



CONSTITUTION

AND

BYLAWS

as Adopted and Amended up to February 2, 2026

PREAMBLE

We, the Municipal Employees of West Vancouver, believing it to be a natural right of those who toil, to enjoy to the fullest extent the wealth created by our labour and appreciating the very great benefits to be derived through uniting for mutual protection and advancement, do hereby adopt the following rules for the government of this Association.

The adoption of this Constitution repeals the previous Constitution and all amendments made prior to this date.

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CONSTITUTION

ARTICLE I - NAME

The name of this Organization shall be the "West Vancouver Municipal Employees' Association".

ARTICLE II - MEMBERSHIP

Its Membership shall include those employees who are members of the Association employed by the Corporation of the District of West Vancouver, West Vancouver Memorial Library Board, West Vancouver Police Board, and School District of West Vancouver.

ARTICLE III - PURPOSE

The objectives of the Association shall be:

1. To obtain and maintain reasonable and safe working conditions and a fair and reasonable scale of wages and benefits for its members.
2. To cooperate with the Municipal Council, Boards and other Municipal bodies related thereto in maintaining a fair, impartial and efficient public service.
3. To promote and develop sociability between its members.

ARTICLE IV - ORGANIZATION

1. Officers and Executive of the Association

- 1.1 The officers of this Association shall consist of the President, two (2) Vice-Presidents, the Secretary, the Treasurer, the Warden, three (3) Trustees, and as many Executive Members-at-Large as required under Article IV (1.1) (1) and (1.1) (2). All Officers shall serve for a period of three (3) years. These officers and representatives, except the Trustees, will constitute the Executive Board.
 1. Each certified bargaining unit of the Association shall endeavour to have a representative on the Executive. A certified bargaining unit not having a member in one of the above positions will have the opportunity to elect one person, to be known as the Executive Member-at-Large, to sit on the Executive Board.

2. The Executive Board may appoint a Member-at-Large as they deem necessary.

Definition of Bargaining Units: Shall include those employees who are members of the Association employed either by the Corporation of the District of West Vancouver, West Vancouver Memorial Library Board, West Vancouver Police Board, and School District of West Vancouver, and shall exclude those employed in exempt positions.

- 1.2 The Executive Board shall meet once each month to carry out general business, with the exception of July and December, or as may be determined by the Executive Board.

2. Duties Of Officers and Trustees

2.1 President

The President shall:

1. Preside at all regular and special meetings of the Association.
2. Call special meetings if so requested by ten (10) members in good standing.
3. Appoint all committees not otherwise provided for.
4. Perform such other and further duties as may of right pertain to their office.
5. See that all other officers perform their duties strictly in accordance with the Bylaws and Constitution.
6. Be empowered to name an alternate to the Bargaining Committee so that representation will be provided for the groups (units) involved.
7. Fill any temporary vacancy if considered necessary.

2.2 First (1st) Vice-President

The First (1st) Vice-President, in the absence of the President shall:

1. Preside over the meetings of the Association and assume all the duties and obligations of the President.
2. Accompany and assist the President in their duties so as to obtain first-hand knowledge of the running of the President's Office.

2.3 Second (2nd) Vice-President

The Second (2nd) Vice-President in the absence of the President and First (1st) Vice-President shall:

1. Preside over the meetings of the Association.

2. Assume all the duties and obligations of the President.

2.4 Recording Secretary

The Recording Secretary shall:

1. Keep a full, correct, and impartial account of each meeting.
2. Ensure the safe preservation of the minute books.
3. Attend all meetings, Annual General, General, Executive and any other called by the President.

2.5 Treasurer

The Treasurer shall:

1. Ensure regular accounts, receipts and vouchers regarding all financial transactions between the Association and other parties are conducted, recorded and maintained.
2. Present an annual financial statement at the end of the fiscal year for report to the Association as well as monthly statements to the Executive.
3. Shall submit an annual budget at the Annual General Meeting to be reviewed quarterly by the Executive Board.
4. Keep on file receipts for all expenditures made and shall submit to the Trustees the books and vouchers of the Association whenever required to do so.

2.6 Warden

The Warden shall:

1. Take charge of the entrance door at all meetings of the Association.
2. Report to the Chair the presence of anyone not known to be a member.
3. Prevent any member not in good standing or non-members from entering the meeting unless otherwise directed by the meeting.
4. Keep a record of all members attending meetings and shall permit no one to retire from the meeting who has not obtained permission from the Chair to do so.

2.7 Executive Member(s) at Large

Executive Member(s) at Large (if required per Article IV (1.1)) shall:

1. Be required to assist in the affairs of the Association as directed by the President or Executive Board.

2.8 Trustees

The three (3) Trustees shall:

1. Have general supervision over the property of the Association subject to such instructions as they may from time to time receive from the Executive.
2. Review the books of the Association bi-annually to see that all bills are promptly paid.
3. Perform other and further duties as the Association may direct and the Constitution provide.

3. Signing Officers

- 3.1 Any two of the following officers shall be authorized to sign cheques and official documents - the President, the First (1st) Vice-President, the Second (2nd) Vice-President, the Treasurer and the Recording Secretary.

4. Nomination of Officers and Trustees

- 4.1 At the General Meeting preceding the Annual General Meeting, a list of officers to be nominated shall be announced and all nominations to fill said offices shall then be made. Any absent member nominated must signify their acceptance of a nomination for office in writing, up until twenty-one (21) calendar days before the AGM, otherwise such nominations will not be accepted.

Nominations will also be accepted by the Association office up until twenty-one (21) calendar days before the Annual General Meeting and must be accompanied by a written acceptance of nomination from the person nominated.

Persons nominated must be eligible under Article IV (5) of the Association's Constitution and Bylaws.

Email correspondences will be deemed to be written notice.

Notice of the Annual General Meeting shall have attached to it the names of all members nominated for the various offices.

The Notice of the Annual General Meeting and the attachment shall be communicated to all members by email, posted on the Association website and at jobsites at least fourteen (14) days before the Annual General Meeting.

Nominations will NOT be permitted from the floor at the Annual General Meeting.

5. Eligibility for Nomination

- 5.1 To be eligible for nomination for any Executive office it is necessary to be a member for two (2) years and to have attended at least fifty percent (50%) of the meetings during the current year.

There being no nominations of a qualifying member for a particular position, the above requirements regarding being a member for two (2) years and having attended fifty percent (50%) of meetings may be waived at the discretion of the Executive Board.

6. Nomination for More than One (1) Office

- 6.1 A member may be nominated for one (1) or more offices but may only stand for one (1) office. The member has up until twenty-one (21) calendar days before the Annual General Meeting to declare for which office the member will stand.

7. Election of Officers and Trustees

- 7.1 The election of Officers shall take place at the Annual General Meeting. Voting shall be by secret ballot and the candidate receiving the highest number of votes is elected. In the event there is only one (1) candidate running for a vacant position, a vote will not be required, and the candidate shall be acclaimed to that position.

In the event of a tie for a position, a second secret ballot will be conducted at the same meeting.

The installation of officer(s) shall take place ten (10) calendar days following the AGM. See Article IV (8) Obligation of Officers (Oath of office).

- 7.2 At the first election there shall be three (3) Trustees the one receiving the highest number of votes shall hold office for three (3) years from the date of such election; the one receiving the second highest number of votes shall hold office for two (2) years; and the one receiving the third highest number of votes shall hold office for one (1) year. In each year succeeding the first election, there shall be one (1) Trustee elected to fill the place of the Trustee whose term of office expires to maintain the full complement of three (3) Trustees. Trustees elected each succeeding year after the first election, shall hold office for three (3) years from the date of election.
- 7.3 Members who are unable to attend the Annual General Meeting due to shift work or holiday will be eligible to vote at the Advance Poll and the procedure set out will be followed:

1. The Advance Poll shall be held at the Association office from 10:00 a.m. to 4:30 p.m. on the Thursday preceding the Annual General Meeting.
2. Ballots shall be printed listing the candidates for each office in alphabetical order beginning with the office of President.
3. Each eligible member shall sign opposite their name on the eligible list before being given a ballot.
4. Ballots will be placed in a sealed ballot box and counted upon completion of balloting at the Annual General Meeting.

8. Obligation of Officers

"I,, sincerely promise that I will truly and faithfully, and to the best of my ability, perform the duties of my office for the ensuing term as prescribed in the Constitution and Bylaws of this Association, and will at all times endeavour, both by my counsel and example, to promote the harmony and preserve the dignity of it's sessions.

"I further promise that, at the close of my official term, I will promptly deliver any monies or property of the Association in my possession to my successor in office."

This verbal oath will be completed at the next Executive Board meeting or a General Meeting. If required, at the discretion of the President, the oath may be written, dated and signed by the incoming officer.

9. Positions Declared Vacant

- 9.1 In the event of any officer failing to attend more than two (2) consecutive meetings, without having an acceptable reason to offer for their absence, shall have their office declared vacant.
- 9.2 The replacement of any office declared vacant during the term, for any reason, shall ensure that each bargaining unit is represented. See Article IV (1.1) (b).

10. Absence of Officers

During the temporary absence of any officer, the Executive Board may appoint a member to act in their stead.

ARTICLE V - MEETINGS

1. Annual General Meeting

The Annual General Meeting shall be called on the first (1st) Monday in April each year.

2. Remuneration

The monthly annual stipend for all Executive Board positions shall be determined by the Membership at the Annual General Meeting in April, when necessary.

3. General Meetings

- 3.1 General Meetings shall be held on the first (1st) Monday in February, the first (1st) Tuesday in June, the first (1st) Wednesday in September and the first (1st) Thursday in November unless designated by special notice to the members and subject to regular meetings being suspended by majority of the members present at any previous meetings. Any special meetings will be called at the direction of the President as per Article IV (2.1) (2).
- 3.2 Members who do not attend a minimum of one (1) General Meeting per year (April to March) will be required to pay an assessment of twenty-five dollars (\$25). A seven (7) month grace period to the attendance requirement above will be granted to any new member, initiated after September 1st of the previous year (the member will be excused from paying this assessment). Anyone making less than fifty dollars (\$50) net pay on the paycheque from which the assessment is deducted will be exempted from said assessment.
- 3.3 A grace period of ten (10) minutes will be allotted at the start of the meeting for late arrivals, after that time, the doors will be locked, and the attendance binder will be closed. A member must attend the entire meeting to have the meeting count towards their assessment exemption and to be eligible to win the door prize at the end of the meeting.
- 3.4 Two (2) weeks prior to every General Meeting, the meeting Agenda and any Notice of Motion shall be distributed to members. This distribution will be done electronically via email and it will be posted on the Association's website.
- 3.5 No member will be admitted to a General Meeting unless they show their Membership card or provide verification that they are on the current active member roster (to be available at the meeting).

- 3.6 In the absence of the President and both Vice-Presidents, the Executive shall appoint a Chair from the Executive Board present at that meeting.
- 3.7 Membership meetings shall be called to order at the time posted on the Agenda.
- 3.8 General Meetings may be held in person or virtually, at the discretion of the Executive Board.

4. Meeting Agenda (Order of Business)

The Meeting Agenda (Order of Business) for a General Meeting shall be as follows:

1. Meeting Called to Order
2. Roll Call of Officers
3. Reading and/or Approval of Minutes of Previous Meeting
4. Correspondence
5. Application for Membership
6. Reports of Officers, Delegates and Committees
7. Treasurer's Report
8. Unfinished Business
9. New Business
10. Good and Welfare
11. Nomination, Election and Installation of Officers (Annual General Meeting only, or as Article IV (4-8)).
12. Adjournment

5. Quorum

- 5.1 Ten (10) members in good standing present at a General Membership or Annual General Membership meeting and in good standing shall constitute a quorum.
- 5.2 A quorum at an Executive Board meeting is constituted when more than fifty percent (50%) of the Executive Board members are in attendance.

6. Rules of Procedure

The Rules of Procedure in debate, not herein provided for, shall be governed by and in accordance with the rules laid down in *Bourinot's Rules of Order*. One copy will be retained at the Association office, and one copy will be provided to the Association President.

7. Parliamentary Rules

- 7.1 On motion, the regular order of business may be suspended by a vote of the meeting at any time to dispose of any urgent business.
- 7.2 All resignations of officers must be submitted in writing.
- 7.3 Any conversation which is calculated to disturb a member while speaking, or hinder the transaction of business, shall be deemed a violation of order.
- 7.4 All questions of a Parliamentary nature, not provided for in these rules, shall be decided by *Bourinot's Rules of Order*.

8. Motions

- 8.1 A motion, to be entertained by the Presiding Officer, must be seconded and the Mover and the Secunder must be recognized by the Chair.
- 8.2 In presenting a motion, a brief statement of its objects may be made, but no discussion of its merits shall be permitted until the question has been stated by the Chair.
- 8.3 A member who has made a motion can withdraw it by consent of its Secunder, providing it has not been debated. A motion, once debated, can be withdrawn only by unanimous consent.
- 8.4 A motion to amend, or to amend an amendment, shall be in order but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
- 8.5 When a question has been put, no motion shall be in order except one (1) to adjourn, two (2) the previous question, three (3) to lay on the table, four (4) to postpone for a definite time, five (5) to refer, six (6) to amend, which motions shall have precedence in the order named. The first three (3) of these shall be decided without debate.
- 8.6 All voting on Constitutional Amendments and Bylaw changes shall be by majority vote required for passage.

9. Debate on a Motion

- 9.1 A motion shall not be subject to debate until it has been stated by the Chair.

- 9.2 When a member wishes the floor, the member shall respectfully address the Chair and, if recognized by the Chair, the member shall be entitled to the floor.
- 9.3 If two (2) or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor.
- 9.4 Each member, when speaking, shall confine themselves to the question under debate, and avoid all personal, indecorous, or sarcastic language.
- 9.5 No member shall interrupt another while speaking, except to a point of order, and the member shall state the point, and the Chair shall decide the same without debate.
- 9.6 If a member, while speaking, be called to order, the member shall take their seat until the point of order is decided, when, if decided in order, they may proceed.
- 9.7 If any member shall feel personally aggrieved from the decision of the Chair, they may appeal to the meeting from the decision.
- 9.8 When an appeal is made from the decision of the Chair, said appeal shall be stated by the Chair of the meeting in these words: "Shall the decision of the Chair be sustained as the decision of this meeting?" The member will then have the right to state the grounds of appeal, and the Chair will give the reason for this decision; thereupon the meeting shall proceed to vote on the appeal without further debate.
- 9.9 No member shall speak more than once on the same subject, until all the members desiring the floor have spoken, and shall speak no more than twice without unanimous consent, nor more than five minutes at any one time.
- 9.10 The Presiding Officer shall vacate the Chair when desiring to speak on any subject, and the Vice-President shall take the Chair.

10. Voting on a Motion

- 10.1 A motion required for the routine order of business of a General Membership meeting shall be voted on by the members present, so long as those present constitute a quorum as defined in Article V (5).

11. Voting on Applications for Membership

- 11.1 When an applicant is reported on by the Executive Board at a General Meeting, the Chair shall ask whether there are any reasons known to exist why the applicant should not be admitted. If no objections are stated, and the majority of the members in good standing present, vote to accept the applicant, the applicant will accepted into the Association.

12. Reports of Committees

- 12.1 All Committees shall perform the duties assigned to them within the time specified and shall report the results of their efforts back to the Executive Board.
- 12.2 The Executive Board will report to the Membership on Committee matters. Matters of a confidential or sensitive nature will not be included in these reports, including the name(s) of grievor(s) and/or the details of negotiations.

13. Business Manager and Business Agent

- 13.1 The Business Manager shall manage the Association Office in accordance with the direction set by the Executive Board and Membership.
- 13.2 The Business Manager and Business Agent shall:
 1. Attend all General and Special Membership meetings, grievances, and other meetings as required by the Membership, Executive Board and Bylaws.
 2. Attend to all controversies between the Association and Employers as provided for in the various Collective Agreements, or at the direction of the President, Executive Board or Membership, and attend to the affairs of the Association.
 3. Report their activities to the Membership and Executive Board.
- 13.3 The Executive Board shall review annually the routines and performance of the Business Manager and Business Agent, unless such review is called for by fifty percent (50%) plus one (1) of an Executive or General Membership meeting.
- 13.4 If the position of Business Manager or Business Agent is vacant, the Executive Board is hereby empowered to appoint or hire such person(s) as deemed necessary to attend to the daily affairs of the Association. The Executive Board shall review the performance of said person(s) on an ongoing

basis, until such time as the position of Business Manager or Business Agent is permanently filled or reinstated.

14. Shop Stewards

- 14.1 Shop Stewards will be elected by the members of the unit they will represent. If required, a Shop Steward may be appointed by the Association. Shop Stewards will meet with the Business Manager and/or Business Agent to discuss grievances, problems, and other matters of concern. Shop Stewards will report to the Executive Board through the Business Manager and/or Business Agent at regular scheduled meetings.

15. Bargaining Committee

- 15.1 In bargaining with Boards and other Civic Bodies enrolled under the certification of the West Vancouver Municipal Employees' Association, the Bargaining Committees shall consist of the Business Manager and Business Agent together with the Shop Stewards and/or other Association members from the bargaining units concerned.
- 15.2 The Executive Board shall be empowered to name an alternative to the Bargaining Committee to fill any temporary vacancy, if it is considered necessary.
- 15.3 Upon signing the Memorandum of Agreement for a proposed new Collective Agreement, the Bargaining Committee shall present such Agreement to the members of the affected bargaining unit prior to the ratification vote.
- 15.4 Members of the Bargaining Committee shall receive fifty dollars (\$50) for each meeting attended while negotiating a new contract.

16. Constitution and Bylaw Committee

The Constitution and Bylaw Committee shall consist of one (1) representative from each certified bargaining unit, plus the Business Manager, Business Agent and President or appointee. A quorum being five (5) to meet a minimum of once every two (2) years or earlier if required. Their mandate is to examine the *Constitution and Bylaws* and develop proposals for change as per Article VI (5). Any proposals for change will be submitted to the Executive Board prior to presentation to the Membership at the next General Meeting.

17. Door Prize

Two attendance prizes of one hundred dollars (\$100) shall be awarded at each regular meeting of the Association and shall be conducted in the following manner:

- 17.1 Members attending an in-person General meeting will sign the attendance book where their name will be assigned a number. During the regular business of the meeting two numbers will be drawn and the two prizes of one hundred dollars (\$100) awarded to the attending members whose names correspond with the number drawn.
- 17.2 Members in attendance at the end of a virtual General meeting will have their names placed in a digital randomizer, two names will be generated, and the prizes will be awarded.
- 17.3 No Executive Board member may claim an attendance prize.

ARTICLE VI - MEMBER ELIGIBILITY

1. Application for Membership

- 1.1 Any person employed by the Corporation of the District of West Vancouver, Boards and other Civic Bodies under the jurisdiction of the Association, shall become a member of the Association upon completion of the online Application and its approval.
- 1.2 They will be eligible for membership under the following conditions:
 1. They submit their application for Membership.
 2. They undertake to comply with the Constitution and Bylaws of the Association.
 3. They pay the initiation fee, subject to Article VI (4.4) and (4.5).
 4. They are accepted by the Association.
 5. They adhere to the obligations under Article VI.

2. Obligation of Members

"If accepted, I agree that I will abide by the provisions of the Constitution of the Association and further, agree to conform to the rules and Bylaws of the Association;

That I will make every possible effort to attend the meetings and will pay all dues and assessments levied in accordance with the Bylaws;

That I will be orderly at its meetings, respectful in words and actions, charitable in judgement of my fellow members and will never wrong a fellow member or see them wronged if in my power to prevent."

Member in Good Standing - Loss of Status: A member shall no longer be a member in good standing of the Association when:

1. Such member has been suspended from Membership in accordance with the provisions of Article VI (7).
2. Such member is replacing an exempt employee on a temporary basis.
3. Such member ceases to be an employee of the Corporation of the District of West Vancouver, West Vancouver Memorial Library Board, West Vancouver Police Board or the School District of West Vancouver.

Notwithstanding three (3) above, a member in good standing dismissed by the employer shall, provided they have met the other requirements, maintain their status as member in good standing until all avenues of appeal against a decision of the employer to discharge have been exhausted or a decision has been made by the Association Executive not to proceed any further.

Temporary employees subject to seasonal layoffs shall resume their member in good standing status upon the resumption of employment.

3. Contracts and Agreements

- 3.1 Members must honour all contracts negotiated between the Association and the Employer where Union shop, Closed shop or Union maintenance clauses are inserted in agreements between the Association and the Employers.
- 3.2 All members must adhere to their Collective Agreements.
- 3.3 At no time can a member agree to alterations of the existing terms and conditions nor negotiate their own agreement with their Employer.

4. Initiation Fees, Dues and Assessments

- 4.1 Initiation Fees, Dues and Assessments will be collected through a written assignment to the Municipal Council, Boards or other Civic bodies.
- 4.2 The Initiation Fee shall be determined at any meeting where notice thereof has been given.

- 4.3 The monthly dues and assessments shall be determined at any meeting of the Association where notice thereof has been given. The monthly dues and assessments shall be stated in Article VI (4.4), (4.5) and (4.6) of the Constitution.
- 4.4 All members of the Association shall be assessed dues on a monthly basis as one and a half percent (1.5%) of gross earnings for that month. Dues shall only be assessed upon wages earned for work performed. No dues shall be assessed on pay-out of fringe benefits.
- 4.5 A one-time initiation fee shall be assessed for each new member at fifty dollars (\$50). This fee may be waived at the discretion of the Executive Board for groups joining the WVMEA as a result of an organizing drive.
- 4.6 Meeting attendance assessment – see Article V (3.2).
- 4.7 The Association Executive may waive payments of membership fees and/or any assessments of any member on strike or lockout for the duration of the strike or lockout.

5. Amending Constitution and Bylaws

The following procedure shall be followed to amend the Constitution and Bylaws:

- 5.1 A written Notice of Motion shall be read into the Minutes of any General Meeting describing the proposed changes. This is deemed to be the first (1st) meeting. As per Article V (8) this is a Notice of Motion, but it will not be voted on until it has been presented at the next two (2) consecutive General Membership meetings.
- 5.2 Second (2nd) Meeting - First (1st) Reading - this Motion will be included with the Agenda where it shall be read, discussed and debated. Any alterations or amendments that pass by the majority vote will be adopted. This Amended Motion will be carried forward to the next General Meeting and included with the Agenda.
- 5.3 Third (3rd) Meeting - Second (2nd) Reading – At this General Meeting, the Notice of Motion with the accepted alteration or amendments will be included with the Agenda where it shall be presented and voted on by the membership present and by majority vote for passage.

6. Strikes and Lockouts

- 6.1 No member shall cross any legal picket line, except as authorized by the Executive, or in a perceived emergency in which human life is jeopardized.

7. Constitutional and Bylaw Offences

Any member who does any of these acts is guilty of an offence against this Constitution:

1. Violates any provision of this Constitution or the approved Bylaws.
2. Becomes a member by dishonesty or misrepresentation.
3. Brings or urges another member to bring action in court against the WVMEA or its employees, Executive Board or any WVMEA member without lawful right.
4. Attempts or supports an attempt to remove any member, or group of members from the WVMEA except for in accordance with this Constitution.
5. Produces or distributes any false report about a member of the WVMEA about any matter related to the WVMEA in writing or in any other manner.
6. Helps any organization competing with the WVMEA in a way that is harmful to the WVMEA.
7. Steals or dishonestly receives any property of the WVMEA.
8. Uses the name of the WVMEA to request monies or to advertise without proper authorization.
9. Gives a complete or partial list of the membership of the WVMEA to anyone who is not officially entitled to this information, without proper authorization.
10. Wrongfully interferes with the performance of duties by an officer or employee of the WVMEA.
11. Sends out information designed or intended to harm or weaken the WVMEA.
12. Fails to respect the WVMEA's picket line, engages in any strike-breaking activity, works for the employer during a legal strike or labour dispute.
13. Acts in a way that is harassment or discrimination on the basis of sex, sexual orientation, gender identity, gender expression, language, age, race, ethnicity, ancestry, colour, place of origin, creed, disability, family status, marital status or record of offences.

8. Charges Against any Member or Members to be in writing

- 8.1 A member in good standing of the WVMEA (the Complainant) may charge a member or officer of the WVMEA (the Respondent) with an offence by sending a written complaint to the President of the WVMEA. The written complaint will set out the following:
1. The specifics of the complaint, citing the nature of the complaint, the members involved, the date and the circumstances of the alleged offence, a list of the confirmed witnesses and documents the Complainant intends to rely upon.
 2. Which parts of Article VI (7) Offences have been violated and the specific act or failure to act which constitutes the alleged violation.
 3. The complaint must be sent within sixty (60) calendar days after the Complainant became aware of the offence.
 4. The President of the WVMEA will countersign the complaint and deliver the countersigned copy or send it to the Respondent by registered mail or by email within ten (10) calendar days of receiving it.
 5. The Respondent must be considered innocent until found guilty.

9. Members Entitled to Hearing

- 9.1 When the charges have been made the entire matter shall be referred to the Executive Board. The Executive Board will select three members of their Board to serve as the Trial Committee.
- 9.2 The Trial Committee will hold a private hearing into the complaint within thirty (30) calendar days of being selected. The Trial Committee will give at least fourteen (14) calendar days written notice to the Complainant and the Respondent of the time and place of the hearing. The notice will be delivered in person or sent by registered mail or by email.
- 9.3 The Trial Committee decides its own procedure in accordance with the rules of justice. The hearing procedures must be conducted in good faith, without actual bias. No person can be both a witness and judge. The Trial Committee can accept any oral or written evidence that it considers proper, so long as every member receives a fair and impartial hearing. The Trial Committee can decide on any preliminary objection to the complaint and can dismiss the complaint. The Trial Committee will make the necessary arrangements to have a record of the hearing. The Trial committee must act with all three members.

- 9.4 The cost of conducting the hearing will include lost wages and reasonable expenses for the Trial Committee, the cost of the hearing room and the cost of keeping a record of the hearing. The cost of the hearing will be borne by the WVMEA.
- 9.5 The WVMEA is not responsible for the costs of either the Complainant or the Respondent. However, should the WVMEA agree to pay the cost for one party to the complaint, then they are obligated to pay the costs for both the Complainant and the Respondent.
- 9.6 The Respondent and the Complainant have the right to be present at the hearing, to call witnesses and to cross-examine witness called by the other side. They may choose someone to represent them at the hearing or at another time from when the complaint is filed to when the complaint is resolved. Only fellow WVMEA members may serve as counsel at the hearing. Regarding serious matters, such as suspension, expulsion, removal from office, there is a right to counsel.
- 9.7 If either the Complainant or Respondent does not attend the hearing, the Trial Committee can dismiss the complaint, adjourn the hearing or hold the hearing and decide the complaint in their absence. The Trial Committee can set terms that it considers appropriate for granting an adjournment. The Trial Committee must consider the duty to accommodate when a request for adjournment is made.
- 9.8 The Trial Committee is not bound by the strict rules of evidence; however, any verdict must be based on the actual evidence presented and not influenced by any matters outside the scope of evidence. The Trial Committee decides whether the Respondent is guilty of the offence by secret ballot. The Respondent is guilty only if at least two members of the Committee vote guilty.
- 9.9 If the Respondent is found guilty, the Trial Committee will decide on the penalty and what, if anything, the Respondent must do or not do. The decision may include:
1. A reprimand.
 2. A fine where permitted by law.
 3. A ban against holding membership or office.
 4. And order to stop doing the act or acts complained of.
 5. Any other order that the Trial Committee finds appropriate in the circumstances.

- 9.10 The Trial Committee will report the decision to the Complainant, the Respondent and the Executive Board. The decision of the Trial Committee will be recorded in the minutes of the next General Membership meeting.

10. Appeal

- 10.1 The Respondent can appeal a finding of guilt and any penalty or order by sending a written appeal to the Executive Board. The appeal must be made within thirty (30) calendar days of when the decision of the Trial Committee was reported to the Respondent. The Complainant cannot appeal the decision of the Trial Committee.
- 10.2 The written appeal by the Respondent will set out the following:
1. The part or parts of the decision that are being appealed.
 2. The date on which the decision was reported to the Respondent.
 3. The reason for the appeal.
 4. Whether the Respondent wants a hearing or wants to make submissions in writing.
 5. The desired location, if the hearing is requested.
 6. The remedy requested by the Respondent.
- 10.3 The Respondent will send the appeal to the President of the WVMEA by registered mail, or by email.
- 10.4 Upon receiving the appeal, the President of the WVMEA will send a copy of the record to the Trial Committee, the Complainant and the Respondent.
- 10.5 On receiving the appeal, the President of the WVMEA will appoint three (3) members to be the Appeal Panel. The Appeal Panel will be comprised of members that were not sitting on the Trial Committee and will hear and decide the appeal. The Appeal Panel will determine its own procedure and will give the parties a full opportunity to present their case and make submissions on the issues in the appeal.
- 10.6 If the Respondent requests a hearing, the Appeal Panel will send notice to the Complainant and the Respondent of the time and place of the hearing. The notice will be sent by registered mail or by email at least thirty (30) calendar days before the hearing.
- 10.7 The Respondent and the Complainant have the right to be represented at the appeal hearing. The representative must be a member in good standing of the WVMEA. Regarding

serious matters, such as suspension, expulsion, removal from office, there is right to legal counsel.

- 10.8 The Appeal Panel can confirm or set aside the findings of guilt and can confirm or set aside any penalty or order made by the Trial Committee. The Appeal Panel will make its decision within ninety (90) calendar days of the completion of the hearing or written submissions. The decision of the Appeal Panel is final and binding.
- 10.9 The penalty or order of the Trial Committee will not be enforced until one of the following conditions is met:
 1. The Appeal Panel has made its decision
 2. The Respondent fails to appeal the decision of the Trial Committee.
 3. The Respondent gives up the right to appeal
- 10.10 The Appeal Panel will report its decision to the Complainant, Respondent and the President of the WVMEA. The President will report the decision to the Executive Board. The decision of the Appeal Panel will be reported to the next Membership meeting and recorded in the minutes of the meeting.

11. Fees and Expenses

- 11.1 Should the occasion arise that legal counsel is needed for the protection of any member, in the performance of their regular duties, the Executive is empowered to act.
- 11.2 Members of regularly constituted committees shall, if required to attend committee meetings, be reimbursed for reasonable out of pocket expenses.
- 11.3 Assessments collected (as per Article V (3.2)) shall only be used for the purpose of assisting members.
- 11.4 Ordinary expenses connected with the business of the Association, including grievances, salaries, and office expenses need only be approved by the Executive.
- 11.5 Extraordinary expenses will be by approval of the Membership with Notice of Motion being given at the General Meeting prior to the motion being presented
- 11.6 No motion will be entertained that will reduce the Association's current balance by more than fifty percent (50%) or savings by more than twenty percent (20%) without a Notice of Motion being given at the General Meeting prior to the motion being presented.

ARTICLE VII - The Seal

The corporate seal of the Association and the Building Society shall be under the custody of the Business Manager and shall not be affixed to any document except in the presence of the President and the Business Manager, or any other member of the Executive authorized by the President.

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