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By e-mail

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TO ALL LOCAL UNION AND COUNCIL PRESIDENTS

Re: Effect of the Constitutional amendments to the National Union Constitution adopted by the 5th triennial Convention held in June 2016

Sisters, Brothers,

At our Convention held in Toronto in June 2016, a number of amendments to the National Union Constitution were adopted by the delegates. A certain number of those amendments affected Local Union and Councils and I would like to highlight those amendments in order for you to be able to amend your Constitution accordingly.

National Union Revenues (art. 17.1 of the Constitution)

Per capita: As of January 1st, 2017: \$3.70 per person per month;
As of January 1st, 2019: \$3.75 per person per month.

This amendment requires no change to the Local Union of Council Constitution.

Compulsory changes which are automatically incorporated into Local Union Constitutions

Article 25.2 of the National Union Constitution stipulates:

"25.2 Any amendment to this Constitution affecting a Local Union or a Council shall automatically be included in the constitutions and bylaws of the Local Union or Council unless the National President approve otherwise."

Since those changes as adopted by the delegates at the June Convention are automatically incorporated into your Constitution, it is necessary for you to add them to your Constitution.

You are not required to follow the constitutional amendment procedures as set out in your Constitution. I am simply advising you to incorporate those changes as a correction since they are compulsory.

I am also asking you to send a corrected copy of your Constitution to me so that I can formally approve them.

Here are the changes to be made:

1. No Trustee can sit on the Executive Board of a Local Union or a Council (article 19.3 of the Constitution – formerly article 18.3)

If your Trustees sit on your Executive Board you must withdraw that provision. In fact Trustees must maintain their independence with regards to the Executive Board. Take note however that the obligation for Local Unions and Councils to have either three (3) Trustees or to retain the services of an outside accountant remains in force.

This principle takes effect at the earliest of the following dates:

- January 1st, 2017;
- The date at which the current term of office of the Trustee ends.

2. Oath of office for all Officers of Local Unions or Councils

Article 19.5 (formerly article 18.5) of the National Constitution has been amended in order to add that “electronic data” must also be transferred to your successors.

This is the new oath of office text that applies immediately, and you are obligated to update your Constitution accordingly:

“I, _____, do hereby sincerely pledge my word and honour to perform the duties assigned to me in the Local Union Constitution and Bylaws, to the best of my ability and with complete good faith to support, advance and carry out all official policies of the Local Union and to promote a harassment and discrimination-free environment. I will at all times devote my efforts to further the aims, objectives and best interests of the Canadian Office and Professional Employees Union. I will also surrender all books, papers, **electronic data** and other property of the Local Union in my possession to my successor in office.”

3. New provisions concerning auditing of the books

Article 19.3 (formerly article 18.3) has been amended to include the following sentence:

"In the event a Local Union cannot meet those requirements it may by exception obtain the authorization of the National Executive to have the Local Union's books verified in another fashion."

This text has been adopted at the 2016 National Union Convention. It allows that under exceptional circumstances a request can be made to National Union Executive Board to have the books examined in an alternative fashion.

Therefore, if you cannot have three (3) Trustees and do not engage an outside accountant, this alternative solution could be of assistance to you. The National Executive Board will be tasked with establishing the criteria that apply when seized with such a request. This amendment does not require any change to your Constitution.

4. Modifications to Officers contact information

Article 19.6.3 (formerly article 18.6.3) has been amended as follows by adding the following sentence to the duties of the Recording Secretary of a Local Union or a Council:

"The Recording Secretary will provide the National President and the National Secretary-Treasurer with the names and contact information of all the Local Union officers as well as any changes to that information."

You must therefore add this duty to the duties of the Recording Secretary in your Constitution.

5. Financial information and changes to that information

Article 19.6.4.2 (formerly article 18.6.4.2) has been amended by adding the following phrase to the duties of the Local Union of Council Treasurer.

"(...) shall submit to the National Secretary-Treasurer all relevant information pertaining to those bank accounts (name of the institution, full address, account number, ...). The Treasurer shall endeavor to deposit such funds in unionized financial institutions.

You must therefore add this duty to the duties of the Treasurer in your Constitution and forward to us the required information.

6. Canadian Equity Council (new article 15 of the National Union Constitution)

This new article was added to the Constitution at the June 2016 Convention. It requires no amendment to Local Union or Council Constitutions.

Essentially it creates a Consultative Body that meets before or after the Mid-Term Conference and the Convention.

Each region can delegate up to a maximum of four (4) persons from the designated equity groups.

The method of selection, the timing of the selection and the number of those persons shall be determined by the Regional Vice-President. Those persons must be members in good standing and have the approval of their Local Union; the Local Unions shall assume the expenses and replacement of lost wages for those persons for the duration of their term.

Please insert these amendments into your Constitution since they are automatically incorporated. There is no need to follow the amending procedure as laid out in your Constitution. I also request that you send your Constitution as so amended no later than September 30th, 2016.

Please contact me should you have any additional questions.

In solidarity,

The National President,



David Black

c.c. National Executive Board

Me Pierre Gingras, Legal Counsel to the National Executive

Me Pierrick Choinière-Lapointe, Assistant to the Legal Counsel to the National Executive