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REPORT OF THE
BYLAWS
RESOLUTIONS COMMITTEE

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REPORT OF THE BYLAWS RESOLUTIONS COMMITTEE TO THE PRAIRIE REGION CONVENTION

**April 21-23, 2017
Fairmont Hotel, Winnipeg, MB**

Marianne Hladun, PSAC Regional Executive Vice-President for the Prairie Region and the Prairie Region Council appointed Gus Mardli and Barry Stolar as Chairpersons of the 2017 Bylaws Resolutions Committee for the Triennial Convention. Brothers Mardli and Stolar worked with the Bylaws Resolutions Committee members during the deliberations and the members of the Committee are as follows:

Chairpersons:

Gus Mardli	PRC Member, South-East Manitoba Geographical Rep
Barry Stolar	USGE, National Officer

Committee Members:

Sam Akinsanya	PRC Member, Racially Visible Persons
Satinder Bains	PRC Member, Regina Area Council
Glen Johnston	PRC Member, Westman Area Council
Jackie Nettleton	PRC Member, Saskatoon Area Council
Matt Tijani	PRC Member, Winnipeg Area Council
Michael Wiesberger	PRC Member, North West Manitoba Geographical Rep

Regrets:

Milton Dyck	AGR, National Officer
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Staff:

Nancy Johnson	PSAC Administrative Assistant, Saskatoon RO
Raj Hari	PSAC Regional Representative, Calgary RO

Any decision or recommendation made by the Bylaws Committee is subject to ratification by the delegates to the 2017 PSAC Prairie Region Triennial Convention. The committee met on January 21 and 22, 2017 at the Fairmont Winnipeg.

Unless otherwise specified, all resolutions considered by this Committee are moved and seconded by the Committee Chairs with the exception of Resolution BL-003 that was moved by Barry Stolar and seconded by Glen Johnston.

The Committee established its priorities as follows:

1. Resolution 008
2. Resolution 003
3. Resolution 009
4. Resolution 007
5. Resolution 004A

The following resolution was recommended as **concurrence**:

- Resolution 10

The following resolutions were recommended as **non-concurrence**:

- Resolution 1, 2, 4B, 5, 6

The following resolution was split as follows:

- Resolution 4A - (3rd BIR only)
- Resolution 4B - (1st, 2nd, 4th, 5th BIR only)

The report begins with the Committee's priorities, followed by all those resolutions with recommendation of concurrence, followed by all those resolutions with recommendation of non-concurrence.

The Chairpersons of the Committee would like to acknowledge and thank each and every member of the Committee for their hard work and contribution during our deliberations and finalization of the report.

Respectfully submitted on behalf of the Committee.

Gus Mardli
Committee Co-Chair

Barry Stolar
Committee Co-Chair

RESOLUTION BL-008
PRC BYLAWS – ELECTION OF 2ND A/REVP

The Committee recommends **concurrence** in Resolution BL-008 which reads as follows:

Originator: Prairie Region Council

WHEREAS in the current Prairie Region By-Laws there is no provision for a 2nd Alternate to the Regional Executive Vice President (REVP); and

WHEREAS at the 2015 PSAC Triennial Convention Section 16 Sub-Section (4) (a) was amended to allow for the election of a second Alternate REVP; and

WHEREAS the establishment of a 2nd Alternate to the REVP would ensure a more timely transition for the office of the A/REVP should it become vacant; therefore

BE IT RESOLVED that the Prairie Region By-Laws be amended to establish the position of 2nd Alternate to the REVP and any reformatting of numbering/bullets be carried out as needed; and

BE IT FURTHER RESOLVED that the following Sub-Section be added to Section 6;
And

Sub-Section (3)

The 2nd Alternate Regional Executive Vice President shall:

(a) assume the position and the roles and responsibilities of the Alternate Regional Executive Vice President should the position become vacant between Prairie Region Conventions;

BE IT FURTHER RESOLVED that Section 9 Sub-Section (3) (f) be amended to include the 2nd Alternate REVP and read as follows; and

(f) elect the REVP, Prairie Region, the Alternate REVP, Prairie Region and the 2nd Alternate REVP Prairie Region

BE IT FURTHER RESOLVED that Section 11 Sub-Section (1-4) be amended to reflect the addition of the position of a 2nd A/REVP and read as follows; and

SECTION 11
ELECTIONS AT THE PRAIRIE REGION TRIENNIAL CONVENTION

Sub-section (1) - Eligibility of Nominees for Office - REVP, A/REVP and 2nd A/REVP

- (a) *All nominees for the office of REVP Prairie Region, A/REVP Prairie Region, and 2nd A/REVP Prairie Region shall be members in good standing of the PSAC.*
- (b) *A nominee for the office of the REVP, A/REVP and 2nd A/REVP shall work or reside in the Prairie Region.*
- (c) *Nominees for the office of REVP, Prairie Region shall be prepared to live in a location as determined by the AEC.*

Sub-Section (2) - Nomination of REVP, A/REVP and 2nd A/REVP

- (a) *At each Prairie Region Triennial Convention, a Nominations Committee of at least three (3) persons shall be appointed by the PRC from among those present, other than staff.*
- (b) *The duties of the Nominations Committee shall be to:*
 - (i) *receive nominations for the offices of REVP, A/REVP and 2nd A/REVP;*
 - (ii) *verify eligibility of nominees for office;*
 - (iii) *ascertain the willingness of nominees to accept and perform the duties of the office to which they may be elected;*
 - (iv) *report to the Prairie Region Triennial Convention the names of all such nominees.*
- (c) *Nominations for the office of REVP, A/REVP and 2nd A/REVP filed with the Nominations Committee shall be in writing, signed by a nominator and a seconder, each of whom shall be an accredited delegate.*
- (d) *Nominees who are not present at the Convention must submit a nomination form to the Prairie Regional Staff Coordinator prior to the start of the Prairie Region Triennial Convention*
- (e) *Nominees who are present at the Prairie Region Triennial Convention can submit a nomination form to the Prairie Regional Staff Coordinator prior to the start of the Prairie Region Triennial Convention, to the Nominations Committee during Convention or be nominated from the floor of the Prairie Region Triennial Convention. The Prairie Regional Staff Coordinator will provide nomination forms*

received prior to the commencement of Convention to the Chair of the Nominations Committee as soon as the Nominations Committee has been ratified by Convention

- (f) The Chairperson of the Nominations Committee shall be appointed by the PSAC Prairie Region Council. Either the Chairperson of the Nomination Committee, or a member or former member of the AEC, shall conduct the election of the REVP alternate REVP and the 2nd alternate REVP. The Election Chairperson shall have the power to appoint scrutineers and assistants as deemed necessary to conduct the elections in an orderly manner, subject to the limitations of Sub-Section (2) (a) above.*

Sub-Section (3) - Election of the REVP, Alternate REVP and 2nd A/REVP

- (a) The election of the REVP, Prairie Region, and A/REVP, Prairie Region and 2nd A/REVP, Prairie Region shall be conducted in turn and completed before the next office is called.*
- (b) As the election for the office of REVP, A/REVP and 2nd A/REVP is called, the nominee, nominator or seconder of each nominee, whether filed previously with the Nominations Committee or nominated from the floor, may speak to the Prairie Region Triennial Convention for not more than three (3) minutes on behalf of that nominee.*
- (c) The election to the office of REVP, A/REVP and 2nd A/REVP shall be by secret ballot. Each voting delegate shall indicate by ballot or electronic voting the name of their choice for the office called, from among the nominees for office.*
- (d) Election to the office of REVP, A/REVP and 2nd A/REVP shall be declared only on receipt of a clear majority of the ballots cast with standings revealed to voting delegates after each ballot. In the event that more than two (2) nominees stand for election to any one office, the election procedure shall be by way of elimination.*
- (e) In the event of a tie vote, the Chairperson shall immediately take a second ballot without recess or adjournment. If this results in a second tie vote, the Chairperson shall call a short recess before taking the third ballot.*
- (f) Upon completion of the election of the REVP, A/REVP and 2nd A/REVP, the Nominations Committee will sign a declaration outlining the number of accredited delegates, the number of accredited delegates voting, the vote tally for each candidate and the number of spoiled ballots for each ballot during the election of the REVP, A/REVP and 2nd A/REVP. The signed declaration will be forwarded to the PSAC National President and maintained on file.*

- (g) *The REVP, A/REVP and 2nd A/REVP shall take office at the end of the Prairie Region Triennial Convention.*
- (h) *Members elected to the position of REVP shall not hold Component, Local or Branch Executive Officer positions, other than Steward.*

Sub-Section (4) - Vacancy in the Position of REVP, A/REVP and 2nd A/REVP

- (a) *A vacancy in the office of REVP shall be filled by the A/REVP*
- (b) *A vacancy in the office of Alternate REVP shall be filled by the 2nd A/REVP*
- (c) *in the event that both the A/REVP and 2nd A/REVP become vacant 6 months or more prior to the PR Convention then the position of the A/REVP shall be filled in the following manner:*
 - (i) *nominations shall be called by the AEC from amongst all members in the Prairie Region;*
 - (ii) *the AEC shall ensure that all nominees are members in good standing of the PSAC in the Prairie Region of the PSAC, and that the nominator and seconder were delegates at the previous Prairie Region Triennial Convention;*
 - (iii) *the nominations process will be concluded within 60 days from the date of notice of vacancy in the position of Alternate REVP;*
 - (iv) *if there is more than one nominee for the office of A/REVP, and an election is necessary, it shall be conducted by the AEC from amongst those members' in good standing who were voting delegates at the preceding Prairie Region Triennial Convention.*

BE IT FURTHER RESOLVED that all references to A/REVP be updated to reflect this change

BE IT FURTHER RESOLVED that this change be enacted immediately to allow for the election of a 2nd A/REVP at the 2017 Prairie Region convention.

BE IT FURTHER RESOLVED that subsequent articles be renumbered accordingly.

RATIONALE

The Committee understands that the addition of the 2nd Alternate REVP position would aid in the smooth transition should the office of REVP or the position of Alternate REVP

be vacated. With the amendment of the PSAC Constitution to include a 2nd alternate where so indicated in a Regions Bylaws, this resolution establishes the position and sets forth the procedure for election of the 2nd Alternate REVP.

Convention Decision_____

RESOLUTION BL-003
PRC BYLAWS – A/REVP ROLES AND RESPONSIBILITIES

The Committee recommends **concurrence** in Resolution BL-003 which reads as follows:

Originator: PSAC Local 40005

WHEREAS the Alternate Regional Executive Vice President is required to sit on the Prairie Regional Council with limited duties as they are not officially acting in the role as Regional Executive Vice President unless he/she steps down; and

WHEREAS it is important to have the Alternate attend Prairie Regional Council meetings so they have an idea what is going on in the Region and the Finances; therefore

BE IT FURTHER RESOLVED that the Alternate Regional Executive Vice President shall automatically be assigned to the Finance Committee on the Prairie Regional Council; and

BE IT FURTHER RESOLVED that a new article be added to Section 6 Sub-Section (2) that formalizes the assignment for the duration of the mandate of the Finance Committee that shall read as follows:

Sub-Section (2)

(c) Be assigned to the PRC Finance Committee for the duration of the mandate.

BE IT FURTHER RESOLVED that the subsequent articles be renumbered

The following member of the committee wishes to be recorded against the Committee's recommendation: Gus Mardli

RATIONALE

The committee recognizes that the member elected as the A/REVP may not have financial experience, but by being appointed to the Finance Committee experience in how financial matters are conducted within the Region would be beneficial. Although the finance committee only deals with Prairie Region Council finances should the transition to REVP become necessary this experience in the financial process would aid them in this role.

Convention Decision _____

RESOLUTION BL-009
PRC BYLAWS – PRAIRIE REGION ANNUAL AUDIT

The Committee recommends **concurrence** in Resolution BL-009 which reads as follows:

Originator: PSAC Local 40005

WHEREAS Section 13 Sub-Section (3) speaks to the audit procedures for the PRC; specifically, "A committee of three shall be appointed by the PRC to perform an annual review of PRC's finances and expenditures."; and

WHEREAS historically this has not always been the format used by the PRC for audits; And

WHEREAS the Prairie Region Finance Committee has the responsibility to provide recommendations on the PRC annual budget for consideration by the PRC; and Whereas fiscal transparency and responsibility must be paramount within the PRC; therefore

BE IT RESOLVED that a detailed audited statement of receipts and expenditures certified by qualified accountants be undertaken for each fiscal year of the PRC; and

BE IT FURTHER RESOLVED that that Section 13 Sub-Section (3) be amended to reflect this change in audit procedure which shall read as follows:

Sub-Section (3)

The fiscal year of the PRC shall be from January 1 to December 31. A detailed audited statement of receipts and expenditures prepared by a certified accountant shall be undertaken for each fiscal year of the PRC. This financial statement and recommendations from the Finance Committee shall be presented at the PRC meeting immediately following the completion of the audit for PRC approval. A financial report, including a detailed audited statement of receipts and expenditures prepared by a certified accountant, shall be presented at the Prairie Region Triennial Convention.

RATIONALE

The Committee recognized that the current method of conducting an audit of PRC finances as set forth in the PR Bylaws was not clear and consistently applied in the past which has led to confusion and misunderstanding in previous years.

The Committee felt that the procedure proposed in this resolution makes it very clear how future audits of the PRC finances would be conducted and presented to the PRC and the PR Triennial Convention.

The amendment to the by-law did not change the intent of the subsection but rather, it enhances the application of the by-law.

Convention Decision _____

RESOLUTION BL-007
PRC BYLAWS – BUDGET VARIANCE REPORT

The Committee recommends **concurrence** in Resolution BL-007 which reads as follows:

Originator: Prairie Region Council

WHEREAS Section 13 Sub-Section (6) of the By-Laws states that the budget variance report shall be posted on the Prairie Region's Website quarterly; and

WHEREAS there is no reference in the PR Bylaws to this report being presented to the PRC at their face to face meetings; therefore

BE IT RESOLVED that Section 13 Sub-Section (6) be amended to read as follows:

Sub-Section (6)

The Prairie Region Council budget variance report shall be posted on the Prairie Region's website quarterly and presented to all regularly scheduled PRC meetings.

RATIONALE

It has been standard practice that the budget variance report is presented to the PRC at every meeting. This provides accountability and transparency. The committee feels this should be reflected in the Bylaws to ensure this practice is a requirement.

Convention Decision _____

RESOLUTION BL-004A
REGIONAL HEALTH AND SAFETY COMMITTEE FUNDING
(COVERS BL-004 3RD BIR ONLY)

The Committee recommends **concurrence** in Resolution BL-004A 3rd BIR only from BL-004 which reads as follows:

Originator: PSAC Local 40005

WHEREAS Resolution CS-050 from the PSAC National Convention mandated the start-up of a Regional Health and Safety Committee; and

WHEREAS there was no clear direction or funding allocated to these Regional committees; and

WHEREAS much discussion was held at the PRC on how to meet the mandate of this resolution which led to the PRC Health & Safety Committee fulfilling the Regional role, and

WHEREAS the members assigned to the PRC Health & Safety committee, while dedicated to their role, may not have a health and safety background and

WHEREAS funds for the operation of this committee should be set aside to ensure that the committee is relevant for the region, therefore

BE IT FURTHER RESOLVED THAT funding for Regional Health and Safety committees should be allocated in accordance with other regional committees but be sufficient to support at least one face to face meeting per mandate, and

RATIONALE

As a result of Resolution CS-050 from the 2015 PSAC National Triennial Convention, the start-up of regional health and safety committees was mandated but no funding was allocated. The Committee feels that in order for Regional Health and Safety Committees to be fully functional, there needs to be sufficient national funding allocated.

Convention Decision _____

RESOLUTION BL-010
PRC BYLAWS – PRC COMMITTEE TERMS OF REFERENCE

The Committee recommends **concurrence** in Resolution BL-010 which reads as follows:

Originator: Winnipeg Area Council

WHEREAS Section 8 (d) requires each PRC Committee to establish a Terms of Reference to guide the work and activities of each committee; and

WHEREAS at present there is no direction to review these Terms of References; and

WHEREAS the Terms of Reference should be reviewed at the beginning of each mandate to ensure that they are current and relevant and meet the needs of the PRC; therefore

BE IT RESOLVED THAT a statement be added to the end of Section 8 Sub-Section (d) that formalizes the review of PRC Committee Terms of Reference; and

BE IT FURTHER RESOLVED THAT the statement read as follows

“Within the first year of the mandate, the Terms of Reference of each PRC Standing Committee shall be reviewed by the committee to ensure that they are current and relevant. Each committee shall present their Terms of Reference to the PRC for ratification.”

RATIONALE

Presently PRC committees are required to produce Terms of Reference for ratification by the PRC. This resolution is intended to ensure those Terms of Reference are reviewed and updated with each new mandate.

Convention Decision _____

RESOLUTION BL-001
PRC BYLAWS - DCL & SEPARATE EMPLOYER REP

The Committee recommends **non-concurrence** in Resolution BL-001 which reads as follows:

Originator: Winnipeg Area Council

WHEREAS when the PRC position for Separate Employer locals was established in 2008, there was only one DCL within the Prairie Region and several Separate Employers as defined in the Glossary; And

WHEREAS there are now few DCL locals with vastly different workplaces as well as several SEL Locals and the diversity of issues under the responsibility of both PRC reps is no longer possible to clearly distinguish; And

WHEREAS most SELs belong to components and their interest is represented and defended by their national officers in the Prairie Region, while DCL locals don't belong to components; Therefore:

BE IT RESOLVED that the PRC positions of Directly Chartered Locals Representative and Separate Employer Representative be combined into one PRC Representative Position for DCL/Separate Employer Representative; And

BE IT FURTHER RESOLVED that all sections of the Prairie Region Bylaws be amended to reflect this change.

RATIONALE

The PSAC Prairie Region presently has 5 DCL locals with approximately 3,000 members and 8 CA's. There are 17 SEL locals with approximately 1,600 members and 22 CA's. These numbers are expected to increase as we continue to organize.

Therefore, while combining the two positions may save money the committee determined that two positions should remain separate.

Convention Decision _____

RESOLUTION BL-002
PRC BYLAWS – A/REVP ROLES AND RESPONSIBILITIES

The Committee recommends **non-concurrence** in Resolution BL-002 which reads as follows:

Originator: PSAC Local 40005

WHEREAS the Alternate Regional Executive Vice President is required to sit on the Prairie Region Council with limited duties as they are not officially acting in the role as Regional Executive Vice President unless he/she steps down; and

WHEREAS it is important to have the Alternate attend Prairie Region Council meetings so they have an idea what is going on in the Region and the Finances; therefore

BE IT RESOLVED that the Alternate Regional Executive Vice President automatically be the chair of the Finance Committee on the Prairie Region Council; and

BE IT FURTHER RESOLVED that a new article be added to Section 6 Sub-Section (2) that formalizes the role of Chair of the Finance Committee that shall read as follows:

Sub-Section (2)

(c) Assume the role of the chair of the PRC Finance Committee for the duration of the mandate.

The following member of the committee wishes to be recorded against the Committee's recommendation: Satinder Bains

RATIONALE

The Bylaws committee could not support this resolution as it is already the democratic process and practice for each PRC committee to elect a chair from within. The Bylaws committee also noted that in Section 6 Sub-section (2) (e) of the PR Bylaws, the PRC and/or the REVP can currently determine duties and responsibilities for the Alternate Regional Executive Vice-President.

Convention Decision _____

RESOLUTION BL-004B
PRC BYLAWS - REGIONAL HEALTH & SAFETY COMMITTEE

The Committee recommends **concurrence** in Resolution BL-004B (1ST, 2nd, 4th, 5th and 6th BIR only from BL-004) which reads as follows:

Originator: PSAC Local 40005

WHEREAS Resolution CS-050 from the PSAC National Convention mandated the start-up of a Regional Health and Safety Committee; and

WHEREAS there was no clear direction or funding allocated to these Regional committees; and

WHEREAS much discussion was held at the PRC on how to meet the mandate of this resolution which led to the PRC Health & Safety Committee fulfilling the Regional role, and

WHEREAS the members assigned to the PRC Health & Safety committee, while dedicated to their role, may not have a health and safety background and

WHEREAS funds for the operation of this committee should be set aside to ensure that the committee is relevant for the region, therefore

BE IT RESOLVED that the membership of the Prairie Region Health & Safety committee, which as a starting point consist of 3 (three) members, be elected at the Prairie Region Triennial Health and Safety Conference, one for each province and done in provincial caucus, and

BE IT FURTHER RESOLVED that there should also be an election for a first and second alternate for each position at the Prairie Region Triennial Health and Safety Conference, also done in provincial caucus, and

BE IT FURTHER RESOLVED that until the next Prairie Region Health & Safety Conference can take place, the PRC Health and Safety Committee remain in place and develop a Mandate and Terms of Reference for presentation and ratification at the Prairie Region Triennial Health and Safety Conference, and

BE IT FURTHER RESOLVED that at the conclusion of the Prairie Region Health and Safety Conference and the stand-up of the new committee the PRC Health and Safety Committee be stood down and reference to the PRC Committee be removed from the PR Bylaws, as at Section 8 Sub-Section (a), and

BE IT FURTHER RESOLVED that the A/REVP be assigned as part of their duties to sit as an ex-officio member of the committee and provide a report back to PRC of the Regional Health and Safety committee’s activities.

RATIONALE

The Bylaws Committee recognizes the struggle PRC endured in complying with resolution CS-050 especially when there were no national allocated funds for these regional health & safety committees. The Bylaws Committee also recognizes that PRC has no jurisdiction over other OHS Committees. Since the PRC has already decided that the PRC Health & Safety Standing Committee is in fact the Regional Health & Safety Committee, the Bylaws Committee feels that this decision was sufficient in meeting the intent of Resolution CS-050.

Convention Decision_____

RESOLUTION BL-005
PRC BYLAWS - CONVENTION DELEGATE ENTITLEMENT

The Committee recommends **non-concurrence** in Resolution BL-005 which reads as follows:

Originator: AGR Local 50056

WHEREAS The Prairie Region Triennial convention is not a fully funded convention for delegates; and

WHEREAS Each Local/Branch -in good standing- shall be entitled to one (1) delegate for the first 100 members or part thereof, and to one (1) delegate for each additional 100 members or part thereof; therefore:

BE IT RESOLVED THAT subsection 10(1) of the PSAC Prairie Region By-Laws be changed that each local/branch in good standing is entitled to one (1) delegate for the first 200 members or part thereof, and to one (1) delegate for each additional 200 members or part thereof.

RATIONALE

The Committee recognized that this issue has been sent to the floor of convention multiple times in the past without success but also agrees that fully funding delegates to convention should be a goal of the Region. There is also the benefit from a smaller delegate entitlement of being able to find space for convention in areas that do not have many unionized facilities.

The Committee thought the subsidy model could be looked at in the way the funding is utilized and perhaps revamped.

Convention Decision _____

RESOLUTION BL-006
PRC BYLAWS - REGIONAL HEALTH & SAFETY COMMITTEE

The Committee recommends **non-concurrence** in Resolution BL-006 which reads as follows:

Originator: AGR Local 50056

WHEREAS Regional Health & Safety Committees were mandated by the 2015 PSAC National Triennial Convention; and

WHEREAS there was no funding allocated to these Committees; and

WHEREAS the Prairie Region Council voted in February 2016 that the Regional Health & Safety Committee be comprised of the Prairie Region Council Health & Safety members; therefore:

BE IT RESOLVED THAT THAT the Prairie Region Council (PRC) Health & Safety Committee shall be The Regional Health & Safety Committee in the Prairie Region; and

BE IT FURTHER RESOLVED THAT the co-chairs of Prairie Region Council's Health & Safety Committee shall be the Prairie Region Health & Safety Committee's co-chairs; and

BE IT FURTHER RESOLVED THAT the Prairie Region Bylaws be amended to reflect this change (e.g. Section 8 Sub-Section a)

RATIONALE

The Committee understood that the PRC Health & Safety Committee already fulfills the role of the Prairie Region Health and Safety Committee. The resolution, as written, is unclear on what is being asked for (i.e. one PRC H&S Committee and one PR H&S Committee or one PR H&S Committee) and what is to be amended in the Bylaws as per the third be it resolved. There is also a disconnect in the second Be It Resolved in that the PRC Health & Safety Committee operates with one chair only and therefore cannot meet the intent of the second Be It Resolved.

Convention Decision _____