

**CONSTITUTION  
OF  
THE NEW BRUNSWICK UNION OF PUBLIC AND PRIVATE EMPLOYEES**

**ARTICLE 1 - NAME**

1.01 The organization shall be known as the New Brunswick Union of Public and Private Employees - Syndicat des employé(e)s des secteurs public et privé du Nouveau-Brunswick (NBUPPE- SESPPNB), hereinafter referred to as the “Union”, “New Brunswick Union” - “Syndicat du Nouveau-Brunswick”, or NBUPPE.

1.02 NBUPPE's headquarters shall be in Fredericton, N.B.

**ARTICLE 2 - OBJECTIVES**

2.01 NBUPPE shall act as a trade union within the meaning of the *Public Service Labour Relations Act*, the *Industrial Relations Act* of New Brunswick and/or the Canada Labour Code to regulate relations between employers and employees that the Union becomes certified to represent, pursuant to the provisions of these Acts.

2.02 NBUPPE shall negotiate appropriate wages, benefits, training and other conditions of employment for its members' advancement.

2.03 NBUPPE shall promote union philosophy to its members, government, other employers, and the public.

2.04 NBUPPE shall engage in educational, political and research activities as may be appropriate and necessary from time to time to conserve and promote the welfare and interests of the Union and its members.

2.05 NBUPPE shall function as an autonomous, democratic, non-partisan, member-driven organization, free of discrimination on the basis of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex or social condition.

2.06 NBUPPE shall promote the recruitment and organization of new members.

2.07 NBUPPE shall acquire any real property which it may deem necessary.

2.08 NBUPPE shall administer and account for all its funds and properties.

2.09 NBUPPE shall have English and French as its official languages.

**ARTICLE 3 - MEMBERSHIP**

3.01 Members are dues-paying employees for whom the Union is certified to represent under the provisions of the Public Service Labour Relations Act, the Industrial Relations Act or the Canada Labour Code.

- 3.02 (a) Members of the Union shall pay dues as approved by a majority of delegates at the Union's Triennial Convention. Members' dues will be payable by payroll deduction.
- (b) From the first day of strike and/or lock-out of a Component/Bargaining Unit, Union dues paid by employees who remain at work shall be 100% of net regular earnings. On the day after the strike ends, Union dues shall return to their previous level. The money generated from these higher-level dues will be used to equalize the impact of the strike among designated and non-designated employees.
- 3.03 Members will adhere to the articles of the Union's Constitution and By-Laws.

#### **ARTICLE 4 - STRUCTURE AND GOVERNANCE**

- 4.01 The Union shall consist of Component/Bargaining Units.
- 4.02 The direction of the Union shall be determined by its membership through a Triennial Convention at which each Component/Bargaining Unit is represented by accredited delegates.
- 4.03 Delegates at the Union's Triennial Convention shall approve the budget for the upcoming three years, consider reports and motions and, in accordance with the By-Laws, elect executive officers of the Union.
- 4.04 Between Triennial Conventions, the affairs of the Union shall be managed by a Board of Directors, consisting of the President, first and second vice-presidents and an elected representative from each of the Component/Bargaining Units as per Schedule A of the New Brunswick Union Bylaws. No member of the Board of Directors will hold more than one office at the Board level.
- 4.05 Component/Bargaining Unit Presidents will participate in the affairs of the Union through a number of joint meetings each year with the Board of Directors.
- 4.06 Each Component/Bargaining Unit shall hold annual meetings at which a quorum of Component/Bargaining Unit members will elect executive members and delegates to the Union's Triennial Convention. The quorum shall be established by the Component/Bargaining Unit's By-Laws, or by a majority vote from the floor of the members present, establishing that meeting's quorum.
- 4.07 (a) Each Component/Bargaining Unit shall hold an annual meeting. In the year of the Triennial Convention, the Component/Bargaining Unit annual meetings shall be held in conjunction with the Triennial Convention. At this meeting a quorum of the Component/Bargaining Units' members shall elect delegates to the Union's Triennial Convention. The quorum shall be established by the Component/Bargaining Unit's By-Laws, or by a majority of the members present.
- (b) In the years when there is no Triennial Convention, the Component/Bargaining Units shall hold their Annual meetings in consultation with the Component/Bargaining Unit Executives, as scheduled by the Board of Directors. At this meeting, a quorum of the Component/Bargaining Unit shall consider Component/Bargaining Unit business.
- (c) The election of the Component/Bargaining Unit executive members shall be conducted in accordance with the By-Laws of the Component/Bargaining Unit.

- 4.08 Each Component/Bargaining Unit will have its own union activists (liaison officers/shop stewards).
- 4.09 The Union shall employ a staff to perform all necessary negotiating, labour relations and membership-related functions.
- 4.10 NBUPPE may become affiliated with, or disaffiliated from, another organization by a majority vote of the delegates at the Union's Triennial Convention.

#### **ARTICLE 5 - MEETINGS**

- 5.01 All Union Components/Bargaining Units meetings will be conducted according to the latest edition of Robert's Rules of Order.

#### **ARTICLE 6 - BY-LAWS**

- 6.01 The membership, in a majority vote at its Triennial Convention, may adopt, rescind or amend Union By-Laws.

#### **ARTICLE 7 - INTERPRETATION**

- 7.01 The Constitution shall be printed in both French and English and shall be official in both languages. However, if a discrepancy of interpretation arises between the English and French versions, the language of preparation shall be utilized to provide the interpretation.
- 7.02 The President shall have the authority to interpret the Constitution and his/her interpretation is conclusive and is in full force and effect unless reversed or changed by the membership at the Triennial Convention or special general meetings.

#### **ARTICLE 8 - AMENDMENTS**

- 8.01 This Constitution may be amended when two thirds (2/3) of the accredited delegates attending a Triennial Convention or a special general meeting of the Union called for that purpose vote in favour of the amendment.
- 8.02.1 Any amendment to the Union's Constitution shall require a notice of motion to the membership no less than two months before the Union's Triennial Convention or special general meeting.
- 8.03 Any amendment to the Union's Constitution passed at the Triennial Convention shall be effective at the conclusion of that Triennial Convention.

**BY-LAWS  
OF  
THE NEW BRUNSWICK UNION OF PUBLIC AND PRIVATE EMPLOYEES**

**ARTICLE I – DEFINITIONS**

- 1.01 “Union” shall mean the New Brunswick Union of Public and Private Employees - Syndicat des employé(e)s des secteurs public et privé du Nouveau-Brunswick.
- 1.02 (a) “Component” shall mean a group of employees defined by the Public Service Labour Relations Board as the exclusive bargaining agent for that group, or a collection of bargaining units certified under the *Industrial Relations Act*.
- (b) “Bargaining Unit” shall mean the group of employees defined by the Industrial Relations Board as the exclusive bargaining agent for that group.
- 1.03 “Board” shall mean the Board of Directors of the Union.
- 1.04 “Director” shall mean a member of the Board of Directors.
- 1.05 “Negotiating Unit” shall mean the Component/Bargaining Unit or combination of Component/Bargaining Units involved in the negotiation of a specific collective agreement.
- 1.06 “Negotiating Team” shall mean the members selected in accordance with the respective Component/Bargaining Unit By-Laws to develop the bargaining proposals and to represent the Component/Bargaining Unit at negotiations with the employer.
- 1.07 “Officer” shall mean a member elected to any Union office.
- 1.08 “President” shall mean the president of the Union.

**ARTICLE 2 - FISCAL YEAR**

- 2.01 The fiscal year of the Union shall be from the first day of January to the 31st day of December.

**ARTICLE 3 – MEMBERS**

- 3.01 Every member in good standing is entitled to be represented by the Union as provided by existing legislation or authorized by Union policies. A member in good standing shall include:
1. dues-paying members;
  2. members temporarily laid off;
  3. members on maternity leave; and
  4. members on a leave of absence resulting from a Workers’ Compensation or Long Term Disability claim.

The Board of Directors reserves the right to determine other circumstances defining a member in good standing.

- 3.02 Subject to any qualifications stipulated in the Constitution and By-Laws or in the Union Policy Manual, members in good standing may be nominated for, and hold office, in the Union.
- 3.03 A member in good standing may participate in the Union's business at the Component/Bargaining Unit level, participate in the election of delegates to general meetings, and vote on the ratification of collective agreements affecting the member.
- 3.04 A member in good standing may make a formal presentation to the Board, provided a copy is presented to the Board not less than 10 calendar days prior to the meeting at which it is to be made. The Board may waive such notice.
- 3.05 Members can access the Union's Constitution and By-Laws and the Union's Policy Manual on the New Brunswick Union website.

#### **ARTICLE 4 – BOARD OF DIRECTORS**

- 4.01 The Board of Directors shall consist of the President, first vice-president and second vice-president of the Union and Directors as defined in Article 4.01 a, b, and c.
- a) Each Public Sector Component of more than 250 members, shall elect a director to represent the interests of the membership of the Union on the Board. This representative shall sit on the Component/Bargaining Unit executive.
- b) Each Public Sector Component of less than 250 members, shall collectively elect one director for every 300 members or part thereof, in their prescribed group to represent the interests of the membership of the Union on the Board. This representative may sit on their Component executive.
- c) The Bargaining Units certified as exclusive bargaining agents under the *Industrial Relations Act*, shall collectively elect one director for each three hundred members to represent the Union on the Board of Directors.
- 4.02 Directors shall be elected by secret ballot. Directors shall serve for a term of two years, taking office at the first meeting of the Board convened following their election. In the absence of the Director, or where a Director becomes ineligible/disqualified to remain in office or terminates his/her position on the Board, replacement procedures are:  
For Components referred to in Article 4.01 a), the Component Executive shall appoint one member to fill the vacancy for the remainder of the term.  
For Component/Bargaining Units referred to in Article 4.01 b) and c), an Alternate Director shall be elected.
- 4.03 (a) A Director shall remain in office until his/her successor takes office, he/she become ineligible or is disqualified, or the office is declared vacant.
- (b) A member of the Board of Directors may be removed from office for any of the following reasons:
- Serious harm to the union;
  - Absence from three (3) meetings of the Board of Directors within a calendar year when the reason for the absence is not satisfactory to the Board of Directors;
  - Inability to perform the duties or fulfill the obligations of his/her office.

4.04 The Board shall be responsible for all staffing matters.

## **ARTICLE 5 - DIRECTORS' MEETINGS**

5.01 The Board shall designate a time for regular meetings.

5.02 A quorum of the Board shall be 50 percent plus one.

5.03 Special Board meetings and/or conference calls may be called at any time by the President or by a vice-president or on receipt of the written request of not fewer than five Directors provided all Directors have been appropriately notified not later than 10 days prior to the meeting, except for extenuating circumstances.

5.04 Minutes shall be recorded of all meetings and kept in the Union's office.

## **ARTICLE 6 - UNION EXECUTIVE**

6.01 (a) The executive shall consist of the President, the first vice-president and the second vice-president, who represent the interests of the membership of the Union.

(b)(i) Elections for President, First Vice President and Second Vice-president shall be held at the Triennial Convention.

(b)(ii) Nominations for executive positions must be submitted to the Nominations/Election Credentials Committee no less than 60 days prior to the commencement date of the Triennial Convention in the election year. The Nominations/Election Credentials Committee shall send out a list of nominated candidates to the membership at least 45 days prior to the commencement date of the Triennial Convention.

(c) Members of the executive will be elected for a three-year term.

(d) The elected officers shall take office immediately after being elected and sworn or affirmed into office with the Union's Oath of Office.

(e) A member of the Executive Committee may be removed from office for any of the following reasons:

- Serious harm to the union;
- Absence from five (5) meetings of the Executive Committee, The Board of Directors or committees that they are responsible for in a calendar year, when the reason for the absence is not satisfactory to the Board of Directors and the Executive Committee;
- Inability to perform the duties or fulfill the obligations of his/her office.

(f) Upon request for temporary leave from an Executive Committee member, the Board of Directors will appoint a member of the Board for an interim period.

(g) When a member of the Executive Committee is removed from office, an election will take place within the Board of Directors for the balance of the term.

6.02 The duties of the President will include:

- (a) Presiding at all Board meetings and at Triennial Conventions;
- (b) Reporting to all Board meetings and Triennial Conventions;
- (c) Being the Union's official spokesperson;
- (d) Being an ex-officio member of all committees;
- (e) Being responsible for preparation for Board meetings and implementation of Board decisions and directions;
- (f) Being responsible for all communications;
- (g) Being the Union representative with other organizations;
- (h) Acting as a signatory on Union documents and cheques;
- (i) Having the authority to delegate duties.

6.03 In addition to these duties, the President may attend any meetings called to conduct Union, Component/Bargaining Unit business.

6.04 The duties of the first vice-president will include:

- (a) Presiding at Board and other meetings in the President's absence;
- (b) Acting as interim President, should that position become vacant, for the unexpired term; and
- (c) Chairing the Staff Relations Committee.

6.05 The duties of the second vice-president will include:

- (a) Presiding at Board and other meetings in the absence of both the President and first vice-president;
- (b) Acting as interim first vice-president, should the position become vacant, for the unexpired term; and
- (c) Chairing the Finance Committee.

## **ARTICLE 7 – COMMITTEES**

7.01 The Union shall have standing and ad hoc committees from the membership. The jurisdiction of such committees is limited to making recommendations to the Board subject to Article 7.13 and 7.14. No one member shall serve on more than three committees simultaneously.

7.02 Each standing committee will consist of three to five members, including two Board members appointed by the Board. The balance of the committee will be elected from the

membership at the Triennial Convention. Membership on a standing committee will be for a three-year term.

- 7.03 There shall be a standing Finance Committee to co-ordinate the financial affairs of the Union.
- 7.04 There shall be a standing Staff Relations Committee to recruit new staff members, represent the Union in labour management relations with the staff and negotiate collective agreements with the Staff Union. Members of the Staff Relations Committee shall be appointed by the Board of Directors, from the Board of Directors, pursuant to Article 6.04 (c).
- 7.05 There shall be a standing Scholarship Committee to review applications and select successful candidates for Union scholarships and bursaries.
- 7.06 There shall be a standing Code of Solidarity Boundary Committee to ensure that the membership understands the value of the Code of Solidarity to the organization, to promote the values established through the Code of Solidarity, to consider any questions raised with respect to conduct of a member in light of the Code of Solidarity.
- 7.07 There shall be a standing Respectful Workplace Committee to provide education and counseling and to respond to matters relating to complaint of harassment.
- 7.08 There shall be a standing Occupational Health and Safety Committee to promote awareness and educate members regarding Occupational Health and Safety issues, and to promote the passage of strong Occupational Health and Safety legislation.
- 7.09 There shall be a standing Women's Committee to promote the awareness of women's issues within the union, and to encourage the participation of women at all levels of Union activities.
- 7.10 There shall be a standing Youth Committee to engage union members under 35 years of age to promote their point of view within the union, and to encourage their participation.
- 7.11 Ad Hoc Committees will be appointed by the Board as required.
- 7.12 There shall be an Ad hoc Resolutions Committee activated at least four months prior to each Triennial Convention. This committee will receive, prepare and present all resolutions for consideration at the convention, with details of each resolution's intent and effect and the Board's position.
- 7.13 There shall be an Ad hoc Constitution and By-Laws Committee activated at least four months prior to each Triennial Convention to review the Union's Constitution and By-Laws and recommend any changes to be put forward for consideration to the Triennial Convention.
- 7.14 There shall be an Ad hoc Nomination/Election Credentials Committee activated at least four months prior to each Triennial Convention. This committee will present a list of nominees for each election, verify the credentials of each voting delegate and conduct the elections.



## ARTICLE 8 – COMPONENTS/BARGAINING UNITS

- 8.01 Should any question arise as to the appropriate number of union activists (liaison officers/shop stewards) for any Component/Bargaining Unit, the Board shall settle the question.
- 8.02 The Component/Bargaining Units shall abide by the Union’s Constitution and By-Laws, Code of Solidarity and all other Union policies.
- 8.03 (a) A Component/Bargaining Unit president and/or director may, with the approval of the Union President, call a meeting of the Component/Bargaining Unit’s membership for the purpose of conducting a strike or contract ratification vote, or due to any special or emergency circumstances.
- (b) A Component/Bargaining Unit of the Union may request the Board of Directors to authorize a Special Meeting of the Component/Bargaining Unit.
- (c) The Board of Directors shall grant a Special Meeting and provide Union funding for such if the following three criteria are met with the satisfaction of the majority members of the Board of Directors.
- (i) The request is supported, in writing, by at least 10 percent of the Component/Bargaining Unit’s membership.
  - (ii) That the purpose of the Special Meeting is for a particular “special circumstance” agenda item. Special Meetings will not be authorized to consider amendments to the Component/Bargaining Unit By-Laws, decertification from the Union, or the removal of Component/Bargaining Unit officers.
  - (iii) That the members in the Component/Bargaining Unit receive notice and agenda for the Special Meeting at least 21 days in advance of the meeting.
- 8.04 Once the Special Meeting is authorized by the Board of Directors, the meeting shall be scheduled at a location established by the Board of Directors. A Board of Directors’ commissioned Parliamentarian shall preside at the meeting.
- 8.05 (a) Each Component/Bargaining Unit shall elect from its membership the required number of representatives prescribed in the table below to the Negotiating Team for its respective Negotiating Unit.

Number of Members in Component/Bargaining Unit/Bargaining Unit	Number of Members to be elected to Negotiating Committee/Team
0-300	3 maximum
301-500	5 maximum
501-1000	7 maximum
Over 1000	9 maximum

Upon special request, the Board of Directors will consider increases to these amounts.

- (b) The Negotiating Team shall be responsible to:

- (i) develop the membership questionnaire to determine the bargaining agenda priorities.
- (ii) formulate the bargaining agenda to be used as the basis of negotiations with the Employer.
- (iii) maintain a communication system relating to progress at the negotiating table amongst the Union Activists and the membership.
- (iv) bargain collectively with the Employer
- (v) determine the best settlement which the Employer is prepared to offer
- (vi) refer the settlement offered by the Employer to the membership of the Component/Bargaining Unit for acceptance or rejection.

## **ARTICLE 9- TRIENNIAL CONVENTION, MIDTERM CONFERENCE, GENERAL AND SPECIAL MEETINGS**

- 9.01 The Union's Triennial Convention shall be held at a place within the Province of New Brunswick as the Board may decide.
- 9.02 The primary functions of the Triennial Convention will be to approve a three-year budget and to elect officers.
- 9.03 A nominee to any executive position shall be declared elected upon receiving more than 50% of the votes cast. If a majority vote is not obtained by a nominee a runoff election shall be held from which the nominee who receives the least votes and any other nominee who voluntarily withdraws will be eliminated from the ballot; this process will continue until a nominee achieves the required number of votes.
- 9.04 Other business to be conducted shall include the presentation of the auditor's report, other reports, and consideration of resolutions.
- 9.05 Any resolution, or subject of general interest, which a member may wish to bring before the Triennial Convention, shall be submitted in writing to the President not less than 60 days prior to the Convention.
- 9.06 The Board shall, not later than 30 days prior to the Triennial Convention, distribute to all members a copy of all resolutions to be brought before the Convention.
- 9.07 The Triennial Convention agenda shall be submitted by the Board, along with any special rules of order, for approval at the opening session of the Convention.
- 9.08 Accredited voting delegates to the Triennial Convention shall consist of:
  - a) Members of the Board; and
  - b) Members from each Component defined as a group of employees by the Public Service Labour Relations Board as the exclusive bargaining agent for that group shall be elected on a Component per capita basis at the rate of two delegates for the first 100 members and one additional delegate for each additional 100 members or fraction thereof.
  - c) Members from each Component defined as a collection of bargaining units certified under the *Industrial Relations Act* shall be elected on a Bargaining Unit per capita basis at the rate

of two delegates for the first 100 members and one additional delegate for each additional 100 members or fraction thereof.

- 9.09 A Midterm Conference shall be held approximately eighteen (18) months following each Triennial Convention. The Midterm Conference Agenda shall be determined by the Board of Directors.
- (a) Members of the Board shall be accredited voting delegates at the Midterm Conference
  - (b) Each Component/Bargaining Unit Executive is responsible for reporting its list of Midterm Conference accredited voting delegates to the NBU provincial office prior to the Midterm Conference. The number of accredited voting delegates for each Component/Bargaining Unit is determined according to the same formula as for the Triennial Convention, as set out in section 9.08 (b) and (c).
- 9.10 The President shall call a special Union general meeting under the following conditions:
- (a) When ordered by a two-thirds majority vote of the Board;
  - (b) When requested by a two-thirds majority vote of Triennial Convention delegates; or
  - (c) Upon the written request of at least 10 per cent of the Union's members.
- 9.11 Notice and agenda for the Triennial Convention or a special Union general meeting shall be given in writing at least 21 days prior to the meeting.
- 9.12 Business conducted at a special Union general meeting shall be restricted to the circulated agenda.
- 9.13 A quorum at any Union meeting shall be one-half of the eligible voting delegates.

## **ARTICLE 10– DISCIPLINE**

- 10.01 Any member found guilty of conduct detrimental to the advancement of, or bringing discredit upon, Union objectives shall be subject to reprimand, suspension or expulsion after an investigation and a fair hearing conducted by the Union's Board of Directors.

## **ARTICLE 11 – INTERPRETATION**

- 11.01 The By-Laws shall be printed in both French and English and shall be official in both languages. However, if a discrepancy of interpretation arises between the English and French versions, the language of preparation shall be utilized to provide the interpretation.
- 11.02 The President shall have the authority to interpret the By-Laws and his/her interpretation is conclusive and is in full force and effect unless reversed or changed by the membership at a Triennial Convention or Special General Meeting.

## **ARTICLE 12 – AUDITORS**

12.01 The Board shall appoint an auditor to verify the Union's books and accounts and prepare a statement of the Union's financial position to be submitted by the Board at the Triennial Convention, accompanied by any recommendations deemed proper.

## **ARTICLE 13 - AMENDMENTS TO BY-LAWS**

13.01 These By-Laws may be amended by a majority vote of the accredited delegates attending a Triennial Convention or a special general meeting of the Union called for that purpose.

13.02 Any amendment to the Union's By-Laws shall require a notice of motion to the membership no less than two months before the Union's Triennial Convention or special general meeting.

**SCHEDULE A**

Each Public Sector Component of 250 or more members (listed below) shall elect a Director to represent the interests of the membership of the Union on the Board.

Medical Science Professionals	Specialized Health Care Professionals
Administrative Assistants	CCNB Education (Instructional)
Clerical & Regulatory	NBCC Education (Instructional)
Engineering & Field	

Each Public Sector Component with less than 250 members shall collectively elect one director for every 300 members or part thereof, in their prescribed group as detailed below.

Group 1

Lab & Med  
Highway Supervisors  
PSPS  
Technical Inspection  
Resource Services

Group 2

CCNB Consult & Dev  
Education (Part I)  
Education Non-Instruc. (Part I)  
NBCC Consult & Dev.  
ITCO  
NBCC APSS  
CCNB APSS  
NBCC IT

The Bargaining Units (listed below) certified as exclusive bargaining agents under the *Industrial Relations Act*, shall collectively elect one director for each three hundred members to represent the Union on the Board of Directors.

APSEA	Local 362 Moosehead
Carleton Kirk Lodge	St. George Outside Workers
Loch Lomond Villa	Orchard View
Villa Chaleur	