
CONSTITUTION
SOCIETY OF PROFESSIONAL ENGINEERS AND ASSOCIATES (SPEA)

1. OBJECTIVES

1.1 SPEA

The Society of Professional Engineers and Associates (SPEA) is a union committed to promoting the economic and professional well-being of its members in a professional and democratic manner. In particular:

- a) SPEA is committed to operating an open and democratic union with a focus on communicating with members, and receiving input and guidance from members;
- b) SPEA undertakes to ensure that the Collective Agreement is adhered to and to deal with members' complaints/grievances efficiently and fairly;
- c) SPEA undertakes to bargain strong and fair Collective Agreements; and
- d) SPEA is committed to acting in the public forum and within the broader labour movement to promote the interests of its members.

2. MEMBERSHIP

2.1 SPEA

Membership in SPEA includes all employees of an employer for which SPEA has been granted bargaining rights, subject to Article 10 (Revocation of Membership).

2.2 Eligibility

Only SPEA members are eligible to participate in SPEA activities. Without limiting the generality of the foregoing, and subject to the requirements of the *Canada Labour Code*, only SPEA members may vote in elections or referenda, attend Membership Meetings, receive information/communications from SPEA, and be eligible to receive strike pay.

3. THE SPEA EXECUTIVE COMMITTEE

3.1 General

The SPEA Executive Committee (“the Executive”) is responsible for the day-to-day operation of SPEA, and for ensuring that SPEA meets its Objectives (Article 1) in a manner consistent with the Constitution. The SPEA Executive may, of its own power, decide and act upon all matters in accordance with this Constitution. Executive members are expected to chair or sit on at least one committee and to represent members with complaints and grievances.

The SPEA Executive consists of the following Officer Positions: President, Secretary-Treasurer, Membership Vice-President, and Unit Vice-Presidents. The Executive also includes Members-at-Large and Site Representatives (if required in accordance with Article 3.7).

With the exception of Unit Vice-Presidents, Officer Positions are elected by the membership as a whole.

3.2 President

The SPEA President is the Chief Executive Officer of SPEA and is responsible for the general supervision of the business and affairs of SPEA. The President acts as Chair at Executive and General Meetings.

3.3 Unit Vice-President

SPEA Unit Vice-Presidents support the President in his/her duties. Each bargaining unit elects a Unit Vice-President. Unit Vice-Presidents take a leadership role in grievances and other issues pertaining to the bargaining units they represent.

3.4 Secretary-Treasurer

The SPEA Secretary-Treasurer is responsible for the control of all financial and non-financial records of SPEA and for ensuring these records are accurate and complete. These records include: Minutes of Executive, General and Special Meetings, and notices.

The Secretary-Treasurer is responsible for the preparation of the annual budget and for monitoring expenses/revenue in relation to that budget. The Secretary-Treasurer is responsible for arranging and presenting an annual Audit.

3.5 Membership Vice-President

The Membership Vice-President is responsible for ensuring that new employees are provided information about SPEA, for maintaining a communication structure, and for planning membership activities. The Membership Vice-President is responsible for maintaining bargaining unit information provided by the employer. In the event that the position of President is vacated, the Membership Vice-President will become Acting President until an election is held, pursuant to Article 8.2.

3.6 Officer Delegation

Officers may delegate some or all of their responsibilities with the approval of the Executive.

3.7 Site Representative

Site representatives are elected from each of the employer’s sites (other than Sheridan Park) where such sites have greater than fifty SPEA members (including members from any of the bargaining units) and where it is expected that there will be greater than fifty SPEA members over most of the following three-year period. The Executive will determine whether a site ought to have representation by a Site Representative based on the above factors.

In addition to the above factors, a Site Representative will only be elected if, following the general elections, no member from the eligible Site (as described above) has been elected to an Executive

Committee position. Site Representatives are elected by and represent Site members from all bargaining units combined.

Site Representatives are voting members of the Executive Committee and their general responsibilities are outlined in Article 3.1. Site Representatives are responsible for ensuring that site-specific issues are brought to the attention of the Executive Committee.

3.8 Members-at-Large (MAL)

Members-at-Large are voting members of the Executive Committee and their general responsibilities are outlined in Article 3.1. Members-at-Large are elected by members of their respective bargaining units and are responsible for ensuring that bargaining-unit specific issues are brought to the attention of the Executive Committee.

3.9 Members-at-Large (MAL) Representation

Member-at-Large representation is based on the following formula, for each bargaining unit:

- One Member-at-Large for between 100 and 199 members;
- One Member-at-large for between 200 and 399 members;
- One Member-at-large for between 400 and 599 members;
- One Member at large for between 600 and 899 members; and
- One Member at large for over 900 members.

3.10 Executives to hold One Position

Executive Committee members may only hold one position at a time.

3.11 Quorum

Quorum for SPEA Executive meetings is fifty percent of the Executive Committee membership.

3.12 Executive Board Representation – New Bargaining Unit

In the event that SPEA obtains bargaining rights for additional bargaining units, members of new bargaining units will be eligible to vote in the next scheduled election. New bargaining units will also have representation by a Unit Vice-President, and Members-at-Large consistent with Articles 3.3 & 3.9.

Elections for Unit Vice-President and Members-at-Large (if applicable) at new bargaining units will occur within three months of SPEA having obtained bargaining rights for the new unit.

4. THE SPEA EXECUTIVE COMMITTEE

4.1 Responsibility of the Executive

The SPEA Executive is responsible for coordinating the work of committees. Committee membership is open to all SPEA members and must be approved by the Executive. Executive members are expected to chair or sit on at least one committee. In addition to the committees listed below, the SPEA Executive may create *ad hoc* committees as required.

4.2 Responsibility of the President

The President is entitled to sit as an *ex officio* member at any committee meetings. The President may also be a voting member or chair of committees.

4.3 Membership Committee

The Membership Committee is chaired by the Membership Vice-President. The Membership Committee is responsible for ensuring that new employees are provided information about SPEA, for maintaining a communication structure and for planning membership activities

4.4 External Relations Committee

The Political Action Committee acts in the public arena to advocate for members' interests.

4.5 Negotiating Committee

The Negotiating Committee is responsible for developing bargaining proposals based on input from the Executive and the broader membership. The Negotiating Committee conducts collective bargaining negotiations with the employer. The Negotiating Committee is selected by the Executive and must be approved by the membership at a General Meeting.

4.6 Contractor Committee

The Contractor Committee is responsible for monitoring the use of contractors and ensuring their use is consistent with the Collective Agreement.

4.7 Career Development & Training Committee

The Career Development & Training Committee is responsible for reviewing the employer's training plans and related documents and addressing related issues of concern to the membership.

4.8 Site health & Safety Committee

The Site Safety & Health Committee includes SPEA representation by a member selected by the Executive. This Committee is responsible for advocating a healthful and safe environment and ensuring that health and safety legislation is adhered to.

4.9 Company Wide Benefits Review Committee

The Company Wide Benefits Review Committee includes SPEA representation by a member selected by the Executive. This Committee is responsible for reviewing expenditures under the group benefits plan, recommending changes to the premiums, looking for ways to make benefits more useful, and recommending any changes in the insurance carrier.

4.10 Employment Equity Committee

The Employment Equity Committee includes SPEA representation by a member selected by the Executive. This Committee is responsible for ensuring that the Company takes positive measures to promote employment equity pursuant to its legislative obligations and the Collective Agreement.

4.11 Pension Committee

This committee will be comprised of SPEA members and at least one SPEA Executive Committee member and will meet quarterly, or as needed, to review the status of the pension, with a focus on reviewing updated plan documents, member contributions, and addressing member questions and concerns. Emphasis will be to ensure that the plan continues to meet our members' needs, and to provide updates to the Executive on plan performance and raise concerns that the committee may identify. The committee will coordinate with the Pension plan to ensure adequate education is provided to our members and provide constant due diligence and oversight to ensure that our members have a secure retirement.

4.12 Collective Agreement & Legislative Provisions

The committees described in Articles 4.5 through 4.10 inclusive are mandated by the Collective Agreement and/or legislation. As such the mandate and composition of these committees may be impacted by Collective Agreement or legislative changes.

5. FINANCES

5.1 Membership Dues

- a) Membership dues will be paid by all members. New members for whom SPEA is seeking bargaining rights will not pay membership dues until a Collective Agreement has been ratified; or, in the case of an existing bargaining unit, until bargaining rights have been effectively transferred to SPEA.
- b) Any change in dues must be approved by the membership by means of a referendum pursuant to Article 11. Dues cannot be reduced to an extent that would prohibit SPEA from meeting its financial and legal obligations
- c) Notwithstanding Article 5.1 b), the Executive retains authority to adopt a formula for the prorating of membership dues for members who work part-time.

5.2 Financial Prudence

- a) SPEA must operate in a financially prudent manner. Expenditures made by SPEA are for the purpose of furthering SPEA's Objectives as set out in this Constitution. SPEA shall not operate a deficit except as set out in Article 5.2 b) below. Expenditures must be covered by dues and any other income.
- b) Notwithstanding Article 5.2 a), there may be certain extraordinary circumstances, during which the borrowing of funds is required (such as strikes). In such circumstances, prior membership approval will be required by means of a General Meeting motion pursuant to Article 9
- c) Cheques and other instruments of transaction for moving SPEA funds must be authorized by two Officers. This requirement does not apply to transfers between SPEA accounts within the same credit union or bank.
- d) Any investment of SPEA funds in securities shall be made in accordance with the principles set out in the *Trustee Act*. Where possible, for banking purposes, SPEA will belong to and use the services of a credit union (the credit union must be adequately insured).
- e) SPEA shall not establish or participate financially in any commercial enterprise without the approval of the membership by means of a referendum.

5.3 Prior Approval of Expenditures

- a) SPEA Executive members must obtain prior approval from the Executive before incurring any budgeted expense greater than \$1,000.00.
- b) Notwithstanding Article 5.3 a), there may be extraordinary circumstances under which spending decisions must be made quickly and approved by the Executive after the fact. Under these circumstances, significant effort must be made to obtain approval of as many Executive members as possible, and the liability remains with the individual unless approved by the Executive.

5.4 Budget

The fiscal year will run from January 1st to December 31st. The Executive will approve an annual budget prior to the start of each fiscal year. Any changes to the budget must be approved by the Executive.

6. AUDIT

6.1 Procedure

- a) The fiscal year will run from January 1st to December 31st. The Executive will approve an annual budget prior to the start of each fiscal year. Any changes to the budget must be approved by the Executive.
- b) An Official Auditor shall be approved by the Executive. The Auditor shall be a Chartered Accountant with a public accounting license, accredited in the Province of Ontario to conduct financial audits.
- c) Reviewed or Audited statements/reports shall be available to any Member upon request.

7. ENTERING INTO FORMAL ASSOCIATIONS

7.1 Impact on SPEA

- a) Entering into formal associations with other organizations or unions which will not have a significant impact on the budget, and which will not require Constitutional amendments must be decided by means of a General or Special Meeting motion pursuant to Article 9.
- b) Entering into formal associations with other organizations or unions which will have a significant impact on the budget, or which will require Constitutional amendments must be decided by means of a referendum pursuant to Article 11.

8. ELECTIONS

8.1 General

Elections for the SPEA Executive will take place between March and June and the term of office for all positions is three years.

8.2 Vacancies

In the event an Executive position becomes vacant more than six months prior to the expiry of the term of office, the call for nominations to fill the vacancy will occur within six months of the vacancy. Elections will be held at an Election Meeting(s) called for this purpose. If the vacancy occurs less than six months prior to the expiry of the term of office, the Executive may choose to leave the position unfilled or call an election.

8.3 Vacancies & Executive Members

Executive members are eligible to stand for election if a vacancy is created.

8.4 Election Delays

Elections may be delayed by up to six months only in the event that SPEA is engaged in collective bargaining negotiations. Approval must be obtained by means of a General Meeting motion. In the event that collective bargaining negotiations are not resolved after the first delay, further delays in three-month intervals must also be approved by a General Meeting motion.

8.5 Chief Returning Officer (CRO) & Deputy Returning Officer (DRO)

The Executive shall appoint a Chief Returning Officer (CRO) for a term of office coinciding with the term of office of the Executive. The CRO is responsible for the conduct of elections and oversees the counting of ballots. The Executive may appoint a Deputy Returning Officer (DRO) to assist the CRO. However, the CRO remains the decision-maker with respect to the responsibilities set out in this Article.

CROs and DROs must be SPEA members, but shall not be members of the Executive, nor can they stand for election.

8.6 Site Returning Officers (SRO)

For Election Meetings at non-Sheridan Park sites, the CRO may appoint Site Returning Officers (SROs) from among the members at the site.

SROs must be SPEA members, but shall not be members of the Executive, nor can they stand for election.

8.7 Nominations- Content & Verification

Nominations for all Executive positions at all sites shall be submitted to the CRO in writing. The Nomination shall include the names of the nominator and seconder and an agreement from the nominee that he/she is willing to contest the position.

8.8 Nominations- Timelines - Notice

Elections for Executive Committee take place in three sequential stages: Officers, Members-at-Large and (if required) Site Representatives. This allows defeated candidates at any stage to contest subsequent elections.

All reasonable steps must be taken to ensure that all SPEA members receive notice of the nomination period. The nomination period is not considered “open” until such notice has been provided.

8.9 Nominations- Period Timelines

Nominations for Officers and Members-at-Large commence at the same time.

Nominations for Officers shall be open for a two-week period and shall close at least two working days prior to the Officer Election Meeting(s) at which voting takes place.

Nominations for Members-at-Large shall be open until two working days after either:

- a) The Officers' election; or
- b) The close of Officer Nominations in the event that all Officer positions are acclaimed (i.e., uncontested).

If required, the Nomination period for Site Representatives shall be open for a two-week period and shall open within four weeks of the conclusion of Officer and Member-at-Large elections.

8.10 Extension of Nomination Period

The CRO has discretion to extend the nomination period for any position if no nominations have been received by the nomination deadline for that position. Nominations may be extended up to (and including) the applicable initial Election Meeting.

8.11 Election Timelines

Election Meeting(s) are first held for Officer positions, at least two working days following the close of Officer nominations.

Election meeting(s) for Members-at-Large will be held at least five working days and not more than fifteen working days after either:

- a) The Officers' election; or
- b) The close of Officer Nominations in the event that all Officer positions are acclaimed (i.e., uncontested).

Election meeting(s) for Site Representatives (if required) will take place within seven weeks following the Member-at-Large election.

8.12 Election Meetings- Notice

At least five working days' notice must be provided for Election Meetings.

8.13 Commencement of Term

The newly elected Officer and Member-at-Large Representatives will take office immediately upon the announcement of final Member-at-Large election results. Newly elected Site Representatives will take office immediately upon the announcement of the election results for those.

8.14 Candidates to Communicate with Membership

All candidates will be provided an equal opportunity prior to the Election Meeting(s) to provide a brief written statement that will be distributed to the membership. Candidates will also be provided an opportunity at the commencement of the Election Meeting(s) to make a brief speech.

8.15 Elections – General Principles

Elections must adhere to the following principles:

- a) Confidentiality must be ensured;
- b) All members must be provided a reasonable opportunity to vote;
- c) Membership status must be properly verified;

- d) The process must ensure against multiple voting by one member.

8.16 Election Meetings- Multiple Meetings may be Held

In order to maximise participation, more than one Election Meeting may be held for Executive positions and votes will be tabulated at the conclusion of all Election Meetings.

8.17 Election Meetings- Video & Call-in Meetings

Where practical, in-person meetings and voting are preferred for conducting elections. However, at the CRO's discretion, any Election Meeting may take place via a video-format and/or call-in format. Elections may be conducted by a combination of in-person, video-format and call-in Meetings.

Where Election Meetings take place via a video or call-in format, arrangements will be made for electronic voting by attendees following the Meeting in accordance with the principles set out in Article 8.15.

8.18 Absentee Ballots

Absentee voting will be permitted if a member is unable to vote at an Election Meeting because the member will be absent for work related reasons, is on an approved leave (including sick leave), or for other reasons approved by the CRO. The CRO (or designate) will devise a method for the acceptance of absentee ballots consistent with the principles set out in Article 8.15. Absentee ballots must be received prior to conclusion of the applicable Election Meeting(s).

8.19 Proxy Voting

Proxy Voting is not permitted.

8.20 Elections Meetings - Chair

Election Meetings held at Sheridan Park are chaired by the CRO. Election Meetings at other sites are chaired by that site's SRO, or the CRO if no SRO has been appointed.

8.21 Elections - Scrutineers

Scrutineers are appointed by the CRO (or, where applicable, by the SRO). The duties of Scrutineers include:

- a) Confirmation of membership of all persons entering the meeting hall;
- b) Issuing of one ballot to each member entering the meeting hall;
- c) Identifying any spoiled ballots to the CRO;
- d) Counting the cast ballots;
- e) Counting and verifying electronic ballots and absentee ballots pursuant to Articles 8.17 & 8.18; and
- f) Reporting the results of the count to the CRO.

8.22 Conduct of Elections at Non-Sheridan Park (SP) Sites

The CRO may appoint an SRO at each non-SP site with at least ten members. In consultation with the CRO, the SRO will determine whether it is appropriate to conduct elections at non-SP sites by way of a secret ballot vote at Election Meetings, or such alternative method (for example, Video & Call-in Meetings or Absentee Ballots) as may be appropriate. Any alternative method must adhere to the principles set out in Article 8.15.

8.23 Call for New Elections – Executive Motion

A new election for any Executive position will be called if a majority of the Executive so decides by way of a specific motion. At least ten working days written notice to all Executive members must be provided

prior to such a motion being considered by the Executive. Detailed reasons as to why a new election ought to be held must be provided in the notice and the Executive Member against whom the notice is given must be provided reasonable opportunity to respond to any allegations made against him or her.

8.24 Call for New Elections – Membership Petition

A new election for any Executive position will occur if passed by a motion voted upon at a Special Meeting pursuant to Article 9. A Special Meeting for this purpose will be called if a petition, setting out a motion which names the individual(s) and position(s) for which an election is sought, is signed by at least ten percent of the membership which is eligible to vote for the position at issue.

For clarity, the motion may not be amended at the Special Meeting so as to add or delete named individual(s)/position(s). For clarity, only those eligible to vote for the position at issue may vote at the Special Meeting.

8.25 Call for New Elections – Incumbent Eligibility

Where an election is called pursuant to Article 8.23 & 8.24, the incumbent is eligible to run in the election.

8.26 Elections Result Recount

A recount of a vote for an elected position will be allowed upon written request by a candidate to the CRO. The request must be filed within five working days of the original vote and the recount should be completed within five working days of receipt of the request. The CRO will appoint scrutineers for the conduct of the recount who were not present at the original vote.

8.27 Quorum

The quorum for elections shall be ten percent of the membership eligible to vote for the position(s) in question. Absentee ballots will count towards quorum

8.28 If Quorum not Reached

If quorum is not reached, the election shall be invalid. In such circumstances a new election must be called within ten working days and further elections shall be called until quorum has been reached. The nomination process for the requisite positions will re-open pursuant to Article ~~8.88~~-9. The previous incumbent(s) will continue to hold office until such a time as quorum has been reached.

Failure to reach quorum for Member-at-Large elections will not invalidate Officer elections where the latter achieved quorum. Member-at-Large elections will not occur until quorum has been achieved in Officer elections. Elections for Site Representatives (if required) will not take place until quorum has been achieved in Member-at-Large elections and failure to reach quorum for Site Representatives will not invalidate Officer and Member-at-Large elections.

8.29 If Voting Results in a Tie for First Place

In the event of a tie vote for any Position, a recount will be held, overseen by the CRO. The affected candidates or their delegates may attend and monitor the recount.

If the recount results in a tie, a subsequent vote will be held within ten working-days, using electronic ballots and adhering to the principles set out in Article 8.15. Only the candidates whose votes are tied will be included in this election. The Candidates' brief written statements may be re-sent to voters in advance of this election.

The Commencement of the Term of Office for Officers and Members-at-Large, pursuant to Article 8.13, will be delayed until the tie vote has been resolved, through a recount or subsequent election as outlined above.

9. SPEA MEMBERSHIP MEETINGS

9.1 General

Membership Meetings provide an avenue of communication between the Executive and the membership. There are four types of membership meetings: Election Meetings (described in Article 8), General Meetings, Special Meetings, and Information Meetings.

9.2 General Meetings

General Meetings are called by the SPEA Executive. The agenda must be posted at least five working days before the Meetings. The agenda sets out any motions to be voted upon. The agenda should be given the widest distribution possible.

9.3 General Meetings- Additional Motions

Members may propose additional motions for consideration at a General Meeting if such motions are related to the business of the Meeting. The Executive will determine if this criterion is met. The proposed motion must be delivered in writing to the SPEA Secretary-Treasurer at least three working days prior to the meeting. If the Executive determines that the motion is related to the business of the Meeting, a revised agenda will be posted at least one working day prior to the Meeting.

Motions from the floor may be proposed for consideration at a future General Meeting. In such circumstances a vote will be held to determine whether or not the motion should be so considered. If approved, a subsequent General Meeting to vote on the motion must occur within fifteen working days.

Motions related to the conduct of the meeting (procedural motions) may be raised at the meeting.

9.4 Annual General Meeting (AGM)

The AGM is a type of General Meeting. The AGM shall include the presentation and approval of written reports of the President, Secretary-Treasurer, Auditor and Committee Chairs. The AGM shall take place during the month of February or March. The Annual General Meeting may take place immediately.

9.5 Special Meetings

- a) Special Meetings may be called by any SPEA member who obtains the required number of signatures (at least ten percent of the SPEA membership) on a petition setting out the motion(s) to be voted upon at the Special Meeting.
- b) The motion(s) must be set out in such a way that each question can be answered by a “yes” or “no” vote. The names of the mover and seconder shall appear on the petition. The petition must be delivered to a SPEA Officer.
- c) A Special Meeting must be held within fifteen working days of receipt of the petition.
- d) Additional motions may not be raised at Special Meetings (other than procedural motions).

9.6 General & Special Meetings- Process

- a) The President acts as chair at General Meetings. The CRO (or designate) acts as chair at Special Meetings. The chair only votes in the event of a tie.
- b) The minutes of General and Special Meetings shall be available to members within two weeks of the Meeting.
- c) General or Special meetings will be conducted at non-Sheridan Park sites with at least ten members as close as possible to the date of the Sheridan Park meetings. The CRO (or their designate at the site) will be responsible for the conduct of such meetings and will ensure that the results of any motions are included in the final results.

- d) Where a site has fewer than fifty members, the CRO will determine whether voting on the motion will occur by way of a General or Special Meeting, or by way of an alternate method. Such alternate method must adhere to the principles set out in Article 8.15 (except that 8.15(a) does not apply unless motions are voted on by way of secret ballot).
- e) Quorum for SPEA General & Special Meetings shall be ten percent of the membership.
- f) Proxy voting is not permitted at General or Special Meetings.
- g) The principles set out in Article 8.18 (Absentee Ballots), Article 8.16 (Multiple Meetings) and Article 8.17 (Electronic Ballots and Video-Meetings) apply to General & Special Meetings.

9.7 Secret Ballot Vote

Voting will be by secret ballot where the consequences of the motion could have significant financial impact on SPEA or individual members or where the matter at issue is of a contentious nature such that members may be intimidated by a public vote. In such event, the CRO will ensure that the procedure for the conduct of the vote adheres to the principles set out in Article 8.15.

9.8 Recount

A recount of a secret ballot vote shall be conducted if the CRO receives a petition signed by 10% of SPEA members. The petition must be received by the CRO within ten working days of the original vote and the recount should be completed within five working days of receipt of the petition. The CRO will appoint Scrutineers who were not present at the original vote.

9.9 Executive Compliance

The Executive is bound to comply with the results of a legally established decision of a General or Special Meeting unless such decision conflicts with the Constitution.

9.10 Information Meetings

Information Meetings do not involve voting on motions. The purpose of Information Meetings is to allow the Executive to communicate with members and *vice versa*. In addition to calling Information Meetings, the Executive may utilize surveys or other mechanisms to determine the views of the membership. No quorum is required for Information Meetings.

10. REVOCATION OF MEMBERSHIP

10.1 General

Revocation of membership results in a loss of all of the privileges associated with membership. As such, membership revocation must be utilized as a last resort in cases of extremely egregious conduct. Examples of extremely egregious conduct might include (but is not limited to):

- a) A member who, despite warnings, repeatedly harasses another member;
- b) A member who intentionally provides confidential information to management that substantially undermines SPEA's position in bargaining;
- c) A member who crosses a SPEA picket line.

10.2 Executive Authority

The Executive retains authority to determine a process for the handling of complaints, which might result in the revocation of membership. Such process will adhere to principles of fairness and natural justice including:

- a) Complaints must be particularized and put in writing;
- b) Respondents must be provided a fair opportunity to respond;
- c) Hearings to determine such matters must be conducted in accordance with the principles of natural justice and fairness including ensuring that both Complainants and Respondents have a fair opportunity to participate in such hearings; and that decision makers are competent and unbiased.
- d) Members whose membership has been revoked retain the right to petition for reinstatement of their membership one year after the revocation (and once per year thereafter). Such petition will be considered and determined by the Executive.

11. REFERENDA & AMENDMENTS TO THE CONSTITUTION

11.1 General Rules

- a) This Constitution may only be amended by a greater than sixty percent majority of the votes received in a referendum. Other questions put to a referendum require greater than fifty percent support.
- b) A referendum to amend this Constitution may be initiated by a motion approved at a General or Special Meeting, or by the Executive.
- c) No referendum question may be submitted to the membership without its having been debated in a Meeting (General, Special or Information).
- d) If the referendum is initiated by a motion at a General or Special Meeting, the Executive Committee must send out referendum ballots within fifteen working days of the meeting.
- e) All questions submitted for referendum shall be so worded as to be capable of being answered by a direct “yes” or “no” answer.
- f) The CRO shall provide each SPEA member with a referendum ballot. At least ten working days and not more than twenty working days shall be allowed from the date of distributing the ballots to the date of closing for the referendum.
- g) The conduct of referenda will be overseen by the CRO in a manner consistent with the principles for elections, set out in Article 8.15. Scrutineers will be chosen by the CRO to assist in the counting of ballots.
- h) If the number of ballots returned constitutes less than twenty-five percent of the members, the referendum shall be invalid.
- i) Article 9.8 (Recounts) applies to Referenda.

12. GENERAL PROVISIONS – RULES OF ORDER

12.1 General

Proceedings of General and Special Meetings and Executive meetings shall be conducted with reference to Bourinot's Rules of Order.

13. GRIEVANCE PROCESS

13.1 Arbitration Decisions – Factors to Consider

Decisions to refer grievances to arbitration are made by the Executive Committee in accordance with Article 5.3 (Prior Approval for Expenditures). The decision to refer a grievance to arbitration will be based on the following factors balanced against the costs and risks associated with arbitration: First, whether or not there is a reasonable chance of success at arbitration; secondly, whether reasonable settlement offers have been proposed by the employer; thirdly, the significance of the issue raised in the grievance (for the individual and/or the union).

13.2 Arbitration Decisions – Where Grievor Disagrees with Executive Committee Member

If the Executive Committee member handling a grievance wishes to withdraw or settle and the Grievor does not agree, the matter will be referred to the Executive for a vote and the Executive will consider the factors set out in Article 13.1. The Grievor is entitled to reasonable notice of such meeting and to make representations to the Executive.

13.3 Arbitration Decisions – Where Grievor Disagrees with Executive Committee Decision

Where the Executive Committee has decided not to proceed to arbitration pursuant to Article 13.1 and the Grievor was not provided an opportunity to participate pursuant to Article 13.2, the Grievor may request that the Executive Committee reconsider its decision within five working days of being notified of the decision. The Grievor will be entitled to reasonable notice of the reconsideration meeting and will be entitled to make representations to the Executive Committee.