



RCEA | AECC

Research Council Employees' Association
Association des employés du Conseil de recherches

Constitution

of the

Research Council Employees' Association

October 2016

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Preamble

The Research Council Employees' Association (RCEA) is the certified bargaining agent for employees in specified bargaining units listed in Appendix A. The RCEA exercises the rights and responsibilities of a labour union pursuant to applicable laws and such other authorities as may apply. This document, the Constitution of the RCEA, sets out guiding principles and a framework to govern the conduct of the business affairs of the RCEA.

Article 1 Name

The name of this association shall be in English: Research Council Employees' Association and officially abbreviated as RCEA; and in French: Association des employés du Conseil de recherches and officially abbreviated as AECR.

Article 2 Definitions

Association and RCEA means the Research Council Employees' Association.

Article 3 Aims and Objectives

The objects of the Association are:

- a) to improve the working conditions of its members;
- b) to promote and enhance the career development of its members;
- c) to represent and assist members in employment related matters;
- d) to negotiate, as the exclusive representative of employees employed in the bargaining units for which the Association is certified as a bargaining agent, with the National Research Council of Canada with respect to all matters affecting terms and conditions of employment;
and
- e) to promote the common interests and concerns of its members.

Article 4 Membership

The RCEA shall maintain a registry of members which shall be confidential to the RCEA and consist of those persons who are either:

- a) **Members:** persons who are employed within a bargaining unit for which the RCEA is the certified bargaining agent and who have applied and been accepted for membership in the RCEA;
- b) **Associate Members:**
 - i) Members who have ceased to have employment status due to retirement and are in receipt of a continuing benefit under the terms of the Public Service Superannuation Act;
 - ii) employees of the RCEA; or,
 - iii) persons granted associate membership by the Executive Committee;
- c) **Honorary Members:** persons awarded honorary membership for service to the RCEA when considered by the RCEA to merit such honour. Honorary members, who cease to meet the criteria of members due to a change in employment status, shall become Associate Honorary Members.

Article 5 Rights of Members

With the exception of Associate Members and Associate Honorary Members and subject to the conditions set forth in this document, all members shall have the same rights and privileges to receive services and participate and hold elected office in the RCEA. The rights and privileges of Associate Members shall be limited to the opportunity to participate in RCEA sponsored programs.

Article 6 Governance Structure

6.1 President

- a) The President shall be a paid full time position with the incumbent elected from the membership in accordance with procedures prescribed in Article 7-Elections and Terms of Office.
- b) The President serves as the chief executive officer and shall undertake the duties and responsibilities prescribed by the Constitution of the RCEA:
 - i) Officially represent the Association.
 - ii) Interpret the Constitution.
 - iii) Refer constitutional and legal matters to counsel for review and advice.
 - iv) Preside at all meetings of the Executive Committee and all general meetings of the Association including the Annual General Meeting (AGM).

- v) Ensure that the Constitution, objectives, guidelines and policies of the Association are carried out.
- vi) Call meetings of the Association as required by the Constitution.
- vii) Report to the Executives, and membership concerning the affairs of the Association.
- viii) Direct the operations of the Association.
- ix) Delegate authority to the Vice-Presidents, Executive Committee members, or Association staff, as required.

On matters not specifically addressed therein, the President, in consultation with the Management Committee, shall act in accordance with past practice and precedent.

- c) The President, or their delegate, shall chair the Management Committee, the Executive Committee and Annual and Special General Meetings and unless otherwise specified, be responsible for matters arising from these meetings.

6.2 1st Vice-President, 2nd Vice-President, Treasurer

- a) The 1st and 2nd Vice-Presidents and Treasurer shall be volunteer positions with the incumbents elected from the membership in accordance with procedures prescribed in Article 7-Elections and Terms of Office. The Executive Committee may authorize the annual payment of suitable honoraria to these positions.
- b) The 1st and 2nd Vice-Presidents shall undertake the duties and responsibilities prescribed by the Constitution of the RCEA and assist the President in the discharge of his or her duties.
- c) The Treasurer shall undertake the duties and responsibilities prescribed by the Constitution of the RCEA and shall be responsible for overseeing administration of the financial affairs of the RCEA including the production of an annual financial statement, proposed budget forecasting future expenditures and such other financial reports as may be requested by the Executive Committee.

6.3 Management Committee

- a) The Management Committee shall consist of the President, 1st Vice-President, 2nd Vice-President, Treasurer, and such other members of the Executive Committee as recommended by the President and approved by the Executive Committee.

- b) The Management Committee shall act on behalf of the Executive Committee to decide questions concerning the management of the RCEA and such policy questions as may arise between meetings of the Executive Committee. The Management Committee shall report to the Executive Committee on its activities.
- c) The Management Committee shall meet at the call of the President or at the request of at least two (2) other members of the Management Committee. Quorum shall be met with the attendance of a majority of Management Committee members.

6.4 Executive Committee

- a) The Executive Committee shall consist of the officers who make up the Management Committee and all stewards.
- b) Subject to the Constitution of the RCEA, the Executive Committee may serve as the authority determining all decisions and actions taken by the RCEA.
- c) In addition to Committees identified in the Constitution of the RCEA, the Executive Committee may establish such other committees as it deems appropriate to assist in the conduct of the business affairs of the RCEA.
- d) The Executive Committee shall meet quarterly or more frequently at the call of the President or at the request of at least five (5) other members of the Executive Committee. Quorum shall be met with the attendance of a majority of Executive Committee members.

6.5 Stewards

- a) In accordance with the provisions of each collective agreement and the procedures prescribed in Article 7-Elections and Terms of Office, the President may appoint stewards to serve as workplace representatives subject to approval by the Executive Committee.
- b) The duties, responsibilities and authority of stewards shall be determined by their respective collective agreements, by the Constitution of the RCEA and such policy statements as established from time to time.
- c) Subject to the terms and conditions set out by the Constitution of the RCEA, stewards shall be members of the Executive Committee of the RCEA.

6.6 Bargaining Unit Committees

- a) The Association is the certified bargaining agent for the occupational groups listed in Appendix A.
- b) A bargaining unit committee shall be established for each bargaining unit represented by the RCEA, prior to a collective bargaining cycle. Each committee shall provide advice and direction during the collective bargaining process. Each committee shall consist of not less than three (3) members selected by the membership of their respective bargaining unit.
- c) Each committee shall elect a chairperson from amongst the committee members. If not already a member of the Executive Committee the bargaining unit committee chairperson shall be appointed as an ex-officio non-voting member of the Executive Committee. The chairperson shall report to the Executive Committee on the activities of the bargaining unit committee.
- d) A bargaining unit committee shall provide information and advice to the Executive Committee on the circumstances and expectations of members of their respective groups.

6.7 Bargaining Teams

- a) Each Bargaining Unit Committee shall establish a bargaining team for each round of collective bargaining. The bargaining team shall consist of:
 - i) not less than two (2) members of the corresponding bargaining unit committee;
 - ii) a staff negotiator;
 - iii) At its discretion, the Management Committee may appoint an additional member
- b) Subject to review by the Executive Committee, a bargaining team shall be responsible for the conduct of collective bargaining for its respective group.

6.8 Annual and Special General Meetings

- a) There shall be an Annual General Meeting of members. The purpose of the Annual General Meeting shall be to receive reports from the Executive Committee, Treasurer, and Group Committees on the performance of the Association since the last Annual General Meeting and to serve as a forum to discuss matters of interest to members.

- b) Special Meetings of the Association shall be held at such times and places as may be designated by the Executive Committee. Upon receipt of a written request signed by fifty (50) members of the Association, a Special Meeting shall be called.
- c) The Annual General Meeting shall be held in the last quarter of the calendar year, at a time and place to be determined by the Executive Committee. Notice and the agenda of the Annual General Meeting shall be made accessible to members at least ten (10) working days before the meeting.
- d) A Special General Meeting of members shall be held upon receipt of a written request signed by a minimum of fifty (50) members citing the reasons for the meeting. A Special General Meeting may also be called by the Executive Committee. The time and place of a Special General Meeting shall be determined by the Executive Committee but, except in cases of emergency, must be held between four (4) and thirteen (13) weeks from the date of receipt of a written request referred to above. Notice and the agenda of a Special General Meeting shall be made accessible to members at least ten (10) working days before the meeting.
- e) Any motions presented at the Special Meeting will require a two-third majority of votes cast at the meeting in order to be carried. If any such motions are approved by a two-third majority vote, the Management Committee shall be responsible for taking action to implement these decisions.
- f) The order of business of a Special General Meeting shall be limited to the reasons cited for the meeting unless the meeting agrees, by a two-thirds majority, to consider other matters.
- g) Minutes of the Annual General Meeting or a Special General Meeting shall be prepared and made accessible to the members.
- h) The rules of procedure at the Annual General Meeting or a Special General Meeting shall be according to Robert's Rules of Order.

Article 7 Elections and Terms of Office

7.1 Elections Committee

The Executive Committee may appoint up to 5 members to an Elections Committee when required, to supervise elections occurring within the year as provided by the Constitution of the RCEA. Members seeking election during the year shall not be eligible to serve on the Elections Committee.

On the recommendation of the Elections Committee, the Executive Committee shall set the date of elections.

7.2 President

a) Term of Office

The term of office shall be three (3) years beginning January 1.

b) Eligibility Requirements

A candidate must be currently serving on the Executive Committee for a period of two or more years as of the date of nomination for this office.

c) Candidate Requirements

A candidate must be nominated and seconded by ten (10) members. A candidate accepting a nomination for President is prohibited from running concurrently for election to the position of 1st Vice-President.

The office of the President is located in the National Capital Region. All candidates must be prepared to relocate to the NCR. Relocation expenses shall be paid by the Association in accordance with the NJC Relocation Directive, as amended from time to time.

d) Voting

Voting shall occur by secret ballot provided to each member in a manner and on a date specified by the Elections Committee. The Elections Committee shall determine the date and time by which returned ballots must be received to be counted in the election. The Elections Committee shall present a report to the Executive Committee detailing the election results.

e) Run-off Vote

In the event that the candidate receiving the most votes cast does not receive more than half of the votes cast, a run-off vote shall be held. The candidate who received the least number of votes in the first ballot will be removed from the run-off ballot. The run-off ballot shall be administered by the Elections Committee in a manner consistent with Article 7.2 d).

7.3 1st Vice-President, 2nd Vice-President, and Treasurer

a) 1st Vice-President

i) Term of Office

The term of office shall be two (2) years beginning January 1.

- ii) **Eligibility Requirements**
A candidate must be a resident of the NCR and currently serving on the Executive Committee for a period of one (1) or more years as of the date of nomination for this office.
 - iii) **Candidate Requirements**
A candidate must be nominated and seconded by ten (10) members. A candidate accepting a nomination for 1st Vice-President is prohibited from running concurrently for election to the position of President.
 - iv) **Voting**
Voting procedures shall be consistent with Article 7.2 d) above.
 - v) **Run-off Vote**
Run-off voting procedures shall be consistent with Article 7.2 e) above.
- b) **2nd Vice-President**
- i) **Term of Office**
The term of office shall be two (2) years beginning January 1.
 - ii) **Eligibility Requirements**
A candidate must be currently serving on the Executive Committee for a period of one (1) or more years as of the date of nomination for this office.
 - iii) **Candidate Requirements**
A candidate must be nominated and seconded by members currently serving on the Executive Committee.
 - iv) **Voting**
The Executive Committee shall elect the 2nd Vice-President at an Executive meeting in the last quarter of the calendar year. The Elections Committee shall supervise this vote.
- c) **Treasurer**
- i) **Term of Office**
The term of office shall be two (2) years beginning January 1.
 - ii) **Candidate Requirements**
A candidate must be an RCEA member and a resident of the National Capital Region and be nominated by the President and approved by a majority of members currently serving on the Executive Committee.

7.4 Stewards

- a) **Area of Jurisdiction**
As required, the President shall review the area of jurisdiction of each steward. Such review shall consider the applicable collective

agreements and take into account the employer's organizational structure, the geographic distribution of members and anticipated need for services.

b) **Term of Office**

The term of office shall be two (2) years beginning January 1.

c) **Eligibility Requirements**

A candidate must be a member and work within the area of jurisdiction for a period of more than one (1) year.

d) **Candidate Requirements**

A candidate must be nominated and seconded by members who work within the area of jurisdiction.

e) **Voting**

Voting shall occur by secret ballot provided to members within the area of jurisdiction on a date specified by the Elections Committee. The Elections Committee shall determine the date and time by which returned ballots must be received to be counted in the election. The candidate receiving the most votes shall be declared elected. The Elections Committee shall present a report to the Executive Committee detailing the election results.

7.5 **Appeal Procedures**

Any unsuccessful candidate may appeal the results of an election to the Executive Committee in writing within forty-eight (48) hours of the posting of election results on the RCEA web site. Such an appeal shall be limited to an alleged violation of the Constitution of the RCEA and must be accompanied with details explaining this claim. The decision of the Executive Committee shall be final and binding. Any member of the Executive Committee directly affected by the appeal must recuse himself or herself from the deliberations of the Executive Committee with respect to this appeal.

Article 8 Removal from Office

Any person elected to a position listed under Article 6 Governance Structure may be removed from office due to a loss of confidence by the majority of members within their constituency or for a breach of the Constitution of the RCEA.

a) **Loss of Confidence**

Upon receipt of evidence by the Executive Committee that the President, the 1st Vice-President, 2nd Vice-President, Treasurer, or a

steward has lost the confidence of a majority of members within their respective constituency, and that the incumbent in question has not served one half of their current term of office, the Executive Committee shall cause the Elections Committee to initiate a new electoral process in accordance with Article 7-Elections and Terms of Office. The elected candidate shall hold office for the balance of the term of office. In the event that the incumbent in question has served one half or more of their current term of office, the Executive Committee may exercise its discretion to forego a new electoral process in favour of another course of action.

b) **Breach of the Constitution and Policies**

Any member who believes that an elected representative has acted contrary to the interests of the RCEA and is in breach of the Constitution or Policies of the RCEA may submit such allegations with supporting evidence to the Executive Committee. The Executive Committee shall investigate and provide an opportunity for the respondent to respond. The Executive Committee may dismiss the complaint, initiate a new electoral process, or take such other remedial action as it deems appropriate. The decision of the Executive Committee shall be final and binding.

Article 9 Vacancies

a) **President**

In the event of a temporary vacancy, the 1st Vice-President shall act as President. If the period of vacancy will exceed more than one half of the current term of office, the Executive Committee shall direct the Elections Committee to initiate a new electoral process in accordance with Article 7-Elections and Terms of Office. The elected candidate shall hold office for the balance of the term of office.

b) **1st Vice-President**

In the event of a temporary vacancy, the 2nd Vice-President shall act as 1st Vice-President. If the period of vacancy will exceed more than one half of the current term of office, the Executive Committee shall direct the Elections Committee to initiate a new electoral process in accordance with Article 7-Elections and Terms of Office. The elected candidate shall hold office for the balance of the term of office.

c) **2nd Vice-President and Treasurer**

In the event of a temporary vacancy in either position, the President, with the approval of the Executive Committee shall appoint a replacement on an acting basis. If the period of vacancy exceeds more than half of the current term of office:

- i) the Executive Committee shall elect a new 2nd Vice-President at

the next scheduled Executive committee meeting and the newly elected candidate shall hold the office for the balance of the original term.

ii) the President shall appoint a new Treasurer and the newly appointed Treasurer shall hold the office for the balance of the original term

d) **Stewards**

In the event of a temporary vacancy, the President may appoint a replacement on an acting basis. If the period of vacancy exceeds more than half of the current term of office, the President may initiate a new electoral process in accordance with Article 7-Elections and Terms of Office. The elected candidate shall hold the office for the balance of the original term.

Article 10 Finances

10.1 Accountability: The Executive Committee shall be responsible for the financial affairs of the RCEA.

10.2 Finance Committee: The Management Committee, with the approval of the Executive Committee, shall appoint qualified persons to the Finance Committee each calendar year to assist and provide advice to the Treasurer on the administration of the financial affairs of the RCEA including the maintenance of appropriate financial records. The Treasurer shall chair the Finance Committee.

10.3 Fiscal Year: The fiscal year of the RCEA shall run from July 1 to June 30 of the following year.

10.4 Signing Officers: All cheques drawn on the RCEA account shall require the authorization of any two (2) persons with signing authority.

10.5 Financial Auditors: The Management Committee, with the approval of the Executive Committee, shall appoint qualified persons to audit the financial records of the RCEA. The Auditor's report shall be accessible to members.

Article 11 Membership Dues

11.1 Members

a) At the beginning of each fiscal year, a \$1 dollar increase shall be applied to the monthly membership dues.

- b) Upon the recommendation of the Management Committee and with consultation with the Executive Committee, the dues increase in clause 11.1 a) above may be waived.
- c) If at any time the Executive Committee determines that it is necessary to increase member dues by more than the amount indicated in clause 11.1a) above, such increase may only take effect if approved by a simple majority (50% plus 1) of votes cast in a secret ballot of the membership.

11.2 Associate Members

Associate members shall pay Associate Member dues on a monthly basis. Such dues shall be set by the Executive Committee.

11.3 Honorary Members and Associate Honorary Members

Honorary Members shall be exempt from the payment of membership dues.

11.4 Recruitment Fee

The Executive Committee may establish temporary membership dues for persons in a bargaining unit not yet certified by the RCEA who have applied and been accepted as temporary members pending certification of the RCEA as their bargaining agent.

Article 12 Ratification of Collective Agreements

12.1 Secret Ballot: A tentative collective agreement reached between the RCEA and the Council shall be subject to a membership vote by secret ballot. Only members of the applicable bargaining unit shall be eligible to vote. Ratification shall be by a simple majority of voting members.

12.2 Extraordinary Circumstances: Following consultation with the bargaining unit committee, the Management Committee may exercise discretion to dispense with ratification by secret ballot, as provided under clause 12.1 above, in favour of a more expedited method to gauge the will of the members to either accept or reject a proposed collective agreement. The extraordinary circumstances giving rise to this decision will be reported to the Executive Committee.

Article 13 Discipline

- 13.1** Any member may have their membership in the RCEA suspended or terminated for conduct which adversely affects the interests or reputation of the RCEA.
- 13.2** The Executive Committee, by a two-thirds (2/3) majority vote, shall have the authority to expel, suspend or revoke the membership of any member.
- 13.3** A member who believes another member has acted in a manner which adversely affects the interests or reputation of the RCEA may submit a written complaint, with supporting evidence, to the Executive Committee.
- 13.4** A written complaint that is forwarded to the Executive Committee within ninety (90) calendar days of the alleged offence shall be investigated by a sub-committee comprised of three (3) Executive Committee members, chosen by the Executive Committee. If the complaint is against the President, the President shall delegate his/her authority under Article 9 of the Constitution to a member of the Executive Committee.
- 13.5** The sub-committee shall meet with the respondent and the complainant separately. The sub-committee shall prepare a report of its findings and recommendations and shall submit it to the Executive Committee. Upon receipt and review of the sub-committee's report, the Executive Committee may dismiss the complaint, suspend or revoke the membership of the respondent or take such other remedial action as it deems appropriate. The decision of the Executive Committee shall be final and binding.
- 13.6** Grounds for discipline include but are not limited to:
- a) Violating any provision of the RCEA Constitution and Policies.
 - b) Publishing or circulating among the membership false reports or willful misrepresentations.
 - c) Working in the interests of another union against RCEA.
 - d) Slandering, libeling, or willfully wronging any member.
 - e) Using abusive language or disturbing the peace at any meeting.
 - f) Fraudulently receiving money otherwise due to the RCEA or misappropriating the monies of the RCEA.
 - g) Using the name of the Association for soliciting funds, advertising, and the like without the consent the Executive Committee.
 - h) Providing a complete or partial list or any information on the membership of the Association to any person or persons other than those whose official position entitles them to have such a list.
 - i) Deliberately interfering with an official of the Association in the discharge of their duties.

- j) Any other conduct prejudicial to the good order and welfare of RCEA or its members.

Article 14 Headquarters and National Office

The Headquarters and National Office of the RCEA shall be located in the National Capital Region.

Article 15 Staff of the RCEA

The Management Committee shall engage such staff as deemed necessary to fulfil the obligations of the RCEA.

Article 16 Amendments to the Constitution of the RCEA

16.1 Constitution Committee: The Management Committee, with the approval of the Executive Committee, shall appoint members to a Constitution Committee. The Constitution Committee shall receive input from members on changes to the Constitution and shall submit a report containing recommended revisions to the Constitution to the Executive Committee.

16.2 Approval of Executive Committee: A vote by two-thirds of the Executive Committee is required before any amendments are referred to the membership for approval.

16.3 Approval of Membership: Amendments to the Constitution of the RCEA shall be presented at the Annual General Meeting or a Special General Meeting. The Constitution Committee shall supervise an all membership vote within ninety (90) days following the Annual General Meeting or a Special General Meeting where the proposed amendments were presented. The decision to accept or reject shall be determined by a simple majority (50% plus 1) of votes cast in a secret ballot.

Article 17 Dissolution

17.1 Any resolution which proposes the dissolution of the Association must clearly state the dissolution date.

17.2 Any merger with another organization will be deemed to trigger dissolution of the Association. The dissolution date will be the effective date of the merger or a date as otherwise determined by the PSLREB.

17.3 The loss of the Association's rights to be the bargaining agent for all RCEA members will be deemed to trigger dissolution of the Association.

The dissolution date will be the effective date of the loss of said collective bargaining rights or a date as otherwise determined by the PSLREB.

17.4 The Association may dissolve and apply to surrender its certificate if it can prove to the Board that the Association has no assets and that, if it had any assets immediately prior to the application for leave to surrender its certification, such assets have been divided rateably among its Members and either:

- a) that it has no debts, liabilities, or other obligations; or
- b) that the debts, liabilities, or other obligations of the Association have been duly provided for or protected or that the creditors of the Association or other persons having interests in the such debts, liabilities, or other obligations, consent; and
- c) the Association has given notice of said application in the *Canada Gazette* and once in a newspaper at or as near as may be to the place where the Association has its Head Office.

17.5 All financial liabilities of the Association that exist or shall arise after the dissolution date shall be satisfied by the Executive Committee prior to distributing any cash or assets to the Members. Once all liabilities have been satisfied, the remaining cash/assets shall be returned to any Member who has been in good standing for a continuous period of five years prior to the dissolution date or if the Association has not been the bargaining agent of the Member for at least five (5) years, a Member who has been a Member in good standing since the Association became the bargaining agent for that Member. The distribution shall be by means of a per capita cash distribution.

Article 18 Policy Manual

18.1 The RCEA shall maintain a Policy Manual consisting of administrative procedures and practices to promote the efficient and effective functioning of the Constitution. The Policy Manual shall be made accessible to members.

18.2 Additions or amendments to the Policy Manual must be approved by the Executive Committee by a two-thirds (2/3) majority vote.

Appendix A: List of Bargaining Units Certified by the Association

Administrative Support (AD)
Administrative Services (AS)
Computer Systems Administration (CSA)
Operational (OP)
Purchasing and Supply (PG)
Technical (TO)