

# **AMAPCEO**

# **ELECTION GUIDE**

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## A. INTRODUCTION

### Authority

This Election Guide has been prepared by AMAPCEO staff under the oversight of the Elections and Credentials Committee in order to provide an easily-accessible, authoritative and permanent source of information for members regarding the AMAPCEO nomination and election process. It is expected to be a 'living' document and will be revised and updated periodically as required. The Guide is posted on the AMAPCEO website.

The Election Guide is intended to expand upon and supplement, but not to replace, the relevant election provisions in the AMAPCEO Constitution and By-laws. In the event of any conflict, inconsistency or ambiguity between this Guide and the Constitution or By-laws, the Constitution or By-laws shall take precedence and prevail.

### Elections and Credentials Committee

Section 55.4 of the AMAPCEO Constitution authorizes the Delegates' Conference to elect an Elections and Credentials Committee (ECC) to manage the nomination and election process. The committee consists of five members who serve a two-year term, with incumbents eligible for re-election. The terms are staggered, with three members elected one year and two members elected in the alternate year. Members' terms begin on January 1 following their election. The committee elects a Chair and a Vice-Chair and the Chair serves as the Chief Returning Officer for all elections that fall under the jurisdiction of the ECC, including:

- Election of the four Executive Officers (President, Vice-President, Secretary and Treasurer) at the Annual Delegates' Conference (or ADC);
- Election of the 12 District Board Directors;
- Election of members to all standing and special ADC Committees;
- Election of all District Delegates;
- Election of Delegates to represent specific bargaining units;
- Appointment of Alternate Delegates;
- Any by-elections required to fill vacancies in any of the above categories.

The jurisdiction of the ECC does not extend to, and the committee is not involved in:

- Appointment of non-voting Delegates-at-Large (by the Board of Directors);
- Election of members to bargaining teams, bargaining advisory committees or bargaining mobilization roles;
- Strike votes;
- Ratification votes;
- Internal elections conducted among members of the Board of Directors (e.g., for Board positions or to select members to sit on Board committees), or among members of District Executive Committees (e.g., for Vice-Chairs, Community Leads or other District positions);
- Elections conducted by or for the Retirees' Caucus or other AMAPCEO caucuses/circles;
- Appointment of the Member Peer Roster (established under By-law 4 – Member Dispute Resolution).

The ECC is intended to operate as an independent, arm's length, non-partisan body. ECC members are prohibited from being nominated as a member of the Board of Directors during their term of office and members of the Board may not be nominated for, or serve on the ECC, while a member of the Board. Because the committee is a quasi-judicial body, its meetings are typically held *in camera* (in closed session) and its internal deliberations are confidential, although its decisions are always made public.

The ECC will use its best efforts to make accommodation available for voters or candidates who self-identify to the Chief Returning Officer.

Members may communicate with the ECC by email at [nominations@amapceo.on.ca](mailto:nominations@amapceo.on.ca).

### **Elections By-law (By-law 1)**

Although the [AMAPCEO Constitution](#) stipulates a number of important principles and general rules for elections, Section 55 authorizes the adoption of an elections by-law to include the logistical and technical details required to carry out the nomination and election process. The detailed election rules are codified in [By-Law 1 – the Elections By-law](#).

This division of authority between a constitution and by-laws is typical of many organizations. A constitution, which is intended to be a relatively concise document describing general principles, the basic structure of the organization, and the most important rules, is viewed as the highest and most fundamental authority of an organization, requiring a broader consensus of support to change it. In AMAPCEO's case, our constitution can only be amended at a Delegates' Conference with at least two weeks' notice in advance and the support of 2/3 of those voting. Constitutions are not meant to be changed frequently or easily. For that reason, many of the detailed policies of an organization are not included in the constitution but are relegated to by-laws, which are considered a lower authority and can be more easily changed as circumstances evolve over time.

AMAPCEO by-laws can be established or amended in one of two ways: at a Delegates' Conference or by the Board of Directors, in each case by simple majority vote and with less advance notice required than for a constitutional amendment. (In the case of by-law changes made by the Board, although the amendments take effect immediately, the changes are subject to ratification by a majority of the Delegates at the next ADC and, if not ratified, are no longer in effect.)

The current Elections By-law was originally adopted in June 2016 and was last amended in December 2018. Section 13 of the Elections By-law requires the ECC to oversee the preparation of an Elections Guide for members.

### **Summary of AMAPCEO's Governance and Representation Structure**

At a special conference held in June 2016, AMAPCEO's Delegates adopted [a new governance structure and system of member representation](#) that became effective on January 1, 2017. Members are assigned to one of 12 geographic Districts where they work: nine Districts in the City of Toronto and three outside Toronto, proportionate to the distribution of AMAPCEO members across the province. Eleven of the Districts are about the same size (roughly between 1,000 and 1,300 members), with the Northern District slightly smaller.

To address the physical distances among members and to ensure equitable representation, five of the 12 Districts have been sub-divided into Communities.

The AMAPCEO Board of Directors consists of sixteen members: the four Executive Officers (President, Vice-President, Secretary and Treasurer), who are elected at the ADC, and twelve Directors, each elected from and by the members in one of the 12 Districts.

The Board Executive Committee consists of the four Executive Officers plus the Board Chair, who is one of the District Directors elected annually by the Board to preside at Board meetings.

The Board Director in each District presides over a District Executive Committee, consisting of a number of Delegates, elected roughly on the basis of one Delegate for every 50 members in a District (or a Community within the District).

The Delegates' Conference consists of the sixteen members of the Board of Directors plus all Delegates - just over 200 in total at the present time. (In addition to participating as members of their Districts, members in each of the six Broader Public Sector or BPS bargaining units separately elect one dedicated Delegate from their unit, in order to ensure that every bargaining unit is represented at the ADC.) All Delegates and members of the AMAPCEO Board serve two-year terms, staggered so that about one-half of the Delegates, Directors and executive officers are elected annually. As noted earlier, the Board of Directors is entitled to appoint a number of non-voting Delegates-at-Large (up to a maximum of ten per cent of total elected Delegates), who are entitled to attend a specific Delegates' Conference with the right to speak, but not to move motions or vote.

#### **Eligibility to Participate in Elections: Member-in-good-standing**

The minimum requirement in order to participate in an AMAPCEO election is membership in good standing. A member-in-good-standing is an employee (regular or fixed term) with a home position in an AMAPCEO bargaining unit who has signed a membership form and whose membership has not been suspended or revoked.

Although all employees in a bargaining unit are required to pay dues in order to support their share of the costs of representation and protection under the collective agreement (which covers everyone in the bargaining unit), only signed members-in-good-standing are entitled to participate in the internal election and governance process of the union.

When we refer in this Guide to 'members', we mean members-in-good-standing.

Employees who are seconded into an AMAPCEO position but whose home position is in another bargaining unit (e.g., OPSEU) or is management-excluded are eligible to become Associate Members, but are not eligible to become members-in-good-standing. Former members who have retired from the bargaining unit are eligible to apply for Retired Membership, but are no longer entitled to be members-in-good-standing.

Election rights flow from your home position. If you wish to participate as a voter, nominator, or candidate in a District or Community election, your home position must be located in that District or Community. Even if you are seconded to a workplace in another District, you are eligible to be nominated or to vote in the District in which your home position is located.

If you are seconded into a position *outside* the AMAPCEO bargaining unit (e.g., into another bargaining unit or into a management-excluded position), you may participate as a nominator or voter, but you are not eligible to be elected as a Delegate or appointed as an Alternate Delegate if your secondment outside the bargaining unit extends longer than six months after the election/appointment.

In the case of candidates for District Director, they are not eligible to be elected if they have a secondment outside their home District if the secondment outside the District extends longer than six months after the election.

## **B. ANNUAL ELECTION CALENDAR**

There are two major nomination and election cycles in the AMAPCEO calendar – Fall and Spring.

### **Fall Election Cycle**

The ECC typically calls for nominations for ‘central’ positions (open seats on the Board of Directors and ADC Committees) on the last working day in September, with nominations remaining open until the last working day in October. The call for nominations is posted on the AMAPCEO website and a link is included in the weekly membership newsletter, with weekly reminders.

Positions that are included in the Fall cycle include:

- Executive Officer positions (President, Vice-President, Secretary or Treasurer);
- District Director positions;
- ADC’s Elections and Credentials Committee;
- ADC’s Resolutions Committee; and
- ADC’s Audit Committee.

All terms are for two years and the terms of approximately one-half of the positions in each of the above categories expire annually. In the case of the four Executive Officers, the President and Treasurer are elected one year and the Vice-President and Secretary are elected the next year. There are 12 District Directors, with six elected one year and six in the alternate year (*see Section D, below*). There are five elected members on each of the ADC Committees, so three are elected one year and two in the alternate year. Incumbents are eligible for re-election.

The nomination and election process differs for some of these positions and is described in more detail below (*see Sections D and E*).

Three ADC Committees fall outside the ‘normal’ cycle, as follows:

- Activist Recognition Committee, which consists of three Delegates and two Board Directors. Nominations are sought for the open Delegate positions on the committee in the Spring, following the District Delegate elections (which enables new or re-elected Delegates to participate).
- Board Compensation Review Committee, which consists of five Delegates. The committee is struck every five years and nominations are sought at that time, with terms expiring at the ADC at which the committee submits its report. (Nominations were sought, and the committee was established, in January 2018.)
- Constitutional Review Committee, which typically consists of five Delegates. The committee is struck every five years to conduct a formal review of the Constitution, by-laws and

District/Community boundaries. The last review was conducted in 2016, when the new governance and representation structure was established, so it is expected that the next review will be scheduled in 2021, at which time nominations will be sought for this committee.

### **Spring Election Cycle**

The ECC calls for nominations for ‘local’ positions (open Delegate seats) in the Spring. A call for nominations for District Delegates is posted on the first working day in April and nominations remain open until the last working day in April. The call for nominations is posted on the AMAPCEO website and a link to that notice is included in the weekly membership newsletter, with weekly reminders.

A call for the six Unit Delegates from the Broader Public Sector (BPS) bargaining units is typically distributed to members in the affected units in June of each year.

Approximately one-half of all Delegate positions are open for nomination each year. The term of Delegates is two years. Terms are staggered so that one-half of the Delegates in each District (and Community) are elected one year and the remaining half are elected in the alternate year. For the six BPS bargaining units, three units elect their Delegates one year, with the other three units electing theirs in the alternate year. Incumbents are always eligible for re-election.

Additional District Delegate positions may be available each year, however, due to (a) membership growth, resulting in a higher number of Delegates in a District or Community (*see Section C, below*) and/or (b) vacancies in which no one was originally elected or in which the incumbent has left office part-way through a two-year term. The number of open positions in each District or Community may further increase after the call for nominations if any Delegates resign before the nomination deadline, thereby creating additional vacancies (in which case, members in the affected District or Community will be notified).

## **C. DELEGATE ELECTIONS**

### **Determining the Number of Delegates in a District: Annual Membership Count**

Section 16 of the Elections By-law requires an annual membership count as of March 1 of each year for the purpose of calculating the number of Delegates to which each District (or Community within a District) is entitled. Districts and Communities are entitled to one Delegate for every 50 members-in-good-standing, until reaching a final portion or remainder of less than 50, in which case a final Delegate is ‘earned’ when that final portion of less than 50 consists of at least 25 members.

The Constitution also stipulates that a District that is subdivided into Communities is entitled to the same number of Delegates as if it were organized without Communities. The Elections By-law states that, if this rule leads to additional Delegates for the District, the District Executive Committee shall designate which Community or Communities will receive the additional Delegate(s) on an annual basis. (Following both the 2017 and 2018 membership counts, the Northern District was found to have fewer Delegates than it would if it were not subdivided into Communities, and the Northern District Executive determined that the Sault Ste. Marie Community should receive the additional Delegate in each year.)

Bargaining unit employees have many opportunities to sign a membership form to become a member-in-good-standing and therefore qualify for inclusion in the annual membership count:

- New employees are sent a welcome letter with a link to an on-line membership form shortly after being hired into a bargaining unit position, after AMAPCEO has been informed of the new hire by the employer.
- Members of District Executive Committees have a role in approaching new employees and signing them up at any time throughout the year.
- The AMAPCEO office conducts a central sign-up drive in the Spring, in advance of the March 1 membership count.
- Employees are able to visit the public section of the AMAPCEO website at any time to sign a membership form on line.
- To participate in a specific election, unsigned employees may sign a membership form at any time up to the posted nomination deadline for that election.

### **Nomination Process – All Delegates**

The nomination form is on-line in format and candidates are strongly encouraged not to wait until the last moment to submit their form nor to rely on someone else to submit the form for them. Although there is an option to be nominated by someone else, self-nominations are typical. There is no requirement to be nominated by someone else. Once submitted, nominations are not confidential. A candidate may withdraw a nomination at any time in the process before a ballot is issued.

The posted deadline is strictly enforced. In fairness to all candidates, nomination forms received after the deadline will not be accepted for any reason, including failure of technology. The AMAPCEO office will acknowledge receipt of the nomination form after it is submitted.

### **Election Process – District Delegates**

If there are exactly the same number of, or fewer, nominations than open positions in a given Community or District, the nominated candidates are declared elected by acclamation. If there are more candidates than available positions, an election will be held by on-line ballot among the members of the District (or among the Community, if the District is sub-divided into Communities).

In the event of an election, candidates are entitled to have a one-page candidate statement posted on the website in order to publicize their background and views. The content of the candidate statement should be no longer than what would fit on one side of a letter-size (8 ½" x 11") sheet of paper. You are encouraged to submit your candidate statement (in Word or pdf format) by uploading the document to the AMAPCEO website at the same time you submit your nomination form, although it is possible to upload the statement later (as long as it is submitted by the posted deadline). An alternative is typically provided if a candidate prefers to email the statement rather than upload it on the website. The deadline for submitting the candidate statement is the same time as the posted nomination deadline. Please note that candidates who have not submitted statements by the deadline will not be contacted and given an opportunity to submit a statement if an election is required, so it is important to submit the candidate statement **before** it is known whether there will be an election. Although candidates are not required to submit a candidate statement, they are strongly encouraged to do so to enable voters to make informed decisions.

If an election is required, the Elections By-law specifies that an electronic ballot must be distributed to eligible voters during the first two weeks of May and that the voting period must be a minimum of five working days. An e-mail containing a link to the ballot will be sent to eligible voters at their home e-mail address of record. (We do not send ballots to workplace email addresses.) The on-line election is conducted for AMAPCEO by an independent third-party firm. The current vendor is Simply Voting, Inc., which specializes in conducting elections for municipalities and not-for-profit organizations. The term of office begins immediately upon election (whether by acclamation or following a ballot).

### **Election Process – BPS Unit Delegates**

While all AMAPCEO members are entitled to participate in the nomination and election process of District Delegates (since all members, whether in the OPS or the BPS, are assigned to a District), members in the six BPS (or Broader Public Sector) bargaining units, which are considerably smaller in size compared with the OPS unit, are also entitled to elect one Delegate from each BPS unit, in order to ensure that all AMAPCEO bargaining units are represented at the ADC. BPS Unit Delegates also serve a two-year term. Any BPS member, regardless of work location, is eligible to participate in this nomination and election process, as a voter, nominator or candidate. Some of the BPS units have members in more than one District

Three units elect their Delegates one year, with the other three units electing theirs in the alternate year, and the nomination and election cycle is typically scheduled for June. Although BPS Unit Delegates represent all members in their bargaining unit, regardless of the Districts in which BPS members work, each Unit Delegate nevertheless participates as a voting member of the District Executive Committee in the District in which the Unit Delegate happens to work.<sup>1</sup>

Following the close of nominations, if an election is required, an e-mail containing a link to the ballot will be sent to eligible voters at their home e-mail address of record. (We do not send ballots to workplace email addresses.) Candidates are entitled to have a one-page candidate statement distributed to voters, in the same way as described for District Delegate candidates (*above*). The term of office begins immediately upon election (whether by acclamation or following a ballot).

## **D. BOARD ELECTIONS**

### **Executive Officer Nomination and Election**

The four Executive Officers (President, Vice-President, Secretary and Treasurer) are elected by Delegates at the Annual Delegates' Conference (ADC). Any member is eligible to be nominated for these positions, subject to the eligibility restrictions on secondments or leaves outside the bargaining unit (*see Section A, above*).

The nomination form is on-line in format and candidates are strongly encouraged not to wait until the last moment to submit their form nor to rely on someone else to submit the form for them. Although

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<sup>1</sup> For added clarity, please note that this paragraph refers to the six specific Unit Delegates elected from and by the six BPS bargaining units. It does *not* apply to AMAPCEO members in BPS units who separately happen to be elected as District Delegates in their District and who, therefore, also sit as members of their District Executive Committee.

there is an option to be nominated by someone else, self-nominations are typical. There is no requirement to be nominated by someone else. The nomination forms for the four Executive Officers, however, must contain the names of five other members *endorsing* the nomination. Once submitted, nominations are not confidential. A candidate may withdraw a nomination at any time in the process.

The posted deadline is strictly enforced. In fairness to all candidates, nomination forms received after the deadline will not be accepted for any reason, including failure of technology. The AMAPCEO office will acknowledge receipt of the nomination form after it is submitted.

If only one candidate is nominated for an Executive Officer position, the nominated candidate is declared elected by acclamation. If more than one candidate is nominated, an election will be held at the ADC.

In the event of an election, candidates are entitled to have a one-page candidate statement posted on the website and distributed to Delegates with the ADC agenda in order to publicize their background and views. The content of the candidate statement should be no longer than what would fit on one side of a letter-size (8 ½" x 11") sheet of paper. You are encouraged to submit your candidate statement (in Word or pdf format) by uploading the document to the AMAPCEO website at the same time you submit your nomination form, although it is possible to upload the statement later (as long as it is submitted by the posted deadline). An alternative is typically provided if a candidate prefers to email the statement rather than upload it on the website. The deadline for submitting the candidate statement is announced in the call for nominations.

Executive Officer candidates are entitled, upon signing a confidentiality undertaking, to a list of Delegates with home contact information to use for campaign purposes. (Delegates are asked whether or not they agree that their home contact information can be provided to candidates.) Candidates are entitled to give a speech of up to fifteen minutes at the ADC and to participate in a question-and-answer session with Delegates. The election is typically conducted electronically using hand-held voting devices. The term of office of an Executive Officer begins on January 1 following the election.

With regard to elections conducted at a Delegates' Conference, the ECC has adopted a rule that prohibits distribution of campaign material (either physically at the conference venue or electronically) at any time after candidate speeches have begun at the conference.

### **District Director Nomination and Election**

There are 12 District Director positions, one elected by and from the membership in each of the 12 Districts. The following six Districts elect their Directors in one year:

- Bay Street
- GTA North
- Midtown Toronto
- Mowat/Hearst
- Northern Ontario
- Western Ontario

The following six Districts elect their Directors in the alternate year:

- College Park
- Eastern Ontario
- Ferguson/Whitney
- Frost/Hepburn
- Jarvis
- University/Toronto South

Any member with a home position in the District is eligible to be nominated for District Director, subject to the eligibility restrictions on secondments or leaves outside the bargaining unit or outside the District (*see Section A, above*).

The nomination form is on-line in format and candidates are strongly encouraged not to wait until the last moment to submit their form nor to rely on someone else to submit the form for them. Although there is an option to be nominated by someone else, self-nominations are typical. There is no requirement to be nominated by someone else. Once submitted, nominations are not confidential. A candidate may withdraw a nomination at any time in the process before a ballot is issued.

The posted deadline is strictly enforced. In fairness to all candidates, nomination forms received after the deadline will not be accepted for any reason, including failure of technology. The AMAPCEO office will acknowledge receipt of the nomination form after it is submitted.

If only one candidate is nominated for a District Director position, the nominated candidate is declared elected by acclamation. If more than one candidate is nominated, an election will be held by on-line ballot among the members of the District.

In the event of an election, candidates are entitled to have a one-page candidate statement posted on the website in order to publicize their background and views. The content of the candidate statement should be no longer than what would fit on one side of a letter-size (8 ½" x 11") sheet of paper. You are encouraged to submit your candidate statement (in Word or pdf format) by uploading the document to the AMAPCEO website at the same time you submit your nomination form, although it is possible to upload the statement later (as long as it is submitted by the posted deadline). An alternative is typically provided if a candidate prefers to email the statement rather than upload it on the website. The deadline for submitting the candidate statement is the same time as the posted nomination deadline. Please note that candidates who have not submitted statements by the deadline will not be contacted and given an opportunity to submit a statement if an election is required, so it is important to submit the candidate statement before it is known whether there will be an election.

Candidates for District Director are also entitled to prepare (using their own resources) a 5-minute campaign video for posting on the AMAPCEO website. Video statements may be submitted by e-mail to [nominations@amapceo.on.ca](mailto:nominations@amapceo.on.ca) in one of two file formats – mp4 or .mov. The deadline for submitting the video is the same deadline as the posted nomination deadline. In addition, the ECC will organize an audio town hall for each District, during which candidates for District Director are invited to deliver a five-minute speech and engage in a question-and-answer session moderated by an ECC member.

If an election is required, the Elections By-law specifies that the voting period must be a minimum of five working days and that the election must be completed, and the results announced to Delegates, before the start of the ADC. An e-mail containing a link to the ballot will be sent to eligible voters at their home

e-mail address of record. (We do not send ballots to work email addresses.) The on-line election is conducted for AMAPCEO by an independent third-party firm. The current vendor is Simply Voting, Inc., which specializes in conducting elections for municipalities and not-for-profit organizations. The term of office of District Director begins on January 1 following the election. Newly-elected Directors who are not already Delegates are entitled to attend the ADC immediately following their election as non-voting Delegates-at-Large.

## **E. ADC COMMITTEES – NOMINATIONS AND ELECTIONS**

### **Fall Election Cycle**

The following three ADC Committees have terms that open up for nomination in the Fall cycle:

- Audit Committee
- Elections and Credentials Committee
- Resolutions Committee.

Any member is eligible to be nominated for these positions, subject to the eligibility restrictions on secondments or leaves outside the bargaining unit or outside the District (*see Section A, above*). Incumbents are eligible for re-election.

The nomination form is on-line in format and candidates are strongly encouraged not to wait until the last moment to submit their form nor to rely on someone else to submit the form for them. Although there is an option to be nominated by someone else, self-nominations are typical. There is no requirement to be nominated by someone else. Once submitted, nominations are not confidential. A candidate may withdraw a nomination at any time in the process.

The posted deadline is strictly enforced. In fairness to all candidates, nomination forms received after the deadline will not be accepted for any reason, including failure of technology. The AMAPCEO office will acknowledge receipt of the nomination form after it is submitted.

If there are exactly the same number of, or fewer, nominations than open positions for a given committee, the nominated candidates are declared elected by acclamation. If there are more candidates than available positions, an election is typically held by Delegates at the ADC.

In the event of an election, candidates are entitled to have a one-page candidate statement posted on the website and distributed to Delegates with the ADC agenda in order to publicize their background and views. The content of the candidate statement should be no longer than what would fit on one side of a letter-size (8 ½" x 11") sheet of paper. You are encouraged to submit your candidate statement (in Word or pdf format) by uploading the document to the AMAPCEO website at the same time you submit your nomination form, although it is possible to upload the statement later (as long as it is submitted by the posted deadline). An alternative is typically provided if a candidate prefers to email the statement rather than upload it on the website. The deadline for submitting the candidate statement is announced in the call for nominations.

Candidates for ADC Committees do not have an opportunity to give a speech or participate in a question-and-answer session at the ADC, nor are they provided access to a Delegates' contact list. The election is typically conducted electronically using hand-held voting devices. The term of office of a member of an ADC Committee begins on January 1 following the election.

### **Atypical Election Cycle**

The same general nomination process as above is followed with regard to the following three ADC Committees for which nominations are not typically sought in the Fall:

- Activist Recognition Committee (only Delegates are eligible to sit on this committee)
- Compensation Review Committee (only Delegates are eligible to sit on this committee)
- Constitutional Review Committee (typically only Delegates are eligible to sit on this committee, although eligibility rules are revisited every five years).

Elections for these three committees, however, are not necessarily conducted at a Delegates' Conference, but are instead conducted by on-line ballot, distributed by email to Delegates. Candidates are entitled to submit a one-page candidate statement that is distributed to Delegates with the ballot and/or posted on the AMAPCEO website. The content of the candidate statement should be no longer than what would fit on one side of a letter-size (8 ½" x 11") sheet of paper.

## **F. ALTERNATE DELEGATES**

The Elections By-law gives District Executive Committees the authority to appoint Alternate Delegates to fill Delegate vacancies, including:

- Permanent vacancies, in which either no one was originally elected to the position or in which the incumbent has left part-way through a two-year term;
- Temporary vacancies, in which there is an incumbent who was elected to the position but who is temporarily unable to fulfill the duties of the position, including being temporarily unable to attend a specific Delegates' Conference.

An Alternate may be appointed if a vacancy (permanent or temporary) is identified at least four weeks in advance of a Delegates' Conference. An Alternate Delegate has the same rights and obligations of a Delegate but the term of office extends only to the end of the Delegates' Conference immediately following the appointment. The Executive must seek nominations from the membership before making any appointments.

The ECC has the authority to regulate the process for appointing Alternate Delegates and this process remains under review by the Committee. The committee clarifies the rules before each Annual Delegates' Conference.

## **G. CAMPAIGN RULES**

In submitting a nomination form in any election under the jurisdiction of the ECC, candidates are required to acknowledge their willingness to accept the nomination and to certify that the information

in the form is accurate. In addition, candidates pledge to comply with the relevant election campaign rules (outlined in [By-law 1](#)) and the Activist Code of Conduct (outlined in [By-law 9](#)).

Section 54 of the Elections By-law stipulates that candidates, as well as any other members, including those supporting or opposing a candidate, are prohibited from using employer or AMAPCEO resources to communicate with voters for campaign purposes (except as provided for in the by-law, e.g., to use the AMAPCEO website to post candidate statements). Such prohibited resources include the use of: funds, supplies, equipment, services, membership lists, staff or facilities and, in particular, use of the employer IT or email system to send messages from or to workplace email addresses. As noted in Section D, above, the ECC has adopted a rule for elections conducted at a Delegates' Conference that prohibits distribution of campaign material (either physically at the conference venue or electronically) at any time after candidate speeches have begun at the conference.

The rationale for the restrictions in the preceding paragraph is that candidates have the opportunity to post on the AMAPCEO website a candidate statement to publicize their campaign. Candidates for Executive Officer and District Director have additional opportunities provided by AMAPCEO to communicate with voters (*see Sections D and E, above*). In addition, AMAPCEO has agreed with employers not to conduct internal union business, including election campaigns, using employer email systems. Finally, many members have complained, in the past, when they have been contacted by candidates at their workplace email addresses.

All candidates are obliged to observe the Activist Code of Conduct with regard to behaviour towards other members, including the content of submitted candidate statements, videos, speeches and commentary in any other campaign material or activity.

Violations of the campaign rules that are drawn to the attention of the ECC may be referred for investigation and potential discipline, as outlined in [By-laws 4 and 10](#).

## **H. BY-ELECTIONS**

From time to time, the ECC is required to conduct by-elections to fill vacancies that arise.

### **Executive Officers**

If a vacancy occurs in the position of President, the Vice-President would be expected to assume that position and a by-election is held to fill the Vice-President's position. For vacancies in the positions of Vice-President, Secretary or Treasurer (or President, if the Vice-President does not want to fill a vacancy in the President's position), the position can be filled temporarily from within the Board of Directors for up to 45 days, during which the ECC conducts a by-election among the Delegates to complete the remainder of the original term. A call for nominations would be posted and candidates would have the opportunity to submit a candidate statement and participate in a telephone town hall with Delegates to give a 5-minute speech and engage in a moderated question-and-answer session. The Delegates would be sent an on-line ballot without the requirement to meet in person.

The only exception to the above process is if the vacancy occurs in the final six months of the incumbent's term of office, in which case the Board is authorized to fill the vacancy from within the Board for the remainder of the original term.

### **District Directors**

If a vacancy occurs in a District Director's position, the ECC will call for nominations and conduct a by-election within 45 days among the members of the affected District to complete the remainder of the original term. Candidates would have the opportunity to submit a candidate statement and participate in a telephone town hall with District members to give a 5-minute speech and engage in a moderated question-and-answer session. District members would be sent an on-line ballot.

The only exception to the above process is if the vacancy occurs in the final six months of the incumbent's term of office, in which case the District Vice-Chair temporarily assumes the position for the remainder of the original term. If there is a vacancy in the Vice-Chair's position, however, the members of the District Executive Committee would elect one of the District Delegates to temporarily assume the vacant Director's position for the remainder of the original term.

### **ADC Committees**

Vacancies on ADC committees can be filled through by-elections conducted by electronic voting among the Delegates. Candidates are given the opportunity to submit a candidate statement in such a case.

### **District Delegates**

Permanent and temporary vacancies among District Delegates can be filled through the appointment of Alternate Delegates in the period immediately before an ADC (*see Section F, above*). The District Executive Committees are responsible for Alternate Delegate appointments, under procedures stipulated by the ECC.

A permanent vacancy in a Delegate's position that is identified before the close of nominations (i.e., the last working day in April) will be included in the list of open Delegate positions to be filled during that nomination and election cycle.

### **BPS Unit Delegates**

A vacancy in a BPS bargaining unit Delegate's position that is identified before the close of nominations in June will be included in the list of open Delegate positions to be filled during that nomination and election cycle. There is currently no provision for appointing Alternate Delegates for temporary or permanent Unit Delegate positions in advance of an ADC.

## **I. ROLES AND RESPONSIBILITIES**

### **District Delegates**

District Delegates have two main roles:

- Participating as members of their District Executive Committee, which is chaired by the District Director; and
- Attending the Annual Delegates' Conference (ADC) and any special conferences that may be organized from time to time.

The District Executive Committee is expected to meet at least four times a year – in person where feasible but, in recognition of the fact that AMAPCEO members are dispersed over large distances, meetings are often held with some or all members participating by teleconference. Many District Executives meet more frequently than four times a year. The Delegates elect from among themselves a District Vice-Chair, who assists the Director in providing leadership to the District and presides at meetings in the Director’s absence. The Executive also elects additional officer positions (e.g., Secretary, Treasurer) and can strike sub-committees.

The District Executive Committee is also responsible for designating a number of Community Leads, who attend, with the Director and the District Vice-Chair, the Activists and Leaders Forum (ALF), a consultative and information-sharing body established by the Board of Directors to engage AMAPCEO’s major internal stakeholders. The Forum meets three times a year (typically February, June and September) for an all-day meeting in Toronto.

The ADC is typically scheduled to meet over a three-day period in late November or early December each year, in Toronto. (Although it is rare, special conferences are held occasionally to deal with specific issues.) The Delegates at the ADC are responsible for: electing the four Executive Officers (President, Vice-President, Secretary and Treasurer); approving the annual budget, accepting the annual audited financial statements, and appointing the external auditors; authorizing any increases in membership dues; adopting constitutional amendments; and electing fellow Delegates to sit on a number of ADC standing committees (Audit, Resolutions, Activist Award and Recognition, Elections and Credentials). Delegates receive paid leave to attend the ALF, ADC and any ADC committees. If required, they are also reimbursed for relevant travel, accommodation and meal expenses.

A useful resource for more information on the role and responsibilities of District Delegates and District Executive Committees can be found in the District Operating Policy, part of the *Policies and Procedures Manual* that can be accessed on each member’s home page after logging in to the AMAPCEO website.

### **BPS Unit Delegates**

BPS Unit Delegates attend the ADC and any special conferences that may be organized from time to time. In addition, the Unit Delegates represent their bargaining units on the Activists and Leaders Forum (ALF), a consultative and information-sharing body established by the Board of Directors to engage AMAPCEO’s major internal stakeholders. The Forum meets three times a year (typically in February, June and September) for an all-day meeting in Toronto.

As noted in Section C, above, BPS Unit Delegates also participate as voting members of the District Executive Committee of the District in which the Unit Delegate happens to work, notwithstanding that the Unit Delegates represent all of their Unit members, even if they work in other Districts. Unit Delegates are full members of their District Executive Committees, but are not eligible for election as Vice-Chair, Secretary, Treasurer or Community Lead.

The ADC is typically scheduled to meet over a three-day period in late November or early December each year, in Toronto. (Although it is rare, special conferences are held occasionally to deal with specific issues.) The Delegates at the ADC are responsible for: electing the four Executive Officers (President, Vice-President, Secretary and Treasurer); approving the annual budget, accepting the annual audited financial statements, and appointing the external auditors; authorizing any increases in membership dues; adopting constitutional amendments; and electing fellow Delegates to sit on a number of ADC standing committees (Audit, Resolutions, Activist Award and Recognition, Elections and Credentials).

Delegates receive paid leave to attend the ALF, ADC and any ADC committees. If required, they are also reimbursed for relevant travel, accommodation and meal expenses.

### **Executive Officers**

**President** – The President is the chief executive officer of AMAPCEO and the Chair of the Board’s Executive Committee. Responsibilities include: Providing leadership to and carrying out the mission of the whole organization; preparing, with the Secretary, the agenda for meetings of the Executive Committee and the Board; and ensuring that all policies and actions approved by the Delegates’ Conference and the Board of Directors are properly implemented. The President is a member of both the Annual Delegates’ Conference and the Activists and Leaders Forum. The President’s duties typically require a full-time leave from the incumbent’s home position.

**Vice-President** - The Vice-President shares some of the leadership responsibilities with the President; fulfills the duties of the President when that officer is temporarily absent; assumes the position of President if there is a vacancy in that office; and carries out additional duties as may be assigned by the President or the Board of Directors. The Vice-President serves as the Chair of the Board’s Education Committee; is a member of the Executive Committee and Board; and is a member of the Delegates’ Conference and the Activists and Leaders Forum. The Vice-President’s duties typically require a full-time leave from the incumbent’s home position.

**Secretary** - The Secretary functions as the corporate secretary of AMAPCEO and its governing bodies, including the Delegates’ Conference, the Board of Directors and the Executive Committee. The Secretary is responsible for preparing appropriate agendas and minutes and for overseeing membership records. The Secretary is a member of the Executive Committee and Board; sits ex officio on the ADC’s Resolutions Committee; and is a member of the Delegates’ Conference and the Activists and Leaders Forum. The Secretary is able to access paid leave (less than full-time) to perform the responsibilities of the position and participate in required meetings.

**Treasurer** – The Treasurer is the chief financial officer of AMAPCEO and oversees financial procedures, receipts and expenditures, reporting regularly to the Board of Directors and the Delegates on financial matters. The Treasurer is responsible for preparing the draft annual operating budget. The Treasurer is a member of the Executive Committee and Board; is a member of the Delegates’ Conference and the Activists and Leaders Forum; sits ex officio on the Audit Committee; and chairs the Board’s Finance Committee. The Treasurer is able to access paid leave (less than full-time) to perform the responsibilities of the position and participate in required meetings.

### **District Directors**

The 12 Directors have a dual role – as members of the Board of Directors and as chairs of their respective District Executive Committee. As Directors, they provide oversight and approval of by-laws, policies, budgets and plans; collectively, with the executive officers, they exercise the specific responsibilities and authority given to the Board under the Constitution; and individually, they assume specific leadership responsibilities or portfolios, including serving on committees, leading projects, representing AMAPCEO at events and other roles that the Board may determine. All Directors attend meetings of the Activists and Leaders Forum, which meets three times each year.

Each Director also chairs the Executive Committee of his or her District, consisting of all of the elected Delegates from the District. The Executive is required to hold at least four meetings per year, although

most District Executives meet more frequently. In addition, the Director chairs general membership meetings in the District and works closely with a District Vice-Chair (who is elected from and by the District Delegates) and other District officers with the goal of representing District members' interests and helping to recruit activists and build membership engagement within the District.

All members of the Board of Directors are expected to attend monthly board meetings held in Toronto. Board members are also automatically Delegates and attend the ADC (scheduled over three days in late November or early December in Toronto). Members are provided with paid leave from their respective workplaces to participate in Board and other meetings and are entitled to claim relevant travel, meal and accommodation expenses under the provisions of the AMAPCEO Expense Reimbursement Policy.

One of the District Directors is elected by the Board annually as Board Chair to preside over Board meetings. The Board Chair also sits on the Executive Committee with the four Executive Officers. The Board typically also elects one of the District Directors to be Vice-Chair of the Board, to share the presiding duties with the Chair.

### **Members of ADC Committees**

Members of ADC committees are entitled to paid leave to attend required meetings of their committees and, if applicable, are entitled to claim relevant travel, meal and accommodation expenses under the provisions of the AMAPCEO Expense Reimbursement Policy.

### ***Elections and Credentials Committee***

As noted in Section A, above, the Elections and Credentials Committee (ECC) is intended to operate as an independent, arm's length, non-partisan body to manage AMAPCEO's nomination and election process.

The committee consists of five members who serve a two-year term, with incumbents eligible for re-election. The terms are staggered, with three members elected one year and two members elected in the alternate year. Members' terms begin on January 1 following their election. Any member-in-good-standing is eligible to sit on this committee. The committee elects a Chair and a Vice-Chair and the Chair serves as the Chief Returning Officer for all elections that fall under the jurisdiction of the ECC, including:

- Election of the four Executive Officers (President, Vice-President, Secretary and Treasurer) at the Annual Delegates' Conference (or ADC);
- Election of the 12 District Board Directors;
- Election of members to all standing and special ADC Committees;
- Election of all District Delegates;
- Election of Delegates to represent specific bargaining units;
- Appointment of Alternate Delegates;
- Any by-elections required to fill vacancies in any of the above categories.

ECC members are prohibited from being nominated as a member of the Board of Directors during their term of office and members of the Board may not be nominated for, or serve on the ECC, while a member of the Board. If they are not already Delegates, ECC members will be appointed as Delegates-at-Large to enable them to attend the ADC. The committee holds at least two meetings a year in person with additional meetings held by teleconference as required. More information on the role and responsibilities of the ECC can be found in the Elections By-law (By-law 1).

### ***Audit Committee***

The Audit Committee is intended to provide an arm's length, independent review of AMAPCEO's financial statements, to monitor financial policies and to recommend the appointment of, and liaise with, our external auditing firm. (The external auditors conduct the annual audit and prepare the audited financial statements for presentation to the Delegates.)

The committee consists of five members elected by the Delegates and members serve two-year terms, staggered so that three members are elected one year and two members are elected in the alternate year. Any member-in-good-standing is eligible to sit on this committee except (a) current members of the Board of Directors and (b) former members of the Board whose Board membership ended less than twelve months immediately preceding the Delegates' Conference at which the Audit Committee election is being held. Incumbents are eligible for re-election. Members' terms begin on January 1 following their election. The committee elects a Chair and a Vice-Chair. The AMAPCEO Treasurer attends meetings of the Audit Committee in a non-voting resource capacity. The Audit Committee is entitled to meet alone with the external auditors (without the Treasurer or AMAPCEO staff) once each year. The committee typically holds three or four meetings a year, both in person and by teleconference. More information on the role and responsibilities of the Audit Committee can be found in By-law 3 (Audit Committee).

### ***Resolutions Committee***

The Resolutions Committee is responsible for inviting, reviewing and recommending action on policy resolutions submitted by Delegates and committees for consideration at the Annual Delegates' Conference (ADC). Most of the work of the committee occurs in the Fall of each year and at the ADC, requiring one in-person meeting and possibly one or two teleconference meetings.

The committee consists of five members elected by the Delegates and members serve two-year terms, staggered so that three members are elected one year and two members are elected in the alternate year. Any member-in-good-standing is eligible to sit on this committee. Incumbents are eligible for re-election. Members' terms begin on January 1 following their election. The committee elects a Chair and a Vice-Chair. There are two voting ex officio members who sit on the committee: the Secretary of AMAPCEO and another Board member selected by the Board.

More information on the role and responsibilities of the Resolutions Committee can be found in previous committee reports, which include the committee's terms of reference, found on the Delegates' and ADC Resource page (that can be accessed on each member's home page after logging in to the AMAPCEO website).

### ***Activist Recognition Committee***

The Activist Recognition Committee (ARC) is responsible for inviting nominations for, and selecting recipients of, awards recognizing achievements by AMAPCEO activists. Most of the work of the committee occurs in the Fall and at the ADC, requiring a number of teleconference meetings and at least one in-person meeting.

The committee consists of five voting members: three Delegates elected to two-year terms by and from the Delegates and two Board Directors, selected annually by the Board. Two of the Delegate positions

are elected one year and the third is elected in the alternate year. Nominations are sought for the open Delegate positions on the committee in the Spring, following the District Delegate elections (which enables new or re-elected Delegates to participate). ARC members are prohibited from being nominated for an activist award while serving on the committee. Incumbents are eligible for re-election. The committee elects a Chair and a Vice-Chair. Members' terms begin immediately after their election.

More information on the role and responsibilities of ARC can be found in previous committee reports, which include the committee's terms of reference, found on the Delegates' and ADC Resource page (that can be accessed on each member's home page after logging in to the AMAPCEO website).

#### ***ADC's Board Compensation Review Committee***

The Board Compensation Review Committee is responsible for reviewing the Board Compensation Policy every five years. The committee consists of five Delegates, none of whom can be members of the Board of Directors. The committee is struck every five years and nominations are sought at that time, with terms expiring at the ADC at which the committee submits its report, unless the committee is extended at the ADC. More information on the status, role and responsibilities of this committee can be found on the Delegates' and ADC Resource page (that can be accessed on each member's home page after logging in to the AMAPCEO website).

#### ***Constitutional Review Committee***

The Constitutional Review Committee is an ADC committee struck every five years to conduct a formal review of the Constitution, by-laws and District/Community boundaries. The last review was conducted in 2016, when the new governance and representation structure was established, so it is expected that the next review will be scheduled in 2021, at which time nominations will be sought for this committee. In the past, the committee has consisted of five Delegates, although this is subject to change each time the committee is struck. More information on previous Constitutional Review Committees can be found on the Delegates' and ADC Resource page (that can be accessed on each member's home page after logging in to the AMAPCEO website).