

**CEU Constitutional Review Committee**  
**(proposed changes June 2005)**

The Committee has noted that specific Articles of the Constitution and By-Laws are not consistent with the *Human Rights Code* of BC. The proposed changes to the affected articles recommended.

**CONSTITUTION ARTICLE 2 - Preamble**

**ADDITION TO CURRENT**

**(b)** The Union recognizes and adheres to the principles enunciated in the *Human Rights Code* of British Columbia. As such, any provisions in this Constitution and By-Laws, which are inconsistent with the principles therein, are void to the extent of their inconsistency.

**Renumber current (b) to (c)**

**RATIONALE**

This addition is presented to ensure that the preamble contains a statement respecting the Union's acknowledgment of the provisions of the *Human Rights Code*:

While "intent" to discriminate against a person or member is not a requirement of a finding of discrimination, a blanket statement such as this indicates to members a positive commitment by the Union in this respect.

In addition, such a statement provides clear direction to future Executive Boards that their interpretation and application of the Constitution and By-Laws must be consistent with the *Human Rights Code*. An example of this is Article 5 of the Constitution wherein the Union may place limits on membership or attach conditions thereto or where the Union may create new categories of membership.

**Constitution - Article 5(c)**

**CURRENT-**

"(c) This Union shall not discriminate against any applicant for Membership on the basis of religion race, colour, national origin, age, sex, political affiliation or martial status."

**CHANGE –**

(c) Consistent with the *Human Rights Code* of British Columbia, the Union shall not exclude a person from membership, expel or suspend a member or discriminate against any person or member because of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or member or because that person or member has been convicted of a criminal offence that is unrelated to the membership or intended membership. In the event the Human Rights Code is revised in the future, these grounds for discrimination will remain consistent, and any new grounds added will be automatically included.

**By-Laws - Article 4(c)****CURRENT**

(c ) In the best interests of the Union any member of the Executive Board who for whatever reason misses 3 consecutive meetings of the Executive Board and/or is absent from work for 90 consecutive days shall be deemed to have resigned his or her position on the Executive Board and a by-election held in accordance with Article 8(c ) of the CEU Constitution.”

**CHANGE:**

(c) In the best interests of the Union, the Executive Board shall deem any of its principal officers who:

- 1) fails to attend 3 consecutive meetings of the Executive Board; or
- 2) is absent from work for a period of 90 consecutive days

without its approval to have resigned their position on the Executive Board, except where, in its opinion, such action may result in a contravention of the *Human Rights Code* of British Columbia

(d) Should a resignation based upon (c) above occur, a by-election shall be held in accordance with Article 8(c) of the Constitution, unless 6 months or less is remaining in the term of office.

(e) Decisions of the Executive Board to approve or not approve an absence of a principal officer from the Executive Board are subject to appeal utilizing the process outlined in art 10 (m) – (k).

**RE-NUMBER CURRENT Article 4 (d) to (f)**

**RATIONALE -**

This amendment allows the Executive Board to review the circumstances of a particular case, and deem, where appropriate, a leave from service, even when that leave is not due to an enumerated ground under the *Human Rights Code*.

It also allows the Executive Board, in light of the enumerated grounds for discrimination under the *Human Rights Code*, to assess an Executive member's circumstances and make a decision to approve or not approve a leave based on that assessment.

**By-Laws – Article 7****CURRENT –**

“In the event of a strike situation all members shall be required to carry out picket duty except where medical evidence in writing is to the contrary or permission for exemption is granted by the Executive Board.

The Union shall immediately suspend the membership of any individual who, without the permission of the Executive Board, crosses a legally constituted picket line of this Union. Such suspension shall occur whether Article 13 (l)(m) has been acted upon or not.”

**CHANGE –**

(a) In the event of a lawful strike of the Union, all members shall be required by the Union to carry out picket duty.

(b) refusal by a member to carry-out picket duty of the Union, or the crossing by a member of a picket line of the Union, will result in a penalty as outlined in art 13 of the Constitution except where:

- (1) the Executive Board has granted the member permission in advance to not cross the picket line or perform picket duty or
- (2) such action, in the opinion of the Executive Board, may have the effect of contravening the *Human Rights Code* of British Columbia.

(c) Executive Board decisions on the reprimand, fine, removal from office, suspension and/or expulsion of a member made pursuant to Article 7 above are subject to appeal as per Article 13 of the Constitution.

**RATIONALE -** to meet the Human Rights Code.








