

Constitution Recommendations

November 15, 1996

To: President, Professional Employees Association University Of Victoria Chapter

From: Constitution Committee

Subject: PEA/UVic Constitution

At the inaugural meeting of the PEA/UVic the Executive was instructed to establish a committee to draft a permanent constitution for the Chapter. As the Chapters efforts during this first year have been directed to the negotiation of a first contract, we have not been able to complete the preparatory and consultative work necessary to present a draft at this time.

We request, however, that the next general meeting be used to provide some direction on a number of specific issues, listed below, related to our constitution. While this list of issues is not exhaustive, it is felt that it provides an adequate framework to prepare a draft for discussion.

It is suggested that, as the present constitution was drafted as an interim document, that the committee be directed to present a new constitution rather than present amendments to the interim constitution.

ISSUE 1: Separation of constitution and bylaws.

It is usual that the name and the statement of the objects of an association be separated from the rules by which the association conducts its business. Generally the former is known as the constitution, and the latter are the by-laws.

Recommendation 1: That the constitution be separated into constitution bylaws.

ISSUE 2: Amending the constitution and bylaws

Amendments to the constitution and bylaws of a group have the potential to substantially change its character and even its very nature. It is normal, in order to ensure that there is substantial agreement, that amendment of the constitution

and by-laws require more than a simple majority. In some cases there are different rules for amendment, generally with a higher threshold being required to adopt an amendment to the constitution.

The interim constitution requires a two-thirds majority of those in attendance at the annual meeting. This means that there is only one opportunity a year to make an amendment.

- Option 1: Leave as is.
- Option 2: Change so that amendments can be made at any general meeting provided that notice has been given.
- Option 3: Change so that amendments to the constitution require a two-thirds majority, and amendments to the bylaws require a 55 percent majority.

ISSUE 3

The present objects of the chapter may not adequately reflect that our primary purpose is to engage in collective bargaining, and that the PEA is our agent. They provide only that our objective is to assist the PEA in negotiating collective agreements.

- Option 1: Include a statement that an objective of the chapter is to provide direction to PEA bargaining agents

ISSUE 4: Executive elections

The interim constitution provides for the election of a President and six additional members of an Executive Committee. The Executive Committee then appoints a Vice-President, Secretary and Treasurer from its own members.

The reality is that the President usually calls meetings of the Executive Committee and so would normally be there to chair such meetings, so there is generally not a need for a vice-chair. The UVic Chapter has no funds of its own, and therefore probably has no need of a treasurer. The position of Secretary is not one that is widely sought after - the requirement to produce minutes is frequently an onerous task and tends to limit ones ability to participate in discussion.

- Option 1: No change
- Option 2: Eliminate the positions of Vice-President, Treasurer and Secretary; empower the Executive Committee to appoint a chair in the absence of the President, and require the President to provide for the timely preparation of minutes.

ISSUE 5: Continuity

Some have suggested a need to provide for stability and continuity in the leadership of the chapter. Usually this is achieved through multi-year, overlapping directorships and, possibly, with an assumed presidential ascension (2nd vice, 1st vice, president). It is found that such expressions generally come from within an executive, or from higher-level coordination or umbrella groups, while members at the first level generally express a desire to be able to have a more direct influence on their group.

Annual elections do not preclude continuity. They permit members to re-elect those members of the executive they wish to re-elect, and to not re-elect others. On the other hand, if they feel that a new direction is called for, the members have the power to elect a totally new leadership.

- Option 1: Elect the executive annually.
- Option 2: Provide for staggered two year terms.

ISSUE 6: Composition of Bargaining Committee

It is frequently desirable to have a bargaining committee which is separate from the Executive of a union. The primary benefit of this model is that it provides the bargaining group a reference authority without having to call a general meeting. In bargaining, it is sometimes beneficial to be able to say: We like your proposal, but it is beyond the scope of our mandate and we will need to refer back to the executive. This is very difficult to do if the bargaining team is made up mostly of members of the executive, because there is then a presumption that they speak with the authority of the executive. It is necessary, however, to ensure that there is close communication between the executive and the bargaining committee. In all most cases, the President will be an ex officio member of all committees and can attend where required.

- Option 1: One model is to have an executive member chair the bargaining committee and the have the remainder of the bargaining committee made up of non-executive members. This model can continue to suffer from a presumption of authority because of the close tie to the executive.
- Option 2: Another model would be to have one the executive member just as one of the members of the bargaining committee and the have the remainder of the bargaining committee made up of non-executive members. This model can also suffer from a presumption of if the executive member is seen to be authoritative figure.
- A third model would be to have no executive members on the bargaining committee and have the chair of the committee attend executive meetings as necessary in a non-voting capacity. This model can be useful because it does require a more careful framing of the directions to the bargaining committee. It is essentially the model used by the faculty association.

ISSUE 7: Electing the Bargaining Committee

- Option 1: Let the executive appoint the bargaining committee. This model can suffer from a presumption of authority because of the tie to the executive.
- Option 2: Have the bargaining committee elected annually. The actual mechanics of this could depend on the option chosen under Issue 6.

ISSUE 8: Composition of the Association/University Committee

Frequently called a joint management committee, the AUC is mandated by Article 3 of our collective agreement and provides up to four representatives from the PEA. The AUC is the primary mechanism for interpreting and administering the collective agreement on a day-to-day basis.

Our present executive has started with a model which includes the executive, our PEA staff representative, and one of our PEA/UVic staff reps. Until the AUC really starts to function it is difficult to anticipate what is really needed and it would therefore seem appropriate to leave this with the executive for the time being.

Recommendation 1: Leave it to the Executive to compose the AUC.