

## **APS BY-LAWS**

Accepted at the Annual General Assembly on October 27, 2013

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### **SECTION I: NAME**

- 1.01 The Association of Professionals and Supervisors of the Canadian Broadcasting Corporation (APS) was incorporated into a professional association under the *Professional Syndicates Act* (R.S.Q. c. S-40) and is certified to represent "*All supervisory staff of the Canadian Broadcasting Corporation or professional employees within the meaning of the Code, and all employees who perform similar or comparable functions, excluding employees covered by other certification orders and employees who are employed in a confidential capacity in matters relating to industrial relations.*"
- 1.02 The Association is made up of its members and is headed by a National Executive Committee. The composition of said National Executive Committee is detailed in Article 8.02

### **SECTION 2: DEFINITIONS**

- 2.01 NATIONAL COUNCIL: refers to the Committee covered by Section 7.
- 2.02 DIRECTOR: refers to a Local Officer serving on the National Executive Committee.
- 2.03 LOCAL OFFICER: refers to an elected or appointed Officer in accordance with Articles 9.01, 9.02 and 12.03.
- 2.04 NATIONAL OFFICER: refers to a member serving on the National Executive Committee under Section 8.
- 2.05 NATIONAL EXECUTIVE COMMITTEE: refers to the National Executive Committee described in detail in Section 8.
- 2.06 MAJORITY OF THE VOTES: refers to 50% of the votes cast plus one (1).
- 2.07 MEMBER: refers to the person whose admission to the Association is accepted in accordance with the provisions of the present By-laws.

2.08 LOCAL BRANCH: refers to a group of members formed in local branches. There are 7 local branches distributed as follows:

Local Branch of Montreal

Local Branch of Toronto

Local Branch of Ottawa

Local Branch of the Eastern Region

Local Branch of the Ontario Region

Local Branch of the Québec Region

Local Branch of the Western Region.

### **SECTION 3: HEAD OFFICE**

3.01 The head office is located in Montreal. Any written communication relevant to the Association must be sent to the National Secretary of APS, at the official address of the Association.

### **SECTION 4: MEMBERSHIP**

4.01 Any person employed within the bargaining unit for which the Association is certified qualifies for membership in the Association.

In the event of an amendment by the Canadian Industrial Relations Board (CIRB) of the bargaining unit for which the Association is certified, any person occupying a position that is covered by such an amendment will be qualified to become a member of the Association. However, any person excluded by a CIRB decision ceases to be a member of the Association as of the date the decision takes effect.

### ***Application for Admission***

4.02 Each application for membership in the Association must be made on the registration form approved by the National Executive Committee.

### ***Admission***

4.03 Notwithstanding Article 4.08, applicants become members of the Association upon receipt by the National Treasurer of the registration form and the payment of admission fees. A copy of each registration form must be sent to the National Secretary.

### ***Member in Good Standing***

4.04 To become a member in good standing of the Association, one must:

- have satisfied admission requirements;
- comply with APS By-laws and with any other regulation in force at the time of submitting the registration form;
- pay the admission fees and union dues set by the General Assembly;
- be employed by the Canadian Broadcasting Corporation or by any other entity that can succeed it in whole or in part;

4.05 Any member who becomes a member in good standing five (5) days before a vote is entitled to vote at an annual or special General Assembly or election, in accordance with Sections 10, 11 and 12 of the APS By-laws in force.

4.06 Any member who has been dismissed and whose grievance is supported by the Association maintains his or her status until the grievance is resolved or has been the subject of a final labour arbitration award dismissing it.

4.07 Any member who ceases to meet the conditions set out in 4.04 is, notwithstanding Article 4.09, *ipso facto* excluded from the ranks of the Association.

4.08 The Association may defer or refuse admission to a candidate for valid reasons which are not contrary to Section 95 of the *Canada Labour Code*. The National Executive Committee may expel or pronounce a

disciplinary sentence against a member who, by her or his or her actions, caused or attempted to cause serious harm to the Association.

- 4.09 No candidate may be refused or no member may be suspended, expelled or disciplined in any way whatsoever, unless the procedure laid down in Regulation 1 concerning internal discipline is followed.
- 4.10 Any member in good standing of the Association may resign by written notice. Such notice is to be addressed to the National Secretary of the Association with a copy sent to the Local Branch. The request takes effect on the date of receipt of said resignation by the National Secretary.

## **SECTION 5: ADMISSION FEES AND DUES**

### ***Admission Fees***

- 5.01 The admission fees are set at \$5. These admission fees must be retained in full by the National Treasurer.

### ***Dues***

- 5.02 The APS union dues are established at 1% of base salary. The union dues are paid by way of deduction by the employer from the member's pay and sent directly to APS.
- 5.03 The amount of the union dues may be changed by resolution approved by 60% of members who exercise their right to vote.
- 5.04 A copy of the collective agreement in effect, as well as a registration form, will be provided as soon as possible to any new employee occupying a position subject to the Certification held by the APS.

A membership card will be delivered to said employee as soon as possible after admission.

## **SECTION 6: FISCAL YEAR**

- 6.01 The fiscal year of the Association ends on June 30 of each year.

## **SECTION 7: NATIONAL COUNCIL**

- 7.01 All National Officers are by default members of the National Council. Elected local Officers are also members of the National Council, in accordance with Article 9.02.
- 7.02 Delegates appointed by the National Executive Committee may attend meetings of the National Council.
- 7.03 The National Council meets every year the day before the Annual General Assembly.
- 7.04 The role of the National Council is to discuss the broad guidelines of the Association and to report, in the form of a proposal, to the National Executive Committee if such a proposal is warranted. The National Council has no decision-making power in the conduct of the affairs of the Association.
- 7.05 The quorum of the National Council is 12.

## **SECTION 8: NATIONAL EXECUTIVE COMMITTEE**

8.01 The National Executive Committee administers the activities of the Association.

8.02 The National Executive Committee shall consist of the following:

1. The National President
2. The National Secretary
3. The National Treasurer
4. The Director of the Montreal Local Branch (president of the local Executive)
5. The Director of the Toronto Local Branch (president of the local Executive)
6. The Director of the Quebec Region Local Branch
7. The Director of the Ottawa Local Branch
8. The Director of the Ontario Region Local Branch
9. The Director of the Western Region Local Branch
10. The Director of the Eastern Region Local Branch

8.03 The term of office of National Officers is of a duration of two (2) years in accordance with Articles 9.01 and 12.01.

8.04 In the event that the office of President is vacant, the National Secretary will act as interim President and the National Executive Committee will proceed to his or her replacement until the holding of the next Annual General Assembly, in accordance with Article 12.12.

In the event that the positions of National Secretary or National Treasurer are vacant, National Officers will appoint another member to act as interim to fill the vacant position until the holding of the next Annual General Assembly, in accordance with paragraph 12.12.

However, if the number of vacancies makes reaching the quorum provided in paragraph 8.14 impossible, National Officers will have to convene a special General Assembly to fill the vacancies, as provided in paragraph 12.12.

The term of office of the stand-in National Officer will be equal to the unexpired portion of the term of the Director who left his or her position.

8.05 In case of vacancy in any other position within the National Executive Committee, the replacement will last for the unexpired portion of the term and will be executed in the following manner:

- The Director of the Toronto Local Branch or of the Montreal Local Branch will be appointed by the Executive of the local branch concerned;
- The Director of the Ottawa Local Branch will be appointed by the National Executive Committee and will be selected from the members of this branch;
- The Director of the Quebec Region Local Branch or of the Ontario Region Local Branch will be appointed by the Executive of the Local Branch of Montreal or Toronto, depending on the case;
- The Director of the Eastern Region Local Branch or of the Western Region Local Branch will be appointed by the National Executive Committee and will be selected from the members of the local branch concerned.

- 8.06 The National Executive Committee first meets immediately after the Annual General Assembly at which it was elected. During this meeting, the Executive will determine the place, date and time of the next meeting of the National Executive Committee.
- 8.07 It meets at intervals of 3 months, or more often if need be. These meetings can be made by teleconference or by any other means offered by the technology available. However, members must meet physically at two meetings, including the one provided for in Article 8.06.
- 8.08 The National Executive Committee has the duty to take the necessary decisions and measures to implement the decisions and instructions of the Annual General Assembly or any other special General Assembly. At each meeting of the National Council, the National Executive Committee, the National Officers and the General Manager shall report on their activities.
- 8.09 It can form committees and determine the number of members who will be assigned to said committees.
- 8.10 It will determine the duration of the term of office and the authority of committees it will have formed, as well as appoint members and establish budgets, if necessary.
- 8.11 It has the authority to revoke one or more members of the committees thus formed, in accordance with Article 8.10.
- 8.12 It can hire specialized staff or retain the services of any person or firm whose contribution is useful and relevant to the operation and management of the Association.
- 8.13 The President or three (3) National Officers may call a special meeting of the National Executive Committee by sending a written notice five (5) days or more prior to the meeting in question. Said notice must indicate the coordinates of the conference call or of any other means offered by the technology available by which the conference will take place. The date, the time and the agenda of the special meeting must also be indicated. The notice is provided by the National Secretary.
- 8.14 At meetings of the National Executive Committee, six (6) National Officers constitute a quorum and each Officer has one vote. In case of voting tie, the National President has a deciding vote.
- 8.15 The National Executive Committee has the following powers:

- a) to enter into one or more agreements or protocols with other association or groups of employees for the purpose of establishing economic and/or cooperative relationships;
- b) to approve any collective agreement negotiated by the bargaining committee before being submitted to a vote of the General Assembly of members;
- c) has the exclusive control and custody of the funds and assets of the Association and of their allocation;
- d) to take any legal action and acquire, free of charge or for consideration, physical assets for the specific purposes of the Association;
- e) to exercise, according to the laws in effect, all powers necessary to further the objectives of the Association;
- f) to approve the remuneration of the auditors selected by the members;
- g) to approve the remuneration of employees of the Association, of service providers and of appointed members, in accordance with Article 8.09.

### ***Allowances of Elected Members***

- 8.16 As of the 2012-2013 fiscal year, elected members receive a monthly allowance calculated as follows:
- The National President receives a monthly allowance equal to 25% of the maximum salary on the PB (pay band) 7 scale;
  - The Presidents of the Local Branches of Montreal and Toronto receive a monthly allowance equal to 55% of the National President's allowance;
  - The National Secretary and the National Treasurer receive a monthly allowance equal to 50% of the National President's allowance;

- The other members of the National Executive Committee receive an allowance equal to 20% of the National President's allowance;
- The other Local Officers, as well as the members appointed by the National Executive Committee in accordance with Articles 8.09 and 8.10, receive a monthly allowance equal to 4% of the National President's. However, the National Executive Committee may set a different compensation depending on the nature of the mandate it has determined.

Subsequent increases will be equal to the average wage increases of individual members of the APS for the same year. The payment of these allowances will be derived from the primary bank account of the Association and reported to all members in the annual financial report.

***Provisions relating to the reimbursement of expenses***

- 8.17 Any member of the Association whose travel has been duly authorized is entitled to reimbursement for transportation fees, hotel fees and for other actual fees that will have been incurred in performing their duties.

This reimbursement must be made upon presentation of a detailed written notice of such expenditures and can only be made after having been approved by the National Treasurer or the National President.

These expenses will be authorized only if they are consistent with the policies that are applied by the CBC in such cases.

**SECTION 9: LOCAL BRANCHES**

- 9.01 All local branches are bound by the APS By-laws. Members of the Local Branches of Montreal and Toronto elect their Local Officers at the Annual General Assembly of the local branch, in accordance with Article 9.03.

***Local Officers***

- 9.02 The Executive Committees of the Local Branches of Montreal and Toronto shall include the following persons:
- One President
  - One Secretary

- One Delegate for each fifty (50) or part of fifty (50) members of the Branch.

### ***The Election of Local Officers***

- 9.03 The Local Officers of the Local Branch of Montreal and of the Local Branch of Toronto are elected as provided in Article 12.03. Their term of office ends on the day of the second Annual General Assembly of the local branch following their election.
- 9.04 The Local Officer of the Ottawa Local Branch as well as the Local Officers of the Local Branches of the Western and Eastern Region will be elected in accordance with Article 12.05.
- 9.05 In accordance with Article 12.04, the Local Officer of the Local Branch of the Quebec Region is appointed by the Executive of the Montreal Local Branch immediately after his or her election to act as Regional Director at the National Executive Committee. The Local Officer of the Local Branch of the Ontario Region is appointed by the Executive of the Toronto Local Branch immediately after his or her election to act as Regional Director at the National Executive Committee. These terms of office are of a duration of two (2) years.
- 9.06 The Presidents of the Local Branches of Toronto and of Montreal, the Local Officers elected in accordance with 9.04 and the (2) two Officers appointed under 9.05 have, by default, a seat at the National Executive Committee.
- 9.07 Local Officers have the authority to administer the activities of their local branch in accordance with the APS By-laws.
- 9.08 Each local branch must keep all documents relating to its activities available to the auditors and the National Executive Committee.
- 9.09 The Local Branches of Montreal and Toronto must hold an Annual General Assembly prior to the Annual General Assembly of the Association, no later than September 7th of each year.
- 9.10 In the event that the position of President is vacant for the Local Branch of either Montreal or Toronto, the Secretary of the affected local branch will act as interim President until the next annual assembly of said local branch.

- 9.11 Any expenses that any local branch intends to incur must be submitted for approval to the National President or to the National Executive Committee.

## **SECTION 10: ANNUAL GENERAL ASSEMBLY**

10.01 The General Assembly is the supreme body of the APS. It has the exclusive power to:

- a) elect the National President, the National Secretary and the National Treasurer;
- b) change the dues established in Article 5.02, as well as the admission fee established in Article 5.01. It can also set any special or otherwise exceptional fee or contribution;
- c) authorize by secret ballot the National Executive Committee to declare a strike, as it deems appropriate, in support of collective bargaining;
- d) accept the terms of a collective agreement and authorize the National President and any other person designated by the National Executive Committee to sign the collective agreement;
- e) liquidate the assets of the APS in case of the complete revocation of its union certification and appoint three (3) liquidators who will act in accordance with Article 25 of the Professional Syndicates Act (RSQ, c S-40);
- f) adopt, modify, repeal and replace the By-laws of the Association, in accordance with Article 15.01;
- g) adopt any regulation it deems necessary to the proper functioning of the Association.

10.02 The National Executive Committee ensures that the General Assembly is held the day after the meeting of the National Council.

10.03 The National Treasurer ensures the preparation and submission of audited financial statements to National Officers within sixty (60) business days following the end of the fiscal year.

10.04 The review and report of the external auditor extends to the local branches, inclusively. It is the responsibility of the National Treasurer to

- collect any and all information relevant to the end of the fiscal year and to submit it to the external auditor of the Association.
- 10.05 No later than fifteen(15) business days after receipt of audited financial statements, the National Executive Committee shall publish, by way of the office of the National Secretariat, on the website of the Association, in the section reserved for members in good standing, the information necessary for the holding of the Annual General Assembly, including:
- a) the agenda of the Annual General Assembly;
  - b) the place, date and time of said Assembly;
  - c) the audited financial statements;
  - d) a draft resolution to appoint the external auditor for the next fiscal year;
  - e) a draft resolution pertaining to any amendment or repeal and replacement of the present By-laws or any other regulation that may be adopted by the APS;
  - f) any draft resolution proposed and seconded, in accordance with Article 10.10;
  - g) any other draft resolution that the National Executive Committee may want to submit to the members;
  - h) (every two years) a Notice of Election for the National President, the National Secretary and the National Treasurer, specifying the names of the candidates;
  - i) (every two years, alternating with the notice mentioned in the preceding paragraph) a Notice of Election for the position of Local Officer for the Ottawa, Eastern Region and Western Region Local Branches;
  - j) The beginning and duration of the period during which members will be able to cast their vote.
- 10.06 The National Secretary will be responsible for receiving and compiling the resolutions referred to in Articles 10.05 and 10.10, as well as the nominations referred to in Article 12.02.

The National Secretariat shall transmit without delay the resolutions and nominations mentioned in the previous paragraph to the organization in charge of the vote.

10.07 Members who exercise their right to vote constitute a quorum. Decisions are taken by majority vote except when a different majority is provided in the present By-laws.

10.08 Any vote required under the APS By-laws is secret and shall be conducted according to the following procedure:

- a) The National Executive Committee proceeds to select an external organization to ensure the security, the privacy and the reliability of the voting results with respect to each of the proposals submitted to such a vote;
- b) The National Secretariat shall transmit to the external organization the following information:
  - i) the names of the members in good standing eligible to vote;
  - ii) their email address;
  - iii) the names of the candidates applying for the positions referred to in Article 12.01;
  - iv) the proposals to be voted on;
  - v) the period during which the members in good standing may exercise their right to vote;
  - vi) the deadline for the transmission of voting results by this organization to the National Secretariat.
- c) The National Executive Committee must ensure that the organization adequately informs members in good standing of the voting procedures, the period determined by the National Executive Committee for the vote, and the accuracy of the proposals submitted to said vote;
- d) The organization shall provide to the National Secretariat a report indicating the outcome of the vote and specifying the number of members having exercised their right to vote for each proposal ;
- e) The National Executive Committee shall ensure that the selected organization transmit the report indicating the result of the vote referred to in paragraph d) to the National Secretariat no later than 10 :00 a.m. on the day of the General Assembly.

10.09 No resolution may be debated at the Annual General Assembly.

- 10.10 A resolution presented by a member must be accepted by the Annual General Assembly of his or her local branch.

A resolution presented by a member of the Ottawa Local Branch or of the Eastern and Western Region Local Branches must be seconded by a National Officer.

A resolution presented by a member of the Local Branch of the Quebec Region or of the Ontario Region must be seconded by the Director of the Local Branch of the Quebec Region or by the Director of the Local Branch of the Ontario Region, or by any other member of the National Executive Committee.

- 10.11 Members in good standing will register their secret ballot in accordance with the procedure set out by the external organization responsible for the vote during the period referred to in Article 10.08 b) iv).
- 10.12 The outcome of the vote compiled by the external organization responsible for said vote will be made public at the Annual General Assembly.
- 10.13 If an electronic vote is not possible, the National Executive Committee will determine the voting procedures by adopting, if possible, the voting procedure that was in force prior to the inception of the electronic vote established by Article 10.08.

## **SECTION 11 : SPECIAL GENERAL ASSEMBLY**

- 11.01 Upon a resolution of the National Executive Committee or upon written request of 5% of members from more than half of the local branches and with a minimum of at least three (3) members per local branch, served to the Executive, a special General Assembly of members will be convened by the Executive no later than forty-five (45) days after the receipt of such notice.
- 11.02 The written request must include the resolution(s) to be proposed.
- 11.03 The National Secretary, through the National Secretariat, must publish on the Association's website for members in good standing a notice to all members within ten (10) days of the request. Such notice must include:
- a) the agenda of the special General Assembly;
  - b) the time and place of said Assembly;

- c) a copy of the proposed resolutions and
  - d) the beginning and duration of the period during which members will vote.
- 11.04 The proposed resolutions will be debated without being passed through a special General Assembly of the Local Branches of Montreal and Toronto. Said Assembly will be held the same day and be called at least fifteen (15) business days before the holding of the special General Assembly referred to in Section 11.01.
- 11.05 Members who are not attached to the Local Branches of Montreal or Toronto can attend one of these assemblies in person or by any technical means enabling remote participation. The APS cannot reimburse travel and subsistence expenses for members who participate in person at an Assembly described in 11.04.
- 11.06 The vote must be conducted in accordance with the procedure laid out in Article 10.08.
- 11.07 The National Council shall be convened on the day before the date fixed for the special General Assembly.
- 11.08 Any amendment to the propositions shall be transmitted to the National Secretary. The latter shall compile and transmit the aforementioned propositions to the members within ten (10) business days before the date of the special General Assembly. The National Secretary is also responsible for providing members with a ballot if voting is done by mail.
- 11.09 The report of the external organization responsible for the vote will be published at the special General Assembly.
- 11.10 No written request in virtue of Article 11.01 shall be admissible during the one hundred and twenty (120) days following the end of the fiscal year.

## **SECTION 12: ELECTION OF THE NATIONAL EXECUTIVE COMMITTEE**

- 12.01 The President, the National Secretary and the National Treasurer of the National Executive Committee shall be elected by universal suffrage every two (2) years. Said election must be conducted during the annual Assembly in accordance with the election procedure laid out in Article 10.08.

12.02 The National Secretariat shall publish on the website of the Association a notice of a call for applications for the posts referred to in Article 12.01. Said publication on the Association's website must be made at the latest on the 15<sup>th</sup> of August of each year in which an election is required. The nominations of the National Officers mentioned in Article 12.01 shall be submitted within ten (10) business days following the publication of the notice of a call for applications. Said applications must be signed by the candidate and five (5) members in good standing and immediately transmitted to the National Secretariat.

12.03 The Directors of the Local Branches of Toronto and Montreal are elected for a term of two (2) years. Said election is warranted in the case there is more than one candidate and is conducted during an annual Assembly, by the members in good standing of their respective local branch, by way of secret ballot. This annual Assembly is held alternately with the Annual General Assembly during which the results of the election referred to in Article 12.01 are made public.

In accordance with Article 10.10, any resolution that the Local Branches of Montreal or Toronto intend on submitting to all members shall be transmitted without delay to the General Secretariat to enable it to post publicly in accordance with Article 10.05.

12.04 The Executive of the Montreal Local Branch shall appoint the Director of the Local Branch of the Quebec Region among its Local Officers and after consultation with members of the Local Branch of the Quebec Region. It will transmit the information to the National Secretariat no later than the day before the Annual General Assembly, which follows the election of the Directors of the Local Branch.

The Executive of the Toronto Local Branch shall appoint the Director of the Local Branch of the Ontario Region among its Local Officers and after consultation with the members of the latter Branch. It will transmit the information to the National Secretariat no later than the day before the Annual General Assembly, which follows the election of the Directors of the Local Branch.

12.05 The National Officers serving on the National Executive Committee as Director of the Local Branch of Ottawa, Director of the Eastern Region Local Branch and Director of the Western Region Local Branch are elected for a term of two years by the members of their respective local branch after the publication of the Notice of Election referred to in Article 10.05 i).

This election is held alternately with the election of the National Officers referred to in Article 12.01.

Article 12.02 applies to nominations for the election of these Directors.

The vote must be held within fifteen (15) business days following the publication on the website of the Association of the Notice of Election referred to in Article 10.05 i).

- 12.06 The term of office of the National Officers referred to in Article 12.01 ends on the day of the second Annual General Assembly following their election, notwithstanding Articles 8.03 and 8.04.

The term of office of the other National Officers has duration of two (2) years and ends at the second Annual General Assembly following their election, notwithstanding Article 8.05.

### ***Election Committee***

- 12.07 Two (2) Election Officers, one from the English Network and the other from the French Network are appointed by the National Executive Committee in order to oversee the conduct of the election process. These officers shall not be in conflict of interest with the candidates.
- 12.08 The Election Committee must ensure that the external organization designated in accordance with Article 10.08 a) receive the necessary information to carry out its mandate. The Election Committee is responsible for receiving the results of the vote from the aforementioned external organization and for transmitting said results to the members at the Annual General Assembly.
- 12.09 The Election Committee must also ensure that any employee included in the bargaining unit for which the Association is certified and wanting to become a member in good standing in order to vote in an election shall make its request in accordance with Article 4.05.
- 12.10 The Election Committee will verify the competence and impartiality of the external organization designated under Article 10.08 by obtaining the relevant information for this purpose from the National Officers.
- 12.11 The Election Committee is required not to disclose any information and refrain from any comment on the election results until the results are formally reported to the Annual General Assembly.

***Holding of a by-election following the resignation of a National Officer***

- 12.12 If a National Officer resigns or is unable to maintain his or her status during the first year of his or her term of office, an election will be held at the next Annual General Assembly to fill the position in question. A special General Assembly must be set to hold a by-election when the number of resignations makes the quorum referred to in Article 8.14 unattainable.

The duration of the term of office of the elected National Officer is determined by Articles 8.04 and 8.05.

**SECTION 13: NATIONAL OFFICERS**

- 13.01 The President is the chief executive officer of the Association. He or she presides at all meetings, including general meetings of the Executive as well as meetings of the National Council. He or she has the ability to interpret regulations and to cast a second vote in the event of a voting tie. He or she signs all the documents binding the responsibility of the Association at the national level. He or she is by default a member of the grievance committee.
- 13.02 The National Secretary is in charge of the seal, the book keeping, the documents, the records, the files and the effects of the Association. He or she must provide access to any book keeping and record to any member who makes a request in writing. The National Secretary convenes and acts as secretary at any meeting of the National Council, the National Executive Committee and general or special Assemblies. He or she is also responsible of having the minutes taken at each of these meetings. He or she can co-sign documents creating financial obligations to the Association at the national level. In the absence of the President, he or she acts as interim President. The National Secretary is responsible for the National Secretariat and oversees its operation.
- 13.03 The National Treasurer is the Chief Financial Officer of the Association. He or she manages the assets of the Association in accordance with the instructions of the Executive and he or she submits for approval the report of financial activities to the Annual General Assembly. He or she co-signs with the President any document creating financial obligations to the Association at a national level. He or she must allow any member who so requests to have access to the financial statements prepared by the external auditor.

- 13.04 The Directors participate in the deliberations and decisions of the Executive. They will receive specific mandates from the National Executive Committee.
- 13.05 In the absence or inability of a Director or for any reason deemed sufficient by the National Executive Committee, the latter may delegate the powers of such Director to another Director.
- 13.06 All checks, money orders or other negotiable monetary items of the Association shall be signed by the persons who are, as time and circumstances dictate, designated for this purpose by the Executive, preferably the President and the National Treasurer.
- 13.07 Contracts and other documents requiring the signature of the Association shall be approved in advance by the Executive. Upon such approval, said documents must be signed by the National President and by either the National Secretary or the National Treasurer, or by any other Director or any other person designated by the National Executive Committee for the purpose of a contract or of a particular document.

#### **SECTION 14: THE GRIEVANCE COMMITTEE**

- 14.01 A Grievance Committee is established and is composed of the National President and of the General Manager of the APS or of any other person that the National Executive Committee may designate.
- 14.02 The role of the Grievance Committee is to receive any request from an employee included in the bargaining unit concerning the interpretation, application or violation of the collective agreement. The Grievance Committee must then analyze the scope of the grievance and file said grievance if it deems it to be in the best interest of the APS and of the employee.
- 14.03 The Committee has all the necessary powers required for the execution of its mandate. However, it may refer a grievance to the National Executive Committee for decision when deemed appropriate.

#### **SECTION 15: AMENDMENTS**

- 15.01 The Association may make, modify or amend By-laws or regulation by resolution sanctioned by two thirds (2/3) of members who exercise their right to vote at an annual or special General Assembly of members.

#### **SECTION 16: INTERPRETATIVE AND FINAL PROVISIONS**

16.01 These By-laws repeal and replace the By-laws as amended at the Annual General Assembly of October 2009 and come into effect upon adoption.

**Regulation R-1**  
**Concerning internal discipline**

Where the National Executive Committee has reasons to believe that a member or applicant took actions justifying disciplinary action up to and including expulsion, the following procedure applies:

1. The National Executive Committee summons the applicant or member to a hearing, by written notice of at least ten (10) working days, indicating the date, time and location where the hearing shall be held. This notice also includes the grounds why the National Executive Committee has reasons to believe the necessity of such a hearing, as well as the considered disciplinary action.
2. In case of emergency, the National Executive Committee can provisionally suspend the member until final decision is rendered, if the circumstances so warrant.
3. The member or candidate can be accompanied by a counselor of his or her choice and can assert any admissible means to address whatever grounds for disciplinary action made against him or her.
4. The member or candidate who fails to appear on the date, time and at the location indicated on the notice without good reasons can be subject of disciplinary action up to and including expulsion or refusal of admission if the National Executive Committee so decides.
5. After considering the evidence that has been received and the defense put forward by the member or candidate and after advisement, the National Executive Committee will render its decision.
6. The decision will then be sent to the member or candidate by certified mail or by electronic mail when possible.
7. The decision is final and without appeal and binding to both parties.