

CANADIAN FEDERAL PILOTS ASSOCIATION

CONSTITUTION

EDITION 2009

CANADIAN FEDERAL PILOTS ASSOCIATION
(Formerly known as the Aircraft Operations Group Association)

Suite 509, 350 Sparks Street, Ottawa, Ontario K1R 7S8

CONSTITUTION

As adopted by the Founding Convention, 1984

And as amended at

Ottawa, Ontario, January 1986

Ottawa, Ontario, August 1990

Ottawa, Ontario, March 1996

Ottawa, Ontario, February 2000

Ottawa, Ontario, February 2003

Ottawa, Ontario, March 2009

- Note: 1. The By-laws contained in this Constitution supersede those previously issued.**
- 2. A general re-organization and rewording of the By-laws for purpose of clarity was approved by referendum voting of the general members, February 24, 2003.**

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CONSTITUTION AND BY-LAWS

PREAMBLE:

The Association is duly certified pursuant to the *Public Service Staff Relations Act* and the *Canada Labor Code*, to act as the official bargaining agent for its members.

Under the authority of the pertinent labour legislation, the primary functions of the Association are collective negotiations, individual representational services and consultation with the employers of the members.

The control of the Association is in the hands of its members through the Executive Board, hereinafter called the Board.

DEFINITIONS:

Association	means the <i>Canadian Federal Pilots Association</i> (acronym CFPA);
Board	means the Executive Board as defined in Article 9;
Constitution	means this Constitution and its By-Laws;
Member	refers to regular members, unless otherwise specified;
National Executive	means the National Chairperson, the National Vice-Chairperson and the National Secretary-Treasurer;
Officer	means any component of the Board or any Regional and/or Sub-Group representative;
Official Languages	as defined in the <i>Official Languages Act</i> ;

BY-LAWS:

1. NAME

- 1.1 The name of the Association shall be the *Canadian Federal Pilots Association*, hereinafter referred to as the Association.

2. OFFICIAL LANGUAGES

- 2.1 The official languages of the Association are English and French.
- 2.2 This Constitution and its By-Laws shall be published in both official languages and shall have equal authority.
- 2.3 No official communication to the members at large will emanate from the National Office of the Association unless it is made available in both official languages simultaneously. If a communiqué is deemed urgent, it can be released in any official language with the mention that the version in the other language will follow as soon as possible.

3. HOME OFFICE LOCATION

- 3.1 The home office of the Association shall be located in the National Capital Region (NCR).

4. AIMS AND OBJECTIVES

- 4.1 The fundamental aim of the Association is to serve its members by acting as their collective bargaining agent and by representing them in relation to their individual and collective employment situations.
- 4.2 The Association shall seek to reinforce the professional effectiveness of its members and to improve the application of professional standards and the availability of appropriate opportunities for professional development.
- 4.3 The Association shall endeavor to manage the organization and its resources in an efficient and effective manner.
- 4.4 The Association desires:
- a) to promote the well-being and increased efficiency of its members to the end that the people of Canada will be well and effectively served; and,
 - b) to establish, within the framework provided by law, an effective working relationship at all levels with the employers of members of the Association.

5. POWERS

5.1 The Association shall have the power to:

bargain collectively for any member for which the Association is the certified bargaining agent;

sign, through the Board, collective agreements reached through collective bargaining and, where necessary, any other lawful procedure;

assist and seek redress for members aggrieved in their employment and secure their rights under any legislation affecting their employment or their status as employees;

acquire and hold real property and sell, lease or dispose of it for the benefit of the Association;

purchase or lease equipment, and arrange for services, as required for the functioning of the Association;

invest money of the Association in securities in which trustees are permitted by law to invest; and,

undertake other matters for the benefit and welfare of the members and employees of the Association, subject to restrictions on expenditures and actions as outlined in this Constitution.

6. MEMBERSHIP

6.1 Membership in the Association is open to all members of the Aircraft Operations Group as defined in the Treasury Board Classification Standard, Aircraft Operations Group, Technical Category, as well as pilots employed by NAV CANADA.

6.2 Upon obtaining regular membership, members shall have all rights and privileges of membership, including the right to hold office and to vote.

6.3 There shall be three (3) categories of membership:

6.3.1 Regular Members: Regular Members are those who pay the dues. They shall have all the rights and privileges of membership, including the right to vote and hold office;

6.3.2 Associate Members: Any Regular Member who has retired from his/her position, or has changed his/her position or employer, or has become ineligible for membership because of promotion, may become an "Associate Member". "Associate Members" shall pay an annual fee of twenty-five dollars (\$25.00) to the Association but shall not be entitled to vote or hold office in the Association or be entitled to the rights of a regular member. In addition, a regular member who has entered Long Term Disability (LTD) Status automatically becomes an associate member and is provided limited Services within the power of the association in accordance with article 7.5. The fee for this associate membership shall be waived as long as the member is on LTD status. Members who advise the National Office in writing that they have been placed on LTD by the employer shall have the basic benefits package, as normally provided by the union for Regular

members, maintained at no cost to them, for 24 months from the date of commencement of their LTD; and

- 6.3.3 Honorary Members: Any Regular Member or former Regular Member may be named an Honorary Member if so agreed by a majority vote of the Board at a regular Board Meeting. Honorary Members shall not pay fees nor are they entitled to vote or hold office in the Association.
- 6.4 Individual members should keep the National Office informed of their personal mailing addresses in order to ensure receipt of the Association's information services.

7 RIGHTS OF REGULAR MEMBERS

- 7.1 To be informed by the Association of matters of concern;
- 7.2 To be informed of the proceedings of meetings of all committees, except if a particular matter is considered confidential with regard to collective bargaining, or to a personal matter concerning a particular member;
- 7.3 To nominate and vote for officers;
- 7.4 To seek and hold elective office except that a member may only hold one elective office or one Executive position at any one time;
- 7.5 To seek the services of the Association with respect to specific matters of concern, which are within the powers of the Association;
- 7.6 To receive an annual report on the affairs of the Association; and
- 7.7 To receive a copy of the collective agreement from the employer at the time of hire.
- 7.8 To attend meetings of the Association.

8 REGISTER OF MEMBERS

- 8.1 A register of all members, including Associate and Honourary members, including addresses and other information shall be maintained in the home office location.
- 8.2 The register shall not be made available to any other organization or person.
- 8.3 Notwithstanding Section 8.2, the Association shall, on behalf of a candidate for office, mail campaign material submitted by the candidate.

9 ORGANIZATIONAL COMPOSITION – THE BOARD

- 9.1 The Board, elected as set out in Section 11, shall direct the affairs of the Association.

9.2 The Board shall be composed of the National Executive and twelve (12) representatives who shall be elected on a regional and/or sub-group ballot.

9.3 The composition of the Board is as follows:

National Chairperson
 National Vice-Chairperson
 National Secretary-Treasurer
 Pacific Region Chairperson
 Helicopters Pilots Representative, West
 Helicopters Pilots Representative, East
 Prairie and Northern Region Chairperson, West
 Prairie and Northern Region Chairperson, East
 Ontario Region Chairperson
 Quebec Region Chairperson
 Atlantic Region Chairperson
 Headquarters Representative
 Engineering Test Pilots Representative
 Transportation Safety Board Representative
 NAV CANADA Representative

10 COMMITTEES

10.1 The National Chairperson, in consultation with the Board, shall appoint from members of the Association such committees as are deemed necessary for the conduct of the business of the Association.

10.2 The terms of reference of each committee shall be established by the Chairperson in consultation with the Board and recorded by the Secretary-Treasurer.

10.3 The terms of office of members of each committee shall terminate at such time as the Board may decide.

11 ELECTION OF OFFICERS

11.1 National Chairperson

11.1.1 At least twelve (12) weeks prior to the end of the three (3) year term, the Chairperson shall appoint a Nominating Committee.

11.1.2 The Nominating Committee shall request a slate of nominees from the membership for the election of the new Chairperson. Members of the Nominating Committee shall resign from the Committee if they themselves are nominated for election, provided they accept the nomination.

11.1.3 The Nominating Committee shall verify the acceptance by the candidates.

11.1.4 The candidates may provide a Curriculum Vitae, which will be mailed to all members at least eight (8) weeks prior to the end of term, together with a secret voting ballot.

- 11.1.5 The Nominating Committee Chairperson shall appoint at least three (3) members of the Association, other than the components of the Board or the nominees, to act as scrutinizers and to count the votes.
- 11.1.6 The Secretary-Treasurer shall transmit the name of the Chairperson elected in accordance with this Article to the members of the Association immediately after the results are known.

11.2 National Executive

- 11.2.1 At least ten (10) weeks in advance of the date of elections of the National Executive of the Association a Nominating Committee shall be appointed by the Chairperson.
- 11.2.2 The Nominating Committee shall request nominees from the membership for the officers of the National Executive. Members of the Nominating Committee shall resign from the Committee if they themselves are nominated for election.
- 11.2.3 The Nominating Committee shall verify the acceptance by the candidates. Members may only stand for election to a single position. Should a member be nominated for more than one position, the Nominating Committee shall liaise with the nominee to determine which position the nominee will continue to stand for election.
- 11.2.4 At least four (4) weeks in advance of the date of election of the National Executive, the final list of nominees whose nominations have been confirmed shall be submitted by mail to members of the Association to be voted upon, by secret ballot.
- 11.2.5 The Nominating Committee shall appoint at least three (3) members of the Association, other than the components of the Board or the nominees, to act as scrutinizers and to count the votes.
- 11.2.6 The Secretary-Treasurer shall transmit the names of the officers elected in accordance with this Section to the members of the Association immediately after the results are known.
- 11.2.7 When one or more officers of the Board are suddenly unable to continue in office, the remaining officers will assume the duties, and appoint a Nominating Committee.

11.3 Regional and/or Sub-Group Representatives

- 11.3.1 Each Region or Sub-Group shall elect a Regional or Sub-Group Executive from within its membership and any one member of that Executive may act as the Regional or Sub-Group Representative on the Board.
- 11.3.2 At least four (4) weeks in advance of the date of elections of the Regional or Sub-Group Executive of the Association, a Nominating Committee shall be appointed by the Regional or Sub-Group Executive. The Nominating Committee shall request nominees from the membership for the officers of the Region or Sub-Group. Members of the Nominating Committee shall resign from the Committee if they themselves are nominated for election.
- 11.3.3 The Regional or Sub-Group Nominating Committee shall verify the acceptance by the nominees of the nominations. Members may only stand for election to a single position. Should a member be nominated for more than one position, the Nominating Committee

shall liaise with the nominee to determine which position the nominee will continue to stand for election.

- 11.3.4 At least one (1) week in advance of the election of the Regional or Sub-Group Executive, a final list of all nominees whose nominations have been confirmed shall be submitted by mail or otherwise to all members of the Region or Sub-Group to be voted upon, by secret ballot.
- 11.3.5 The Nominating Committee Chairperson shall appoint three (3) members of the Association, other than the Regional or Sub-Group Executive or the nominees, to act as scrutinizers to count the votes.
- 11.3.6 The names of the officers elected in accordance with this Article shall be transmitted to the Regional or Sub-Group members of the Association and to the National Executive by the Regional or Sub-Group Secretary-Treasurer immediately after the results are known.
- 11.3.7 When one or more officers of the Regional or Sub-Group Executive are suddenly unable to continue in office, the remaining officers will assume the duties and appoint a Nominating Committee.

12 TERMS OF OFFICE

- 12.1 The term of office of the National Executive shall be three years starting on July 1st. The election of the Vice-Chairperson and the Secretary-Treasurer shall take place one year following the election of the Chairperson.
- 12.2 The term of office for the Regional and/or Sub-Group Representatives shall normally be three years starting two years following the election of the Chairperson.
- 12.3 In the event the term of office expires during bargaining negotiations, the existing Board shall remain in office until negotiations are concluded, and for a further period of up to ten (10) weeks, during which time a new Board is to be elected, unless a meeting is called in accordance with Section 14.4, and in accordance with Section 11, a new Board is elected.

13 DUTIES AND RESPONSIBILITIES OF OFFICERS

- 13.1 The officers of the Association are all the components of the Executive Board.
- 13.2 The National Chairperson:
- a) The Chairperson shall be a full-time paid position. Terms and conditions of employment are set out in the Letter of Agreement with the Chairperson, reviewed and approved by the Board;
 - b) The Chairperson shall be responsible for the general supervision of the affairs of the Association;
 - c) The Chairperson normally presides at meetings of the Association and the Board; and,

- d) The Chairperson shall be an ex-officio member of all committees.
- 13.3 The National Vice-Chairperson shall act on behalf of the Chairperson in his/her absence.
- 13.4 The National Secretary-Treasurer shall:
- a) normally attend all meetings of the Board and act as a clerk thereof and record all votes and minutes of all proceedings in the books to be kept for this purpose;
 - b) give notice of all meetings of the Board;
 - c) perform such other duties as may be prescribed by the Board;
 - d) record chronologically the activities of the Board;
 - e) ensure the safe custody of the funds of the Association;
 - f) ensure that full and accurate account of receipts and disbursements are kept in books belonging to the Association and that all moneys and other valuable effects be deposited in the name, and to the credit of the Association, and in such depositories as may be designated by the Board;
 - g) manage the funds in the manner specified by the Board, and render to the Board at any regular meeting of the Board or whenever they may require it, an account of all transactions as Treasurer and of the current financial position; and,
 - h) on or before the first of December, submit to the Chairperson the Statement of Report specified in Section 17.
- 13.5 The Board shall:
- a) liaise with the various segments of the Association in all matters and activities of the Association; and,
 - b) on the request of the Chairperson, submit reports to the Chairperson on any matter placed before them for action.

14 MEETINGS

- 14.1 Meetings of the Board shall be called by the Chairperson, or by a majority of the members of the Board. At least two (2) meetings of the Board shall be held each year, one of which shall be a General Meeting.
- 14.2 The General Meeting is open to all members and notice of the General Meeting is to be provided to all members at least thirty (30) days in advance of the date of the meeting. General Meetings should be spaced approximately twelve (12) months apart and not more than fifteen (15) months may elapse between two (2) successive General Meetings.
- 14.3 All meetings of the Association membership held for the presentation and discussion of Association business shall be open to all members of the Association.
- 14.4 Special Meetings of the Association or the Board shall be called by the Chairperson at the written request of the Board or of ten percent (10%) of the members of the Association. Notice of a Special Meeting shall be sent by mail to all members of the

Association at least fourteen (14) days in advance of the date of the meeting. No business other than that for which the meeting was called shall be considered at a Special Meeting unless otherwise approved by the Board.

15 VOTING

- 15.1 Voting can be taken either at any meeting or by mail ballot.
- 15.2 When voting by mail ballot, the procedure used shall provide for a fair and orderly voting process, and ensure that the members may vote in a well-informed manner and have their confidentiality respected.
- 15.3 At any meeting of the Association, the Board, or a Committee, a Resolution put to a vote shall be decided on a simple majority of the votes cast..
- 15.4 Seven (7) members of the Executive Board shall constitute a quorum at any meeting of the Board.
- 15.5 Thirty (30) members shall normally constitute a quorum at General Meetings, Special Meetings, or any other meetings called in accordance with Section 16 herein. Under special circumstances, and as agreed by the Board, regional and sub-group representatives may exercise vote by proxy to ensure a quorum is achieved.
- 15.6 If no quorum is achieved at a General Meeting, a mail ballot shall decide the matter.
- 15.7 Ten (10) members and/or fifty (50) percent, whichever is less, shall normally constitute a quorum at regional, sub-group, or headquarters meetings. For small sub-groups or sub-groups which are separated geographically, vote by proxy may be exercised as agreed by the attending members of the sub-group.

16 COLLECTIVE BARGAINING

- 16.1 There shall be a Collective Bargaining Committee representing the Association, appointed as per Section 10.1
- 16.2 The Bargaining Committee shall prepare a consolidation of collective bargaining proposals received from all regions and sub-groups. An approval in principle of the consolidation shall be decided by a simple majority of votes cast by the Executive Board. The approval in principle may specify the range or limits of the bargaining proposals acceptable to the membership.
- 16.3 The approval in principle of the consolidation and the contents of the consolidation shall be mailed within three (3) weeks to each Board Member.
- 16.4 The Board shall review the Employer's counter bargaining proposals within the parameters of Section 16.2 and comment to the Bargaining Committee.
- 16.5 The Bargaining Committee shall negotiate with the Employer to obtain a settlement, which, in the Bargaining Committee's estimation, would be acceptable to the membership.

- 16.6 Upon reaching a tentative agreement between the Bargaining Committee and the Employer, the settlement shall be submitted to the membership for ratification or rejection. Ratification or rejection shall be by the simple majority of votes cast.
- 16.7 The voting period shall be no less than twenty-one (21) days from the date of the dispatch of ballots from the National Office.
- 16.8 No collective agreement may be signed by the Bargaining Committee binding the members of the bargaining unit until the members have ratified the terms as per Section 16.6.
- 16.9 Should a contract proposal be rejected, any further action shall be on the advice of the Bargaining Committee and the direction of the Board.

17 ANNUAL REPORT

- 17.1 On or before the first (1st) of December the Board shall present an Annual Report to the Association detailing their conduct of affairs of the Association together with a Statement showing the financial transactions of the previous year and the state of the finances of the Association at the close of the fiscal year.
- 17.2 On or before the first (1st) of December, the Secretary-Treasurer shall submit to the Chairperson a Statement of the financial position of the Association and a report of the Association's activities for the year.

18 FINANCES

- 18.1 The fiscal year of the Association shall extend from the first (1st) day of October to the thirtieth (30th) day of September.
- 18.2 The Association Operations and Maintenance Fund (O & M) are deemed to be those funds provided to the Association by the members' dues and funds received through other means as agreed to and approved by the Board.
- 18.3 Membership dues for those for whom the Association is entitled to receive dues check-off and such fees as may be established for a category of membership shall be determined by a vote of all members in accordance with the following procedures:
- a) notification of a proposal to change the Association dues and/or fees must be given to the membership at least thirty (30) days in advance of a vote on the proposal;
 - b) to be adopted, the proposal must receive the support of a simple majority of the Association; and,
 - c) changes in dues and/or fees shall not be implemented before sixty (60) days after adoption.
- 18.4 Membership dues for members who are in acting positions for any period of time of:
- a) less than four months will not change from those applied to their substantive sub-group and level;

- b) whereas, members who are in acting positions which will exceed a continuous period of four months will have the appropriate change of dues applied effective as of the transition date.
- 18.5 The Association Operations and Maintenance Fund shall be used by the Executive Committee for the following purposes only:
- a) payment of expenses, in accordance with Treasury Board Policy, of the members traveling on Association business;
 - b) rental of office space for the purpose of establishing an Association business office in the NCR and the payment of associated incidental expenses;
 - c) purchase or rental of furniture, equipment and incidental office supplies associated with Section 18.5(b);
 - d) payment of legal fees or accounting expenses incurred by the Board in the interest of the Association and,
 - e) payment of expenses incurred for telephone calls, facsimiles, and newsletters, etc., involving Association interests.
 - f) Payment of salaries and benefits to Association employees in accordance with contracts signed with the Association.
- 18.5 Expenditures from the Association Operations and Maintenance Fund for purposes other than those set out in Section 18.4 must be approved by a simple majority of the Board.
- 18.6 The Chairperson may request such further funds from the Association as deemed necessary for specific purposes agreed to by the Board. Any such funds shall be kept and accounted for separately from Operations and Maintenance funds and may only be used for the purposes specified by the Association. The Board must approve expenditures from such funds.
- 18.7 Travel expenses and per diem allowances and advances shall be identical to existing government rates and shall be in accordance with Public Service Treasury Board Travel Directive.
- 18.8 Executive Board and Bargaining Committee members, and any other members carrying out Association business specially authorized by the Executive Board, will be remunerated at their normal daily rate of pay when otherwise not compensated by their Employer in accordance with their collective agreement.
- 18.9 Travel, per diem and all other expenses incurred by any member on behalf of the Association shall be submitted on an expense claim to the Secretary-Treasurer or the National Chairperson (exclusive of his/her own expense claim) for approval and subsequent payment.
- 18.10 All cheques shall normally be signed by the Secretary-Treasurer and countersigned by the Chairperson or, in either one of their absences, the Vice-Chairperson or designated signator approved by the National Executive.
- 18.11 At the Annual General Meeting, the Board shall appoint or re-affirm the appointment of an accountant/auditor for the next fiscal year with such accountant being a Chartered Accountant and not a member of the Association.

19 AMENDMENTS

- 19.1 Amendments to the Constitution may be proposed by a petition signed by not less than ten (10) members of the Association unless three-quarters ($\frac{3}{4}$) of the Executive Board vote against it, or by a Resolution adopted by the Board.
- 19.2 Such proposed amendments shall be submitted to all members of the Association by the Secretary-Treasurer to be voted on by letter ballot.
- 19.3 The Board shall promptly announce the results of the votes regarding amendments and the amendments shall become effective immediately if approved. Approval shall be dependent upon obtaining a simple majority of the votes actually cast.
- 19.4 The term "amendment" as used herein shall include additions to, deletions from, and alterations to this Constitution.
- 19.4.1 Unless otherwise specified, any amendment of, deletion from, or addition to this Constitution shall become effective at the time of its adoption.

20 INTERPRETATION

- 20.1 In questions of interpretation of this Constitution, the opinion of the Board shall govern.

21 DISCIPLINE

- 21.1 Any member, except the National Chairperson, may be suspended or expelled from membership in the Association, removed from office where applicable or otherwise disciplined by the Board for conduct which in any way adversely affects the interests or reputation, or restricts the activities of the Association.

22 MEMBER RESPONSIBILITIES

A member shall not:

- Willfully violate any provision of this Constitution;
- Carry out any act contrary to the best interest of the Association or its members;
- Make a false statement or withhold material information to the Association;
- Disobey or fail to comply with a decision of the Board or a local representative;
- Misappropriate money or property of the Association;
- Enter into or accept an employer's proposal contrary to the Collective Agreement or otherwise, which might injure the Association or members of the Association;
- Improperly disclose confidential matters of the Association;
- Act in any manner to circumvent, defeat or interfere with collective bargaining between the Association and the Employer.

23 RULES OF ORDER

23.1 Unless otherwise expressly provided by this Constitution, all members of the Association shall be governed by ***Robert's Rules of Order***.

23.1.1 At meetings of any constituent body of the Association or committees thereof, matters of procedure, insofar as they are not specifically provided for, shall be governed by a majority vote of the members present and voting upon the matters of procedure.

24 CONTEXT AND GENDER

24.1 Expression in the masculine or feminine gender, in plural or in singular, may be substituted to give effect to the true meaning of the Constitution.