions under paragraphs B 3.13 to B 3.38 inclusive shall apply, mutatis mutandis, excluding B 3.16.	B 3.39 All resolutions will be reviewed by the Finance Committee for monetary implications. B 3.40. If the Finance Committee determines that implementing a resolution will require funds not available in the current budget; it will inform the authors of the resolution and offer them an opportunity to make changes to the resolution before it is sent to the membership. Any changes must be received sixty-five (65) days before the AGM. ... B 3.42. Authors of the resolution may delegate one (1) scrutineer to the counting of votes. All other provisions under paragraphs B 3.12 to B 3.38 inclusive shall apply, mutatis mutandis, excluding B 3.15.
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EXISTING TEXT	PROPOSED AMENDMENTS
B 3.43. Elections and Resolutions Committee Report B 3.43. After the completion of each annual election cycle, the Elections and Resolutions Committee shall prepare a detailed written report. The report shall be presented by the Chair of the Elections and Resolutions Committee to the National Executive Committee at its regular meeting in January. The report shall include a summary of the activities lead by the Elections and Resolutions Committee over the election year as well as: the number of nominations received, by position sought, per bargaining unit under By-law 3.5;	<i>Note: Previous By-law 3.43 has become new By-law 3.49 due to the insertion of the new Election Campaign By-laws.</i> B 3.43 ELECTION CAMPAIGNS B 3.43. <u>General Principles</u> B 3.43.1 All election candidates must: conduct themselves with integrity, honesty, and respect throughout the election process. promote a fair and democratic election and avoid conduct that could undermine confidence in the process; and

b. the number of candidates per bargaining unit by position sought who were rejected for failure to comply with the requirements contained in the Constitution and By-laws; c. the reasons why each candidate was rejected; d. any resolutions received; e. any resolutions deemed inadmissible or amended, and the reasons for amendment or inadmissibility; f. a summary of any challenges encountered during the election cycle; and g. recommendations to ensure these challenges are addressed in the subsequent election year cycle.	3. abide by CAPE’s Constitution, By-Laws, Policies, and Protocols. B 3.44. Campaign Conduct B 3.44.1. Election campaign content cannot be fraudulent, deceptive, or misleading. It cannot contain commercial solicitation of goods or services, nor can campaign content violate any intellectual property right of another. B 3.44.2. Election campaigning that disrupts CAPE meetings, events, or activities is not permitted unless explicitly authorized in writing by the Elections and Resolutions Committee. B 3.44.3. Election candidates must not promise or offer incentives, financial or otherwise, in exchange for votes or endorsements. B 3.44.4. Election candidates must allow members to unsubscribe from mass emails, campaign texts, and similar campaign communications upon request. B 3.44.5. Election candidates are responsible for the conduct of individuals campaigning on their behalf and must ensure their supporters comply with these By-laws. B 3.45. Use of Union Resources and Endorsements B 3.45.1. Election candidates shall not: 4. employ the logos, letterhead, social media, websites, or other communication tools of CAPE in their campaign material. The use of photographs of candidates participating in CAPE events where union insignia is visible is not a violation of this provision; 5. use funds provided by CAPE National (e.g. local rebates, direct funding, etc.) for election campaign purposes.
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	6. use CAPE assets, or official communication channels (e.g., CAPE email addresses, mailing lists, social media accounts, newsletters, etc.) for election campaign purposes; or 7. use the services of CAPE staff for election campaign purposes. B 3.45.2. CAPE National and Locals shall not endorse candidates in an election. B 3.45.3. Any member may express support for a candidate in an election. Any public endorsement by a member of the NEC or a Local President or Vice-President shall contain the following disclaimer: “This endorsement of candidate(s) in no way implies any endorsement of the candidate(s) by CAPE National, a CAPE local, or by the employees of CAPE.” B 3.45.4. Membership lists, if provided for election purposes, shall be made equally available to all candidates and must not be used for purposes unrelated to the election. B 3.46. <u>Campaign Materials</u> B 3.46.1. All campaign materials, including printed, digital, and social media content, must adhere to the principles of fairness, accuracy, and respect. B 3.46.2. The ERC reserves the right to remove or request modifications to campaign materials that violate these By-laws. B 3.47. <u>Complaints and Enforcement</u> B 3.47.1. Any member may submit a written complaint regarding an election candidate to the Elections and Resolutions Committee and must include: a. the name, phone number, and email address of the complainant;
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	b. the name of the candidate alleged to have violated By-law 3; c. a detailed description of each allegation, including dates and times; and d. any supporting evidence. B 3.47.2. Complaints must be submitted within seven (7) calendar days of the date on which the complainant knew or ought to have known of the violation of By-law 3. B 3.47.3. Complaints which are deemed by the Elections and Resolutions Committee to be untimely, frivolous, vexatious, bad faith, without merit, or do not disclose facts which, if taken to be true, establish a violation of By-law 3 shall be dismissed by the Elections and Resolutions Committee without investigation. B 3.47.4. The Elections and Resolutions Committee shall notify the complainant upon reaching a decision on complaint screening. B 3.47.5. The Elections and Resolutions Committee shall conduct the necessary investigation into complaints which are not dismissed under By-law 3.47.3 and provide an opportunity for the respondent to make submissions. B 3.47.6. If a violation is found, the Elections and Resolutions Committee may issue a warning, issue an order to rectify, or disqualify the candidate, depending on the severity of the infraction. B 3.48. <u>Appeals Procedure</u> B 3.48.1. No later than July 1st of each year, the NEC shall issue a call to all Regular and Pending members asking for volunteers to set up an Elections Appeals Committee (EAC) consisting of three (3) Regular or Pending members and up to five (5) alternates.
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	B 3.48.2. The NEC, in selecting the members of the EAC, shall consider the skills and competencies of the candidates. Members of the NEC or the Elections and Resolutions Committee may not serve on the EAC. B 3.48.3. Members of the EAC shall not campaign in support of or against a candidate. They shall still be able to exercise their individual right to vote. B 3.48.4. In the event that a member of the EAC is unable to serve due to incapacity or resignation, they shall be replaced with an alternate, selected at random by the ERC Secretariat. B 3.48.5. The EAC members shall receive training provided by the ERC Secretariat on CAPE’s election By-Laws, processes, and procedures. B 3.48.6. Decisions of the Elections and Resolutions Committee may be appealed in respect to: a. A decision regarding a candidate's eligibility (3.8); or b. A decision regarding a candidate's campaign conduct (3.47). B 3.48.7. Any appeal must be filed in writing to the EAC within forty-eight (48) hours of receipt of a decision of the Elections and Resolutions Committee. B 3.48.8. Appeals deemed untimely, frivolous, vexatious, without merit, or made in bad faith may be dismissed by the EAC without further investigation. The EAC shall notify the appellant and the Elections and Resolutions Committee upon reaching a decision on appeal screening. B 3.48.9. The EAC shall conduct the necessary investigation and render its decision within seven (7) calendar days of receipt of the appeal. The appellant shall have the right to present their case to the EAC via electronic means before a decision is made. The EAC may invite a representative of the Elections and Resolutions Committee to provide information on their decision. B 3.48.10. To reverse a decision made by the Elections and Resolutions Committee, the EAC shall require a unanimous decision.
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	B 3.48.11. A decision of the EAC shall be final and binding. The EAC will convey the decision to the appellant and inform the Elections and Resolutions Committee who will follow-up, if need be.
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EXISTING TEXT	PROPOSED AMENDMENTS
B 3.43. Elections and Resolutions Committee Report B 3.43. After the completion of each annual election cycle, the Elections and Resolutions Committee shall prepare a detailed written report. The report shall be presented by the Chair of the Elections and Resolutions Committee to the National Executive Committee at its regular meeting in January. The report shall include a summary of the activities lead by the Elections and Resolutions Committee over the election year as well as: a. the number of nominations received, by position sought, per bargaining unit under By-law 3.5; b. the number of candidates per bargaining unit by position sought who were rejected for failure to comply with the requirements contained in the Constitution and By-laws; c. the reasons why each candidate was rejected; d. any resolutions received; e. any resolutions deemed inadmissible or amended, and the reasons for amendment or inadmissibility; f. a summary of any challenges encountered during the election cycle; and g. recommendations to ensure these challenges are addressed in the subsequent election year cycle.	<u>B 3.49. Elections and Resolutions Committee Report</u> B 3.49. After the completion of each annual election cycle, the Elections and Resolutions Committee shall prepare a detailed written report. The report shall be presented by the Chair of the Elections and Resolutions Committee to the National Executive Committee NEC at its regular meeting in January. The report shall include a summary of the activities lead by the Elections and Resolutions Committee over the election year as well as: a. the number of nominations received, by position sought, per bargaining unit under By-law 3.5; b. the number of candidates per bargaining unit by position sought who were rejected for failure to comply with the requirements contained in the Constitution and By-laws; c. the reasons why each candidate was rejected; d. any resolutions received; e. any resolutions deemed inadmissible or amended, and the reasons for amendment or inadmissibility; f. a summary of any challenges encountered during the election cycle; and g. recommendations to ensure these challenges are addressed in the subsequent election year cycle.

Resolution #2 – Collective Bargaining - Amendments to By-law 7

Rationale:

The amendments to By-Law 7 are divided into Part 1 and Part 2.

Part 1: EC and TR Groups

These amendments are being proposed to facilitate the open bargaining concept for CAPE’s EC and TR bargaining units. Open bargaining is an approach to bargaining that allows for more meaningful member input into the bargaining process and encourages building power throughout the process in order to achieve better collective bargaining results.

Part 2: LoP and OPBO Groups

These amendments deal with traditional collective bargaining for CAPE’s LoP and OPBO bargaining units. The language in Part 2 of this By-Law is substantially identical to the existing text of By-Law 7 with references to the EC and TR groups removed, as the LoP and OPBO bargaining units would not be on an open bargaining path in this round of bargaining.

Date adopted by the NEC: October 31, 2025

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 7 - COLLECTIVE BARGAINING B 7.1. COLLECTIVE BARGAINING COMMITTEE B 7.1.1. The NEC will strike a Collective Bargaining Committee (CBC). i. The NEC will call for volunteers from the general membership of the appropriate bargaining unit no later than three (3) months prior to the earliest date for notice to bargain. The call for volunteers to negotiate the TR Financial Incentive Program will be made no later than 6 months prior to the expiry of the agreement. ii. Members of the NEC may volunteer to be on the CBC. iii. Volunteers will submit their reasons for wanting to serve on the CBC.	BY-LAW # 7 - COLLECTIVE BARGAINING <i>Part 1: EC and TR Groups</i> <i>B 7.1. Purpose and Scope</i> <i>B 7.1.1. The purpose of Part 1 of this By-law is to provide a framework for collective bargaining for the EC and TR groups.</i> <i>B 7.2. Guiding Principles</i> <i>B 7.2.1. CAPE shall conduct collective bargaining in an open, democratic, and participatory manner (“Open Bargaining”).</i>

iv. The NEC will appoint no more than eighteen (18) members to the EC CBC, no more than ten (10) members to the TR CBC and no more than five (5) members to the Library of Parliament (LoP) CBC and Office of the Parliamentary Officer (OPBO) CBC. v. The negotiator, as defined in paragraphs 9.2 and 9.12 of the Constitution and paragraph 7.3 of the By-Laws, is an ex officio member of the CBC. B 7.1.2. The NEC will endeavour to choose the members of a CBC in a manner that will allow the committee to reflect the demographic and professional composition of the bargaining unit, and negotiate effectively on behalf of the members. B 7.1.3. Demographic and professional factors to be considered include the following: gender, years of service, regional representation, departmental representation, occupational interests. B 7.1.4. To negotiate effectively on behalf of the members means that the member (1) has taken or is prepared to take the appropriate training offered by the Association, or has served on previous CUPTE, SSEA or CAPE bargaining committees; (2) has a good knowledge of the collective agreement; and (3) is judged capable of making a positive contribution to the bargaining process. B 7.1.5. The roles of the CBC are to prepare proposals (positional bargaining) or define problems (interests-based bargaining), select the members of the Collective Bargaining Team, work to an agreement or reject a final offer from the employer. B 7.1.6. The preparation of proposals or the definition of problems means exclusively: i. To review proposals or problems brought to the committee by the National Office as a result of input from members and research.	B 7.2.2. Open Bargaining shall ensure members have meaningful opportunities to shape bargaining priorities, observe negotiations, and hold the bargaining team accountable to the collective will of the membership. B 7.2.3. The process shall be transparent, inclusive, and grounded in solidarity across bargaining units and with other unions. <u>B 7.3. Phases of the Open Bargaining Process</u> B 7.3.1. The Open Bargaining process shall consist of the following phases: <u>B 7.4. Issue Identification</u> B 7.4.1. Member input shall guide the bargaining direction. <u>B 7.5. Majority Contract Survey</u> B 7.5.1. A bargaining unit-wide survey shall be conducted in accordance with CAPE's Privacy Policy to identify bargaining priorities. <u>B 7.6. Creation of the Collective Bargaining Committee (CBC)</u> B 7.6.1. A Collective Bargaining Committee (CBC) will be struck from the members of the bargaining unit. B 7.6.2. The process for striking the CBC will be determined and overseen by the NEC. B 7.6.3. Members of the NEC may be members of the CBC. <u>B 7.7. Composition of the CBC</u> B 7.7.1. The CBC for the EC group shall be composed of the following members: a. up to forty-one (41) EC members elected or appointed to the CBC, including one chair of the CBC
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ii. To refine and select proposals or problems according to the will expressed by the membership and according to recommendations from the professional staff on the CBC. iii. To act upon requests from the negotiator to prepare a proposal or to define a problem. iv. To discuss, then communicate to the bargaining team the impact of contemplated changes to the collective agreement on the working conditions of members. v. On its own initiative, where two-thirds of the CBC including the negotiator agree, the CBC may discuss and add new proposals or problems. B 7.1.7. Attendance at CBC meetings in person or otherwise is a requirement. The CBC may ask the NEC to remove from the Committee a member who misses meetings regularly. B 7.2. THE COLLECTIVE BARGAINING TEAM B 7.2.1. The CBC will apply the criteria enunciated in sub-paragraph 7.1.2 in order to choose the members of the Bargaining Team. B 7.2.2. A CBC will select no more than six members for the CBT of the EC bargaining unit or the CBT of the TR bargaining unit, in addition to the negotiator. It may choose up to 2 alternates. B 7.2.3. The CBC will select no more than four members for the CBT of the LoP bargaining unit or the CBT of the OPPBO bargaining unit, in addition to the negotiator. It may choose up to two (2) alternates. B 7.2.4. The roles of the CBT are exclusively: i. To review, discuss and approve bargaining strategies. ii. To negotiate in good faith. iii. To recommend a tentative agreement to the CBC or to recommend rejection of a final offer and referral of outstanding issues to arbitration or conciliation.	b. a lead negotiator, who shall be CAPE's President or delegate c. a staff negotiator, who shall be CAPE's Director of Negotiations and Research or delegate d. a staff research officer B 7.7.2. Only the elected or appointed EC members and the lead negotiator shall be voting members of the CBC for the EC group. B 7.7.3. The CBC for the TR group shall be composed of the following members: a. up to nineteen (19) TR members elected or appointed to the CBC, including one chair of the CBC b. a lead negotiator, who shall be CAPE's Vice-President, TR Group or delegate c. a staff research officer d. The CBC for the TR group may also include a staff negotiator, who shall be CAPE's Director of Negotiations and Research or delegate B 7.7.4. Only the elected or appointed TR members and the lead negotiator shall be voting members of the CBC for the TR group. B 7.7.5. Prior to commencing their duties, CBC members shall participate in training organized and led by CAPE National's Negotiation and Research team. <u>B 7.8. Powers of the CBC</u> B 7.8.1. The CBC shall be responsible for overall coordination of bargaining activities, including: a. Overseeing the preparation of bargaining proposals. b. Establishing subcommittees, including Article subcommittees, for the purpose of providing recommendations and advice to the CBC. c. Entering into a tentative agreement.
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B 7.3. THE NEGOTIATOR

B 7.3.1. The negotiator, as defined in paragraphs 9.2 and 9.12 of the Constitution, is a member of the CBC and of the CBT.

B 7.3.2. The negotiator is responsible for leading the CBC and the CBT.

B 7.3.3. The negotiator can override a decision of the CBC or of the CBT if the negotiator judges that a decision is arbitrary, discriminatory, in bad faith, detrimental to the interest of the bargaining unit or the Association, or in contravention of the Constitution or By-Laws of the Association. The matter must be discussed with the committee prior to a decision being rendered. Reasons for the override must be provided both to the committee and to the NEC in writing.

B 7.3.4. The negotiator will chair the meetings of the CBC and of the CBT, according to the rules of order chosen by the Association.

B 7.3.5. The negotiator will inform the NEC regularly on progress with the preparation and conduct of bargaining.

B 7.3.6. The negotiator will inform the CBC regularly on bargaining table progress.

B 7.4. PROFESSIONAL SERVICES

B 7.4.1. The National Office is responsible for all technical and professional aspects of collective bargaining including decisions requiring an expert knowledge of labour relations.

B 7.4.2. The National Office is accountable to the NEC through the office of the President on matters regarding all professional functions related to bargaining.

d. Recommending ratification of the tentative agreement to the membership of the bargaining unit.

e. Informing the NEC and the membership of the bargaining unit that an impasse has been reached and next steps.

f. Communicating regularly with the NEC and the members of the bargaining unit throughout the bargaining process.

B 7.8.2. CAPE's Negotiation and Research Team shall ensure coordination among subcommittees in consultation with the CBC chair.

B 7.9. Creation of Article Subcommittees

B 7.9.1. The CBC may establish Article Subcommittees comprised of members of the CBC and other members of the bargaining unit.

B 7.9.2. Article Subcommittees shall each elect a chairperson, who shall be a member of the CBC.

B 7.9.3. Only CBC members within Article Subcommittees shall be voting members of the Article Subcommittees.

B 7.10. Proposal Development and Refinement

B 7.10.1. Article subcommittees and CAPE's Negotiation and Research Team shall be responsible for documenting and researching issues identified in the Majority Contract Survey.

B 7.10.2. CAPE's Negotiation and Research Team shall be responsible for developing, consolidating, and refine bargaining proposals.

B 7.4.3. The National Office will initiate preparations for the bargaining table no later than 5 months prior to the earliest date for notice to bargain.

B 7.4.4. The National Office carries out research and analysis as requested by the negotiator.

B 7.11. Coordination with Other Bargaining Agents

B 7.11.1. CAPE shall seek collaboration and coordination with other bargaining agents representing similar members to advance shared demands and strengthen collective leverage.

B 7.12. Ratification of Bargaining Proposals and Dispute Resolution

B 7.12.1. The members of the bargaining unit shall vote electronically on a summary of the bargaining proposals prepared by CAPE's Negotiation and Research Team. This voting period shall take place over one (1) week and shall begin after the bargaining proposals are presented to the members of the bargaining group.

B 7.12.2. Prior to sending the notice to bargain, the members of the bargaining group shall vote electronically on the applicable impasse resolution process (e.g., arbitration or conciliation/strike), as determined by governing legislation. This voting period shall take place over one (1) week.

B 7.13. Notice to Bargain

B7.13.1. CAPE shall serve notice to bargain in accordance with applicable legislation.

B 7.14. Bargaining and Negotiations

B 7.14.1. Bargaining sessions will be attended by the CBC.

B 7.14.2. Only the lead negotiator, staff negotiator, or their delegate shall be the spokesperson at the bargaining table.

B 7.15. Ratification of Agreement

B 7.15.1. Any tentative agreement shall be submitted to the members of the bargaining group for ratification through an electronic vote.

	B 7.15.2. The voting period to ratify a tentative agreement shall be open for one (1) week. B 7.15.3. Ratification of a tentative agreement shall require a simple majority of the votes cast.
	<i>Part 2: LoP and OPBO Groups</i> <u>B 7.16. Purpose and Scope</u> B 7.16.1 The purpose of Part 2 of this By-law is to provide a framework for collective bargaining for the LoP and OBPO groups. <u>B 7.17. COLLECTIVE BARGAINING COMMITTEE</u> B 7.17.1. The NEC will strike a Collective Bargaining Committee (CBC). a. The NEC will call for volunteers from the general membership of the appropriate bargaining unit no later than three (3) months prior to the earliest date for notice to bargain. b. Members of the NEC may volunteer to be on the CBC. c. Volunteers will submit their reasons for wanting to serve on the CBC. d. The NEC will appoint no more than five (5) members to the Library of Parliament (LoP) CBC and Office of the Parliamentary Officer (OPBO) CBC. e. The negotiator, as defined in paragraphs 9.2 and 9.12 of the Constitution and By-law 7.19, is an ex officio member of the CBC.

	B 7.17.2. The NEC will endeavour to choose the members of a CBC in a manner that will allow the committee to reflect the demographic and professional composition of the bargaining unit, and negotiate effectively on behalf of the members. B 7.17.3. Demographic and professional factors to be considered include the following: gender, years of service, regional representation, departmental representation, occupational interests. B 7.17.4. To negotiate effectively on behalf of the members means that the member: a. has taken or is prepared to take the appropriate training offered by the Association, or has served on previous CAPE bargaining committees; b. has a good knowledge of the collective agreement; and c. is judged capable of making a positive contribution to the bargaining process. B 7.17.5. The roles of the CBC are to prepare proposals (positional bargaining) or define problems (interests-based bargaining), select the members of the Collective Bargaining Team, work to an agreement or reject a final offer from the employer. B 7.17.6. The preparation of proposals or the definition of problems means exclusively: a. To review proposals or problems brought to the committee by the National Office as a result of input from members and research. b. To refine and select proposals or problems according to the will expressed by the membership and according to recommendations from the professional
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	staff on the CBC. c. To act upon requests from the negotiator to prepare a proposal or to define a problem. d. To discuss, then communicate to the bargaining team the impact of contemplated changes to the collective agreement on the working conditions of members. e. On its own initiative, where two-thirds of the CBC including the negotiator agree, the CBC may discuss and add new proposals or problems. B 7.17.7. Attendance at CBC meetings in person or otherwise is a requirement. The CBC may ask the NEC to remove from the Committee a member who misses meetings regularly. <u>B 7.18. THE COLLECTIVE BARGAINING TEAM (CBT)</u> B 7.18.1. The CBC will apply the criteria enunciated in sub-paragraph 7.17.4 in order to choose the members of the Collective Bargaining Team (CBT). B 7.18.2. The CBC will select no more than four members for the CBT of the LoP bargaining unit or the CBT of the OPBO bargaining unit, in addition to the negotiator. It may choose up to two (2) alternates. B 7.18.3. The roles of the CBT are exclusively: a. To review, discuss and approve bargaining strategies. b. To negotiate in good faith. c. To recommend a tentative agreement to the CBC or to recommend rejection of a final offer and referral of outstanding issues to arbitration or conciliation.
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	<u>B 7.19. THE NEGOTIATOR</u> B 7.19.1. The negotiator, as defined in paragraphs 9.2 and 9.12 of the Constitution, is a member of the CBC and of the CBT. B 7.19.2. The negotiator is responsible for leading the CBC and the CBT. B 7.19.3. The negotiator can override a decision of the CBC or of the CBT if the negotiator judges that a decision is arbitrary, discriminatory, in bad faith, detrimental to the interest of the bargaining unit or the Association, or in contravention of the Constitution or By-Laws of the Association. The matter must be discussed with the committee prior to a decision being rendered. Reasons for the override must be provided both to the committee and to the NEC in writing. B 7.19.4. The negotiator will chair the meetings of the CBC and of the CBT, according to the rules of order chosen by the Association. B 7.19.5. The negotiator will inform the NEC regularly on progress with the preparation and conduct of bargaining. B 7.19.6. The negotiator will inform the CBC regularly on bargaining table progress. <u>B 7.20. PROFESSIONAL SERVICES</u> B 7.20.1. The National Office is responsible for all technical and professional aspects of collective bargaining including decisions requiring an expert knowledge of labour relations. B 7.20.2. The National Office is accountable to the NEC through the office of the President on matters regarding all professional functions related to bargaining.
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	B 7.20.3. The National Office will initiate preparations for the bargaining table no later than 5 months prior to the earliest date for notice to bargain. B 7.20.4. The National Office carries out research and analysis as requested by the negotiator.
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Resolution #3 – Rules of Procedure - Amendments to By-law 9

Rationale:

This By-law amendment is being proposed to reflect the change to Article 9.3 of the Constitution which was amended by the membership following the 2024 AGM.

Date adopted by the NEC: May 30, 2025

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 9 - RULES OF PROCEDURE	BY-LAW # 9 – RULES OF PROCEDURE
B 9.1 Meetings of the Association shall be governed by the latest edition of Bourinot's Rules of Order. Additional rules of procedures may be adopted through By-Laws. B 9.2 Any member in a meeting may appeal a decision from the Chair, except in cases of interpretations of the Constitution made by the Association's President in accordance with Clause 9.3 of the Constitution.	B 9.1 Meetings of the Association shall be governed by the latest edition of Bourinot's Rules of Order. Additional rules of procedures may be adopted through By-Laws. B 9.2 Any member in a meeting may appeal a decision from the Chair, except in cases of interpretations of the Constitution made by the Association's President in accordance with Clause 9.3 of the Constitution subject to Article 9.3 of the Constitution.

Resolution #4 – President’s Salary and Benefits – Amendments to By-Law 16

Rationale:

These amendments to By-law 16 are being proposed to make this By-law consistent with the Constitutional amendments regarding the President’s salary that were passed by the membership following the 2024 AGM.

Date adopted by the NEC: May 30, 2025

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 16 - PRESIDENT’S SALARY AND BENEFITS B 16.1 In the year preceding a Presidential election, the National Office shall provide the NEC with recommendations regarding the selection of an independent compensation consultant tasked with reviewing the financial terms and conditions for the position of President. B 16.2 The independent compensation consultant must be a compensation specialist with the necessary experience, knowledge, and resources to conduct this review. B 16.3 The independent compensation consultant shall provide recommendations to the NEC for the financial terms and conditions of the President based on the following criteria: The financial terms and conditions must: a. provide a total compensation package that is competitive and comparable with other similar roles in the labour movement; b. include a salary range composed of a minimum and a maximum with four steps; c. work within the financial realities of the Association;	BY-LAW # 16 - PRESIDENT’S SALARY AND BENEFITS B 16.1 In the year preceding a Presidential election, the National Office shall provide the NEC with recommendations regarding the selection of an independent compensation consultant tasked with reviewing the financial terms and conditions for the position of President. B 16.2 The independent compensation consultant must be a compensation specialist with the necessary experience, knowledge, and resources to conduct this review. B 16.3 The independent compensation consultant shall provide recommendations to the NEC for the financial terms and conditions of the President based on the following criteria: The financial terms and conditions must: b. provide a total compensation package that is competitive and comparable with other similar roles in the labour movement; c. include a salary range composed of a minimum and a maximum with four steps; d. work within the financial realities of the Association;

d. attract, for election, experienced and qualified candidates who are focused on the well-being of the Association; e. be structured in a manner that recognizes that the President is not entitled to compensation for all overtime hours worked; and, f. comply with all legislative requirements. B 16.4 The financial terms and conditions shall be incorporated into a Standard Employment Contract for approval by the NEC. B 16.5 All candidates for President must agree to sign and execute the Standard Employment Contract referred to in by-law 16.4, if elected. Failure to sign the Standard Employment Contract, will disqualify any President-elect from the election. B 16.6 A newly elected President will have their salary set at the range minimum in the first year. Their salary will be increased to the next step in each of the successive years of their term of office. A re-elected President will continue to have their salary increased to the next step in the range until their salary is at the range maximum. In the event of an adjustment to the salary range based on a review conducted under this by-law, a re-elected President will be placed at the lowest step in the range that provides for an increase in salary over the President’s previous term in office. Once at the maximum of the steps, the President will receive only economic adjustments based on the EC collective agreement for that year.	e. attract, for election, experienced and qualified candidates who are focused on the well-being of the Association; f. be structured in a manner that recognizes that the President is not entitled to compensation for all overtime hours worked; and, g. comply with all legislative requirements. B 16.4 B 16.1 The financial terms and conditions shall be incorporated In the year preceding a Presidential election, the financial terms and conditions outlined in Article 36 of the Constitution shall be incorporated into a Standard Employment Contract for approval by the NEC. B 16.5 B 16.2 All candidates for President must agree to sign and execute the Standard Employment Contract referred to in By-law 16.1, if elected. Failure to sign the Standard Employment Contract, will disqualify any President-elect from the election. <i>Note: Previous By-law 16.6 has been deleted.</i>
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Resolution #5 – Reporting Membership Numbers – New By-Law 18

Rationale:

This new By-law is being proposed to facilitate the amended thresholds in Articles 20, 32, and 37 of the Constitution that were approved by the membership following the 2024 AGM.

Date adopted by the NEC: May 30, 2025

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 18 – REPORTING MEMBERSHIP NUMBERS	BY-LAW # 18 – REPORTING MEMBERSHIP NUMBERS
New text.	B 18.1 The number of Regular and Pending members in good standing required for a petition under articles 20, 32, and 37 of the Constitution to be successful shall be provided to petitioners upon a written request to the National Office and within a reasonable time frame. This number shall be based on the most accurate and up to date data available.