



Customs and Immigration Union  
Syndicat des Douanes et de l'Immigration

# BY-LAWS

Adopted by Conventions

1972, 1978, 1981, 1984, 1987, 1990, 1993, 1996, 1999, 2002, 2005, and 2008\*



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**BY-LAW 1**            **NATIONAL STRUCTURE**

**1. Component of the PSAC**

This organization is a Component of the Public Service Alliance of Canada (PSAC).

\*

**2. Name of Organization**

This organization shall be known as the Customs and Immigration Union (CIU).

**3. Location of Organization Headquarters**

This organization shall have its headquarters in the National Capital Region, or in such other municipal region as may be designated as headquarters of the employer.

**BY-LAW 2**            **DISTRICT BRANCH STRUCTURE**

\* (Also refer to *Branch Rule 2 - Branch Organization*)

**1. District Branches**

- (1) CIU shall be composed of groups of members organized into District Branches.
- (2) A District Branch shall be composed of groups of members as defined and approved by the CIU National Board of Directors.

**2. Application of Branch Rules**

The organization and operation of the District Branch shall conform to the CIU Branch Rules.

**3. District Branch Jurisdictional Disputes**

- (1) In the event of a jurisdictional dispute between Branches concerning employees eligible for membership, such dispute shall be referred to the CIU National Executive and its decision shall be binding on all Branches concerned.
- (2) Branches whose jurisdictional disputes are resolved by the CIU National Executive shall have the right to make an appeal to:
  - (a) The CIU National Board of Directors; and
  - (b) The CIU National Convention.

**BY-LAW 3**            **INTERPRETATION**

**1. Interpretation of By-Laws**

The National President shall have the authority to interpret these By-Laws and his/her interpretation shall be conclusive and in full force and effect, unless reversed by:

- (a) The CIU National Board of Directors; or
- (b) National Convention.

**2. Gender Neutrality of By-Laws**

In these By-Laws, words importing the masculine gender include the feminine gender.

\* **BY-LAW 4**                    **AIMS AND OBJECTIVES**

**1. Unite and Represent**

To unite all employees of the federal government, as identified by the PSAC, in a single organization capable of acting on their behalf by soliciting the membership of such employees in all classification and locations of employment within the federal government.

\* **2. PSAC Aims and Objectives**

To endorse the aims and objectives of the PSAC.

**3. Rights, Interests and Welfare**

To promote and protect the rights, interest and welfare of all members of CIU.

**4. Wages, Salaries and Other Conditions of Employment**

To obtain the best possible standards of wages, salaries, and other conditions of employment, for members of CIU.

**5. Seniority**

To promote the principles of seniority.

**6. Percentage Dues**

To promote and obtain percentage dues for all members of CIU.

**7. Equity Groups**

To promote and encourage the participation of equity groups as defined by the PSAC Constitution.

**BY-LAW 5                    MEMBERSHIP**

(Also refer to *Branch Rule 5 - Membership*)

**1. Eligibility**

- (1) All employees, as defined by the PSAC and the *Public Service Staff Relations Act*, shall be eligible for membership.
- \* (2) Notwithstanding provisions of By-Law 4, if the employer reorganizes the public service into new departments or entities such as Crown Corporations or any other entity emanation of the Crown as a separate employer where the entity's employees perform any functions or auxiliary duties which were previously performed by the Component's membership, all employees of this (these) entity(ies) shall be eligible for membership within CIU.

**2. Membership in District Branch**

Membership shall be held in a duly constituted District Branch.

**3. Rights and Privileges**

Only members, and Life members who are otherwise eligible, may:

- (a) Vote on any matter at meetings or convention;
- (b) Hold office; and
- (c) Be elected or appointed a Delegate.

**\* 4. Life Membership, Honourary Membership, Merit Award and Recognition Award**

- \* (1) A Life membership, Honourary membership, Merit award and Recognition award may be awarded to any current or retired member who, through personal and devoted efforts has performed exemplary services for the membership.
- \* (2) The CIU National Board of Directors shall establish regulations to govern the awarding of Life membership, Honourary membership, Merit awards and Recognition awards.
- \* (3) Recommendations for Life membership, Honourary membership, Merit awards and Recognition awards shall be submitted to the CIU National Board of Directors.
- \* (4) The CIU National Board of Directors shall vote on awarding Life membership, Honourary membership, Merit awards and Recognition awards, and such vote shall:
  - (a) Be conducted by way of a secret ballot; and
  - (b) Require two-thirds (2/3) majority of the CIU National Board of Directors, assembled in regular meeting.
- \* (5) Life members who are retired shall not be required to pay dues as per By-Law 7.

**5. Membership Card**

All members shall be issued a membership card, approved by the PSAC National Board of Directors, as evidence of their membership in CIU.

**6. Evidence of Membership**

The receipt, by CIU, of the official membership application card shall constitute evidence of membership for:

- (a) Issuance of an identification card;
- (b) Granting all rights and privileges of membership as outlined by these By-Laws;
- (c) Representation to any CIU National Convention; and
- (d) Representation to any PSAC National Convention.

**7. Application of PSAC Constitution, and CIU By-Laws and Branch Rules**

Upon being granted membership in the PSAC and CIU, and for the term of such membership, each member is deemed to have agreed to abide by and be bound by provisions of the PSAC Constitution and provisions of the CIU By-Laws and Branch Rules.

**8. CIU and PSAC as Member Representatives**

Upon being granted membership in the PSAC and CIU, and for the term of such membership, each member is deemed to nominate, constitute, and appoint CIU and the PSAC as his/her agents to negotiate with his/her employer on his/her behalf in the spheres of competence of CIU and the PSAC, respectively.

**9. PSAC Collective Bargaining Agent**

- (1) Upon being granted membership in the PSAC and in CIU, and for the term of such membership, each member is deemed to nominate, constitute, and appoint the PSAC as his/her agent for the purpose of entering into collective bargaining with his/her employer under collective bargaining procedures, established by law for collective bargaining in the public service of Canada.
- (2) The PSAC shall have the power through its duly appointed agents to ratify and sign agreements reached through collective bargaining procedures established by law for the public service of Canada.

**10. Member in Good Standing**

A member in good standing is as defined by the PSAC.

**BY-LAW 6                      MEMBERSHIP DISCIPLINE AND APPEAL PROCEDURES**

**(Also refer to By-Law 5, Section 8 - *Application of PSAC Constitution, and CIU By-Laws and Branch Rules*)**

**1. Purpose**

- (1) The membership discipline and appeal procedures provided for in this By-Law are for the purpose of:
  - (a) Ensuring a continuation of high morale and ethical standards in the administrative and operative practices of CIU; and
  - (b) To further strengthen the democratic processes, as they affect the rights and privileges of individual members or groups of members of CIU.
- \* (2) The procedures for dealing with any disciplinary situation which may arise which is not specifically covered under this By-Law shall be deemed to be covered and processed within the spirit and intent of this By-Law.

**2. Contraventions**

A member of CIU contravenes these By-Laws and the Branch Rules when he/she:

- (a) Violates, accidentally or otherwise, any of the provisions of the aforementioned By-Laws or Branch Rules, and fails to correct the situation within ten (10) days of the violation being brought to his/her attention;
- (b) In respect of any matters concerning the affairs of CIU, without first exhausting all remedies through the forms of appeal provided by these By-Laws, institutes, urges, or advocates that a member of any Branch should institute action in a court of law against:
  - (i) CIU;
  - (ii) Any CIU National Officer;
  - (iii) Any CIU District Branch; or
  - (iv) Any CIU District Branch Officer;
- (c) Publishes or circulates, either verbally or otherwise, among the membership, false reports or misrepresentations concerning any member of CIU, in respect of any matter connected with the affairs of CIU;
- (d) Unjustly causes a fellow member to lose his/her job;
- (e) Fraudulently receives or misappropriates any property of CIU;
- (f) Uses, without authority, the name or crest of CIU for soliciting funds or advertising;
- (g) Furnishes a complete or partial list of the membership of any Branch to any person or persons, other than those whose official position entitles them to have such a list, without first receiving authority to do so;
- (h) Wrongfully interferes with any Officer or any accredited representative of CIU in the discharge of his/her duties;
- (i) Circulates reports designed or calculated to injure or weaken CIU; or
- (j) Refuses to comply with a constitutional order of CIU to do or to refrain from doing anything.

**3. Filing an Allegation**

- (1) An allegation to the effect that a member of CIU has committed, at the Branch level, an offence under By-Law 6, Section 2, shall be:
  - (a) Filed in writing;
  - (b) Signed by:
    - (i) A member of the Branch;
    - (ii) An Officer of CIU; or
    - (iii) An accredited representative of CIU;
  - (c) Filed with the Branch President;
  - (d) Delivered to the accused, either personally or by registered mail;
  - (e) Copied to the office of the National President; and
  - (f) Copied to the office of the Branch Secretary.

- (2) An allegation to the effect that a member of the CIU National Executive or CIU National Board of Directors, while acting in that capacity, has committed an offence under By-Law 6, Section 2, shall be:
- (a) Filed in writing;
  - (b) Copied to the member(s) against whom an allegation has been filed; and
  - (c) Copied to the CIU National Board of Directors.

#### 4. Investigation Committee

- (1) Subsequent to the filing of an allegation against a member, at the Branch level, the Branch Executive shall appoint three (3) Branch members to constitute the Investigation Committee and investigate:
- (a) Charges;
  - (b) Oral evidence; and
  - (c) Written evidence.
- \* In the event that the Branch cannot or is having difficulty striking an investigation committee, and makes the request to the National Office, the members of the National Executive shall have the authority, in consultation with the Branch, to appoint members to said committee. In doing so, the members of the National Executive shall have the authority to appoint members from within or from outside the Branch.
- (2) Subsequent to the filing of an allegation against a member of the CIU National Board of Directors, the CIU National Board of Directors shall elect three (3) members from the CIU National Board of Directors, against whom the allegation has not been filed, to constitute the Investigation Committee.
- (3) The Investigation Committee shall:
- (a) Determine if the allegation has standing by undertaking a preliminary inquiry, which includes:
    - (i) Considering the information provided; and
    - (ii) Being empowered to seek additional information; and
  - (b) Investigate and receive evidence specific to the allegation on hand, if the Committee determines that:
    - (i) The allegation has standing; and
    - (ii) An investigation is warranted.
- (4) Following due notice to both the member making the allegation and member against whom the allegation applies, the Committee shall commence its investigation on a date not less than ten (10) days, nor more than thirty (30) days, from the date on which the Investigation Committee was appointed or elected.

#### 5. Member Rights and Duties

- (1) Both the member making the allegation and the member against whom the allegation has been made shall be afforded the right to:
- (a) Appear before the Committee;
  - (b) Present testimony and supply evidence and witnesses to the Committee;
  - (c) Have counsel, not exceeding two (2) in number, who shall be members of the Branch;
  - (d) Appeal disciplinary recommendations; and
  - (e) Be advised of their rights in writing.
- (2) If asked to testify at a hearing held by an Investigation Committee authorized by this By-Law, it shall be the duty of a member to do so and to answer truthfully all questions put to him/her.

## 6. Submission of Findings / Recommendations

### \* (Also refer to Branch Rule 7 – *Membership Discipline and Appeal Procedure*)

- (1) Following investigation of an allegation against a member or members, at the Branch level, the Investigation Committee findings and recommendations shall be submitted to the Branch Executive.
- (2) Following investigation of an allegation or allegations against a member of the CIU National Board of Directors, the Investigation Committee shall submit a written report at the next sitting of the CIU National Board of Directors.

## 7. Disciplinary Recommendation, Branch Level

- (1) If disciplinary action is recommended, the Committee=s report shall be:
  - (a) Placed before a special or regular meeting of the Branch membership; and
  - (b) Subject to the acceptance of two thirds (2/3) of those members in attendance.
- (2) If members in attendance at the Branch meeting accept a recommendation of removal from office, the member shall be:
  - (a) Given written notice to that effect; and
  - (b) Given written notice that an appeal may be submitted to the CIU National Board of Directors, as provided for in By-Law 6, Section 9.
- (3) If members in attendance at the Branch meeting accept a recommendation to suspend or expel from membership, the Branch Executive shall advise CIU=s National President:
  - (a) In writing;
  - (b) Within thirty (30) days; and
  - (c) Shall provide all relevant documentation to the CIU National President.

## 8. Disciplinary Recommendation, Member of the CIU National Board of Directors

- (1) If disciplinary action is recommended, the Committee=s report shall be:
  - (a) Placed before the CIU National Board of Directors; and
  - (b) Subject to the acceptance of two thirds (2/3) of members of the CIU National Board of Directors against whom the allegation has not been filed.
- (2) If the CIU National Board of Directors accepts a recommendation of removal from office, the officer shall be:
  - (a) Given written notice to that effect; and
  - (b) Given written notice that an appeal may be submitted to the PSAC National Board of Directors, as provided for in By-Law 6, Section 11.
- (3) If the CIU National Board of Directors accepts a recommendation to suspend or expel from membership, the CIU National President shall submit the recommendation for decision to the PSAC National Board of Directors:
  - (a) In writing; and
  - (b) Shall provide all relevant documentation.

## 9. Appeal to the CIU National Board of Directors

- (1) An appeal to the CIU National Board of Directors shall be:
  - (a) In writing, fully stating the facts upon which the appeal is based; and
  - (b) Forwarded to the Branch President.
- (2) Branch Presidents shall immediately forward to the National President, the Branch Secretary, and the appellant(s), copies of:
  - (a) The appeal;
  - (b) The original allegation;
  - (c) The evidence; and
  - (d) The decision taken.
- (3) The appellant(s) shall have the right to appear at the hearing of the appeal, together with not more than two (2) members of CIU as counsel.

- (4) If the appeal is allowed, the appellant(s) and counsel shall be paid by CIU, as the CIU National Board of Directors may approve, for such out-of-pocket expenses incurred in the defence of the appellant(s).

**10. Appeal to the CIU National Convention**

If the appeal to the CIU National Board of Directors is denied, the appellant(s) shall have the right to appeal to the next CIU National Convention.

**11. Appeal to the PSAC National Board of Directors**

An appeal to the PSAC National Board of Directors shall be processed in accordance with the provisions of Section 25 of the PSAC Constitution and Alliance Regulation 19.

**BY-LAW 7**                    **MEMBERSHIP DUES****1. Requirement to Pay**

All deductees, except those in Section 2, shall be required to pay percentage dues.

**2. Waivers**

- (1) Subject to provisions of the PSAC Constitution, and upon recommendation by a District Branch, the National Executive may waive collection of dues from a member for a period during which the member is not receiving salary as an employee within the jurisdiction of CIU.
- \* (2) Life members who are retired shall not be required to pay dues.
- (3) Members on lay-off shall not be required to pay dues.

**3. Amount**

The dues for each deductee shall be the total amount of the following three portions, each portion payable to:

- (a) The PSAC, as determined under the PSAC Constitution;
- (b) The CIU National Office, as determined by:
  - (i) Convention; or
  - (ii) District Branch referendum; and
- (c) The CIU District Branch, as determined under the CIU Branch Rules.

**4. Collection from the PSAC**

All monies deducted on behalf of CIU, for the National Office and the District Branch, shall be collected from the PSAC by the CIU National Office.

**5. Collection and Remittance to Branches**

- (1) The Branch portion of dues shall be:
  - (a) Collected by the CIU National Office from the PSAC National Office;
  - (b) Paid to the Branch by the CIU National Office;
  - (c) An amount no less than \$2.00 per deductee, per month.
- (2) No later than two (2) weeks after receipt from the PSAC, the CIU National Office shall remit to the Branch the dues portion accruing to the Branch based on calculation of members and Rands whose place of work is in the Branch's jurisdiction.

**6. Portion of Branch Dues**

- (1) To a maximum of \$5.00 per member, per month, the portion of CIU District Branch dues shall be:
  - (a) Recommended by a two-thirds (2/3) majority of the Stewards meeting of the CIU Branch; and
  - (b) Ratified by a two-thirds (2/3) majority of the CIU National Board of Directors.
- (2) The portion of District Branch dues in excess of \$5.00 per member, per month, shall be:
  - (a) Recommended by the Stewards meeting of the Branch; and
  - (b) Ratified by referendum by the entire Branch membership.

**7. National Subsidy to Small Branches**

- \* (a) The monthly Branch dues rebate shall be supplemented for Branches of 300 or less by an amount calculated as 300 less the number of Branch members multiplied by the Branch's current local dues.
- \* (b) Branch Strike Funds which Branches may decide to set up shall not be subsidized by the Branch Subsidy provisions of this By-Law, only those funds allocated to the operational portion of Branch budgets are subject to subsidizing.

**BY-LAW 8****CIU NATIONAL CONVENTION****1. Supreme Governing Body**

The supreme governing body of CIU, consistent with its area of jurisdiction as provided by the Constitution of the PSAC, shall be the CIU National Convention.

**2. Business of the CIU National Convention**

The CIU National Convention shall:

- (a) Deal with all Resolutions brought before it as provided in By-Law 8, Section 17; and
- (b) Establish for the period between CIU National Conventions the general policies of CIU.

**3. Date and Location**

The CIU National Board of Directors shall determine the location and dates of each CIU National Convention as follows:

- (a) Within the eight (8) week period, commencing with the second Monday of the month of September; and
- (b) Subject to the provisions of the PSAC Constitution, Sections 8 and 17.

**4. Accredited Delegates**

The CIU National Convention Accredited Delegates shall be composed of:

- (a) Elected Delegates from District Branches; and
- (b) Members of the CIU National Board of Directors.

**5. Branch Election of Delegates / Alternates**

- (1) At least four (4) months prior to the opening date of the CIU National Convention, each District Branch shall elect to the CIU National Convention, from amongst its members, the appropriate number of:
  - (a) Delegates; and
  - (b) Alternates.
- (2) The number of Delegates elected shall be:
  - (a) Based on membership figures available at the end of the sixth (6) full month preceding the Convention; and
  - (b) In accordance with the following:
    - (i) 100 members or less – 1 Delegate
    - (ii) Each additional 100 members or major portion thereof – 1 added Delegate.

**6. Delegate Certificate**

- (1) At least two (2) months prior to the opening date of the CIU National Convention, each Delegate shall be provided with a Delegate's Certificate as proof of his/her accreditation.
- (2) Any Delegate not receiving his/her Certificate within this time limit shall:
  - (a) Immediately provide the CIU National Office with his/her current address; and
  - (b) Request that his/her Certificate be sent to him/her as soon as possible.

**7. Alternates and Observers**

- (1) All District Branches shall have the right to send Alternates and Observers to the CIU National Convention.
- (2) Observers shall not have the right to vote or to participate in debate at the CIU National Convention.
- (3) Alternates shall not have the right to vote or to participate in debate at the CIU National Convention, except when replacing an Accredited Delegate who leaves the CIU National Convention floor not to return.

**8. Committees, except Finance Committee and Credentials Committee**

Notwithstanding By-Law 8, Section 9 and Section 10, at least three (3) months prior to the opening date of the CIU National Convention, the National Executive shall:

- (a) Appoint Committees as may be necessary for the conduct of business of the CIU National Convention; and
- (b) Appoint, from the Accredited Delegates, members to Committees.

**9. Finance Committee**

- (1) Notwithstanding By-Law 8, Section 8, the National Executive shall appoint, from the Accredited Delegates, members to the CIU National Convention Finance Committee.
- (2) The CIU National Convention Finance Committee shall be chaired by the National Vice-President in charge of finance.
- (3) The CIU National Convention Finance Committee includes:
  - (a) Two (2) Delegates from Ontario;
  - (b) One (1) Delegate from each of the following:
    - (i) The Atlantic Provinces;
    - (ii) Quebec;
    - (iii) The Prairie Provinces; and
    - (iv) British Columbia; and
  - (c) a member of the CIU Standing Finance Committee.
- (4) The CIU National Convention Finance Committee shall meet at least one (1) month prior to the CIU National Convention.
- (5) The CIU National Convention Finance Committee shall:
  - (a) Review the budget proposed by the National Executive to ensure the budget provides sufficient funds to pay for all existing programs;
  - (b) Report to the assembled Delegates the estimated cost of each and every Resolution to be dealt with by the CIU National Convention; and
  - (c) Present to the floor of the CIU National Convention the proposed budget, including those modifications they consider necessary.

**10. Credentials Committee**

- (1) Notwithstanding By-Law 8, Section 8, the National Executive shall appoint, from amongst those members or Life members present, other than Accredited Delegates, a Credentials Committee.
- (2) The Credentials Committee shall:
  - (a) Validate the credentials of all:
    - (i) Official Delegates; and
    - (ii) Members of the CIU National Board of Directors;
  - (b) Report its findings to the Chair of the CIU National Convention; and
  - (c) Perform such other services as may be required by the Chair of the CIU National Convention.

**11. Notification of Committee Assignments and Distribution of Agendas**

At least two (2) months prior to the opening of the CIU National Convention, Delegates shall be:

- (a) Advised of the Committee assignment by the National Executive; and
- (b) Supplied with an official copy of the Committees' agendas, as proposed by the National Executive.

**12. Instructions and Documents for Committee Members**

At least two (2) months prior to the opening date of the CIU National Convention, Committee Chairs and Committee members shall receive:

- (a) Written instructions outlining proper Committee procedures;
- (b) Policy Papers and Resolutions of Record of past National Conventions from both CIU and PSAC; and
- (c) Acts, Regulations, and other documents relative to the subject matter with which their Committee shall have to deal.

**13. General Information Booklet**

At least two (2) months prior to the opening of the CIU National Convention, a general information booklet shall be mailed to every Accredited Delegate, and the booklet shall contain:

- (a) An outline of the Convention program, giving all possible particulars;
- (b) A list of Convention committees, with the names of their Chairs and members;
- (c) The Convention agenda; and
- (d) Resolutions of Record and new Resolutions, grouped by major subjects and placed in single numerical series, late Resolutions placed in a separate numerical series.

**14. Supplementary Information**

At the time each Delegate registers at the credentials desk, he/she shall be given all supplementary information which was not available at the time the General Information Booklet was sent out.

**15. Quorum**

It shall require two-thirds (2/3) of the Accredited Delegates to be present on the CIU National Convention floor to constitute a quorum and transact any business.

**16. Voting**

- (1) Each Accredited Delegate present at each CIU National Convention shall be entitled to one (1) vote on each subject.
- (2) Proxy votes shall not be permitted.
- (3) As directed by the presiding Officer, unless CIU National Convention approved Rules of Order directs otherwise, and except for elections, voting shall be by:
  - (a) Show of hands; or
  - (b) Standing.
- (4) Decisions of the CIU National Convention shall be by a simple majority of votes cast, unless otherwise provided. (See By-Law 16, Section 1.)

**17. Resolutions**

- (1) All Resolutions proposed to be submitted to the CIU National Convention shall be accepted for consideration only if:
  - (a) Submitted by:
    - (i) The CIU National Executive and/or the CIU National Board of Directors, and bearing the signature of the National President;
    - (ii) A District Branch, bearing the signature of the President and Secretary of the District Branch, and forwarded to the National President in triplicate; or
    - (iii) A member in good standing, seconded by a member in good standing, bearing both their signatures, and forwarded to the National President in triplicate, with an extra copy to the District Branch Secretary;
  - (b) It deals with only one subject;
  - (c) It is typewritten or printed upon a separate sheet of paper; and
  - (d) It is forwarded at least four (4) months before the opening date of the CIU National Convention.

- (2) A Resolution received after the deadline set herein shall be accepted, if its specific meaning is not covered by a Resolution submitted in accordance with the requirements already established, to be dealt with after all timely Resolutions have been disposed of.
- (3) The text of a Resolution shall identify the original, official language in which the Resolution was presented.
- (4) A progress report on all Resolutions adopted by the CIU National Convention shall be submitted:
  - (a) To each member of the CIU National Board of Directors, within six (6) months of the CIU National Convention; and
  - (b) At every CIU National Board of Directors meeting thereafter, until such time as the Resolution has been fully implemented.
- (5) Resolutions not complied with between National Conventions shall be resubmitted to the CIU National Convention delegates who shall:
  - (a) Reconsider the decisions of the previous National Convention; or
  - (b) Allow these Resolutions to become Resolutions of Record.

### **18. Other Officials**

Notwithstanding By-Law 8, Section 8, the National Executive shall also appoint, from amongst those members or Life members present, other than Delegates, such other Officials as required for the proper conduct of the Convention.

**BY-LAW 9**                    **SPECIAL CIU NATIONAL CONVENTION****1. Held at Request of the CIU National Board of Directors**

A Special Convention shall be held at the request of the CIU National Board of Directors, provided that two-thirds (2/3) of the CIU National Board of Directors vote in favour of such Special Convention.

**2. Matter to be Addressed**

A Special CIU Convention shall deal with only the matter for which it was called, unless such Special Convention agrees by a two-thirds (2/3) majority vote of its assembled Delegates to consider other matters of an urgent or necessary nature.

**3. Administrative Details Determined by the CIU National Board of Directors**

In providing for a Special Convention, the CIU National Board of Directors shall describe:

- (a) The Delegate entitlement of each Branch;
- (b) The place of the Convention;
- (c) The method of selection of Delegates; and
- (d) All other administrative details necessary to the conduct of such a Convention.

**BY-LAW 10      ELECTION OF NATIONAL OFFICERS****1. Eligibility**

Only members in good standing shall be eligible to hold office in CIU.

**2. National Officers= Elections**

The National Officers shall be elected by voting Delegates attending CIU National Convention.

**3. Date of Elections**

National Officers shall be elected at each CIU National Convention.

**4. Nominations / Elections Committee**

- (1) Notwithstanding By-Law 8, Section 8, prior to the CIU National Convention, the National Executive shall appoint, from the members or Life members, a Chair and four (4) members as a Nominations / Elections Committee.
- (2) Members of the Committee do not vote.
- (3) Duties of the Nominations / Election Committee shall be:
  - (a) To receive nominations for and conduct the election of:
    - (i) National President;
    - (ii) 1<sup>st</sup> National Vice-President;
    - (iii) 2<sup>nd</sup> National Vice-President;
    - (iv) 3<sup>rd</sup> National Vice-President;
    - (v) 4<sup>th</sup> National Vice-President;
    - (vi) CIU Equal Opportunities Representative;
    - (vii) Alternate CIU Equal Opportunities Representative;
    - (viii) All Delegates to the PSAC National Convention; and
  - (b) To verify the eligibility of nominees;
  - (c) To ascertain the willingness of nominees to accept and perform the duties of any office to which they may be elected or to act as a CIU Delegate to the PSAC National Convention; and
  - (d) To report to the CIU National Convention the names of all such nominees.

**5. Nominations**

- (1) Nominations for all National Officers shall be submitted:
  - (a) At the CIU National Convention; and
  - (b) By Accredited Delegates attending the National Convention.
- (2) Nominations shall be filed:
  - (a) In writing;
  - (b) With the Nominations / Elections Committee; and
  - (c) Signed by:
    - (i) A Nominator, who must be an Accredited Delegate; and
    - (ii) A Seconder, who must be an Accredited Delegate.
- (3) In addition to the names of the nominees for each Office reported by the Nominations / Elections Committee, further nominations for each Office, in turn, shall be called upon from the floor of the CIU National Convention.

**6. Voting**

- (1) The election of the National Officers and PSAC National Convention Delegates shall be the first order of business on the final day of the National Convention.
- (2) Voting shall be conducted by secret ballot.
- (3) Elections shall be decided by simple majority of the valid ballots cast.
- (4) In the event where more than two candidates run for office, and when a clear majority of ballots cast is not afforded to one candidate:
  - (a) The candidate receiving the fewest number of votes shall be dropped from the next round of balloting; and

- (b) This procedure shall continue on each succeeding ballot for the position, until a candidate receives the necessary majority.
- (5) The election of National Officers shall:
- (a) Proceed in the following order:
    - (i) National President;
    - (ii) 1<sup>st</sup> National Vice-President;
    - (iii) 2<sup>nd</sup> National Vice-President;
    - (iv) 3<sup>rd</sup> National Vice-President;
    - (v) 4<sup>th</sup> National Vice-President;
    - (vi) CIU Equal Opportunities Representative;
    - (vii) Alternate CIU Equal Opportunities Representative;
  - (b) Be conducted in turn; and
  - (c) Be completed before the next office election is called.
- (6) The election of Delegates to the PSAC National Convention shall take place after the election of National Officers.

## **7. Tie Vote**

- (1) If a tie vote exists for candidates receiving the fewest number of votes, those candidates receiving the fewest number of votes shall be subject to By-Law 10, Section 6, Sub-section 4.
- (2) When a new ballot is called because of a tie vote in the leadership election, By-Law 10, Section 6, Sub-section 4 shall apply to that new ballot.
- (3) If the ballot indicates a tie vote for the two (2) leading candidates for positions to CIU National Officer, the PSAC Rules of Order shall prevail wherein a new ballot shall be called until such time as one (1) candidate has a simple majority of the ballots cast.

## **8. Requirement to Resign from Branch Office**

Any Branch Officer who is elected as a National Officer shall resign from his/her Branch office.

## **9. Oath of Office**

The Chair of the Nominations / Elections Committee shall, immediately following the election for Alternate CIU Equal Opportunities Representative, administer the Oath of Office to all elected National Officers.

## **10. Assuming Office**

The elected National Officers shall assume office immediately upon adjournment of the CIU National Convention.

## **11. Vacancies**

- (1) In the event of a vacancy in the office of the National President between CIU National Conventions, the position shall be filled by the 1<sup>st</sup> National Vice-President.
- (2) The resulting vacancy or any other vacancy in the National Executive shall be:
  - (a) Filled by ascension in numerical order as set out in By-Law 11, Section 1; and
  - (b) The CIU National Board of Directors shall elect a new 4<sup>th</sup> National Vice-President.

## **12. National President – Limit to Term of Office**

The election to the office of National President of CIU shall be limited to three (3) consecutive terms.

**BY-LAW 11**      **CIU NATIONAL EXECUTIVE****1. Composition**

The CIU National Executive shall be composed of the following elected officials:

- (a) National President;
- (b) 1<sup>st</sup> National Vice-President;
- (c) 2<sup>nd</sup> National Vice-President;
- (d) 3<sup>rd</sup> National Vice-President; and
- (e) 4<sup>th</sup> National Vice-President.

**2. Meetings**

The National Executive shall hold meetings:

- (a) Once every three (3) months;
- (b) At the call of the National President; or
- (c) Upon a request by members of the National Executive:
  - (i) Sent in writing;
  - (ii) Sent to the attention of the National President; and
  - (iii) Signed by at least three (3) members of the National Executive.

**3. Quorum**

The National President, or Acting/National President, and at least two (2) other members of the CIU National Executive, shall need to be present to constitute quorum.

**4. Authorities**

- (1) Between sessions of the CIU National Board of Directors, all executive power, authority, and responsibility assigned to the CIU National Board of Directors shall be vested in the National Executive.
- (2) The National Executive shall have the authority to:
  - (a) Acquire the offices and facilities to properly conduct the affairs of CIU;
  - (b) Determine the employment, salaries, and other conditions of employment of full-time or part-time staff of the CIU national office;
  - (c) Negotiate and ratify all contract agreements, personal or collective, governing staff salaries and conditions of employment;
  - (d) Ensure that CIU membership in all bargaining groups for which the PSAC is bargaining agent, and in which members of CIU are classified, are represented on bargaining committees of the PSAC by members of the appropriate group;
  - (e) Authorize signing authority for cheques to be disbursed; and
  - (f) Ensure all non-elected, salaried staff of CIU are not excluded from union membership.

**5. Responsibilities**

The National Executive shall have responsibility to:

- (a) Manage CIU for the purposes of fulfilling the obligations imposed on CIU by the PSAC Constitution and CIU By-Law 4;
- (b) Provide a publication or publications designed to keep the membership informed on the activities of CIU;
- (c) Submit a proposed annual budget for the ensuing three (3) years to the CIU National Convention Finance Committee for its consideration to accept and/or amend prior to recommending same to the CIU National Convention;
- (d) Ensure that the national office operates within the confines of the CIU National Convention approved three-year budget;
- (e) Ensure that all Resolutions, programs, and other mandates authorized by the CIU National Convention are acted upon and executed as per the will of the CIU National Convention; and
- (f) Establish the period for which subject matter files shall be maintained.

**6. Actions Subject to Review**

All actions by the CIU National Executive taken on behalf of CIU shall be subject to review by the CIU National Board of Directors.

**7. In Office During National Convention**

The CIU National Executive shall be considered as being in business session throughout the period of the CIU National Convention.

**8. Rights and Privileges during National Convention**

National Executive Officers shall have all the rights and privileges due CIU National Convention Delegates.

**BY-LAW 12**      **CIU NATIONAL BOARD OF DIRECTORS****1. Composition**

The CIU National Board of Directors shall be composed of:

- (a) Members of the CIU National Executive;
- (b) Presidents of all District Branches; and
- (c) The CIU Equal Opportunity Representative.

**2. Meetings**

The CIU National Board of Directors shall hold a meeting:

- (a) Twice yearly, as close as possible to six (6) months apart;
- (b) More frequently, on the call of the CIU National President; or
- (c) On receipt of:
  - (i) A request of the CIU National Board of Directors
  - (ii) In writing; and
  - (iii) Signed by at least half of the Directors.

**3. Quorum**

The National President, Acting/National President, and fifty percent (50%) of members of the CIU National Board of Directors shall need to be present to constitute quorum.

**4. Authorities**

- (1) Between National Conventions, all executive powers of CIU consistent with these By-Laws shall be vested in the CIU National Board of Directors.
- (2) The CIU National Board of Directors shall have authority to:
  - (a) Remove from office or impose any other appropriate sanction against any Officer of CIU for cause on the passing of a Motion by a majority of two-thirds (2/3) of those eligible to vote; and
  - (b) Impose sanctions on a District Branch for cause which may include but not be limited to placing a District Branch under trusteeship for a specified time, the period of which may be reduced or extended in accordance with the direction of the CIU National Board of Directors.
- (3) Any decision of the CIU National Board of Directors under By-Law 12, Section 4, Sub-section 2, may be appealed in accordance with By-Law 6, Section 11.

**5. Responsibilities**

The CIU National Board of Directors shall be responsible for:

- (a) Directing the affairs of CIU between National Conventions;
- (b) Carrying out the policies of CIU as established at the CIU National Convention;
- (c) Ensuring that CIU is represented in all matters affecting the membership generally;
- (d) Adopting, amending, and rescinding CIU National Board of Directors Regulations pertaining to organizational and operational matters concerning CIU;
- (e) Authorizing loans necessary to supplement sagging budgetary revenues as long as no such loans be used to provide the National Office with sums in excess of those provided for under budgeted revenues approved by the National Convention;
- (f) Reallocating monies within the CIU National Convention approved budget taking care not to exceed total budgeted expenses;
- (g) Establishing any committee necessary for the conduct of the affairs of CIU.

**6. In Office During National Convention**

The CIU National Board of Directors shall be considered as being in business session throughout the period of the CIU National Convention.

**7. Rights and Privileges During National Convention**

Members of the CIU National Board of Directors shall have all the rights and privileges due CIU National Convention Delegates.

**BY-LAW 13      DUTIES OF OFFICERS****1. Duties of National President**

The National President shall:

- (a) Function as the Chief Executive Officer of CIU;
- (b) Exercise supervision over the affairs of CIU;
- (c) Sign all official documents;
- (d) Preside and be accorded all rights and privileges of the presiding Officer of deliberative bodies at:
  - (i) Regular and Special CIU National Conventions;
  - (ii) All meetings of the CIU National Executive;
  - (iii) All meetings of the CIU National Board of Directors;
- (e) Have the authority to interpret these By-Laws, as provided for in By-Law 1;
- (f) Make a report on the administration of his/her office and on the affairs of CIU to:
  - (i) Each meeting of the CIU National Executive;
  - (ii) Each regular meeting of the CIU National Board of Directors; and
  - (iii) Each regular CIU National Convention; and
- (g) Assign duties to the National Vice-Presidents, in consultation with the National Executive.
- (h) Sit as an ex-officio member of any Committee of the CIU National Board of Directors.

**2. Duties of National Vice-Presidents**

CIU National Vice-Presidents shall perform all the duties required of them as National Executive Officers.

**3. Absence of National President**

In the event the National President is unavailable, the National President will call on the other National Vice-Presidents, in descending order, to:

- (a) Perform the duties of that Office;
- (b) Be paid acting pay for that period:
  - (i) Commencing on the 1<sup>st</sup> day on which the National Vice-President assumes the duties;
  - (ii) When the National President is on recognized leave; and
  - (iii) As per the terms and conditions of Regulation 14-1.

**4. Duties of National Board of Directors**

The CIU National Board of Directors shall perform such duties as are assigned to them in accordance with these By-Laws.

**BY-LAW 14            FINANCES****1. Standing Finance Committee**

- (1) The CIU National Board of Directors shall establish a Standing Finance Committee.
- (2) Membership on the Standing Finance Committee of the CIU National Board of Directors shall be comprised of three (3) members, and three (3) alternate members in ranking order, to be elected from and by the CIU National Board of Directors at the first meeting of the CIU National Board of Directors following Branch elections.
- (3) The Standing Finance Committee of the CIU National Board of Directors shall hold its meetings immediately before the meetings of the CIU National Board of Directors.
- (4) The Standing Finance Committee of the CIU National Board of Directors may examine the financial records, including:
  - (a) Financial statements or records;
  - (b) Revenue and expense summaries;
  - (c) Vouchers and supporting documents;
  - (d) Authorizations for expenditures;
  - (e) Bank reconciliations;
  - (f) Financial documents prepared by or for the National Executive; and
  - (g) Approved motions related to the appropriation of funds.
- (5) The Standing Finance Committee of the CIU National Board of Directors has the authority to ask questions and obtain answers related to the financial management of CIU.
- (6) The financial records shall be audited once annually by a qualified and licensed public accountant approved by the CIU National Executive.
- (7) Immediately upon completion of the annual audit, a copy of the audited balance sheet and audited financial statement shall be forwarded to:
  - (a) Each District Branch; and
  - (b) Members of the CIU National Board of Directors.
- (8) After the completion of the external audit, any member of the Standing Finance Committee of the CIU National Board of Directors may ask questions and obtain answers related to the expenditure items appearing on the financial statements.

**\* 2. Disbursements**

All disbursements of CIU shall be by cheque, bearing two (2) authorized signatures, or by direct deposit to be authorized by at least two (2) of the signing Officers.

**3. Signing Officers Bonded**

The signing Officers of CIU shall be bonded in an amount at the designation of the CIU National Board of Directors.

**4. Fiscal Year**

The fiscal year of CIU shall be the calendar year ending July 31<sup>st</sup>.

**5. Financial Records to be Retained**

All financial records shall be retained for the legal period prescribed by the *Income Tax Act*, as interpreted by the Minister of National Revenue.

**6. Cheques and Money Orders Made Payable**

Cheques and money orders shall be made payable to *Customs and Immigration Union*.

**7. Maintenance of Financial Records**

All financial records shall be maintained in an approved manner, as advised by the auditors.

\* **8. Vacancies**

Vacancies on the Committee shall be filled by the duly elected alternates.

**9. Taking Funds from Surplus**

Taking funds from surplus requires 2/3 majority vote of the CIU National Board of Directors.

**BY-LAW 15**      **TRAVELING AND OTHER EXPENSES****1. Per Diem and Traveling Expenses**

- (1) For the purpose of attendance at all Conventions, a meeting of the CIU National Executive, a meeting of the CIU National Board of Directors, a meeting of a National Committee, any meeting called for the purpose of consulting or negotiating with various agencies or departments of government, a meeting with departmental or agency heads of the employer, the National Executive shall have the power to pay:
- (a) A per diem rate, as established from time to time by the CIU National Board of Directors; and
  - (b) One-day's pay at the maximum Border Services Officer daily rate, subject to classification and/or Collective Bargaining modifications, or actual rate, if higher, for:
    - (i) Each day the CIU National Board of Directors or Committees are in session; and
    - (ii) Days of travel of members of the National Executive, members of the CIU National Board of Directors, or members of such Committees.
- (2) Traveling expenses incurred shall be paid for such persons as directed by the National Executive.

**2. Expenses Incurred Attending CIU National Convention**

- (1) For the purpose of attendance at CIU National Convention, all expenses incurred by Branch Delegates shall be paid for by and from the funds of the National Office, in accordance with the CIU National Board of Directors Regulations.
- (2) Expenses for members of the CIU National Board of Directors attending CIU National Convention shall be the responsibility of the National Office, in accordance with Section 1 of this By-Law.

**3. Expenses Substantiated by Receipts**

- \* (1) All expenses of members of the CIU National Executive and CIU National Board of Directors, CIU National Committees, as well as those of members attending national meetings, and Accredited Delegates, shall be substantiated by appropriate receipts.
- (2) No payment for any expenses shall be made unless authorized by the National President.

**4. Cost of Second Branch Election**

In the event, that after an investigation into the conduct of an election for Branch President, it is concluded a second election is warranted, the cost of the second election shall be borne by the National Office.

**BY-LAW 16            GENERAL****1. Simple Majority Vote, Unless Expressly Stated**

All decisions requiring a vote shall be decided by a simple majority, unless expressly provided otherwise by these By-Laws, at:

- (1) By-Law 5, Section 4, Sub-section 4, Paragraph b (Awarding Life membership);
- (2) By-Law 6, Section 7, Sub-section 1, Paragraph b (Branch Member discipline);
- (3) By-Law 6, Section 8, Sub-section 1, Paragraph b (Board Member discipline);
- (4) By-Law 7, Section 6, Sub-section 1, Paragraph a (Branch dues);
- (5) By-Law 7, Section 6, Sub-section 1, Paragraph b (Branch dues);
- (6) By-Law 9, Section 1 (Special Convention);
- (7) By-Law 9, Section 2 (Business at Special Convention);
- (8) By-Law 12, Section 4, Sub-section 2, Paragraph a (Sanction or removal of elected CIU officer); and
- (9) By-Law 18, Section 1 (Amending By-Laws).
- (10) By-Law 14, Section 9 (Surplus Funds)

**2. Rules of Order**

The PSAC Rules of Order shall apply at all meetings and Conventions except where they are silent, and except where Special Rules of Order are adopted, then Bourinot's Rules of Order shall apply.

**3. Communications**

All information, notices and memoranda emanating from the CIU National Office must be distributed electronically, as well as other formats as required.

**BY-LAW 17**      **REFERENDUM VOTE****1. Application**

- (1) The CIU National Executive or the CIU National Board of Directors may hold a referendum vote on any matter considered to be of such importance as to warrant a decision by the CIU membership at large.
- (2) A referendum vote may also be held as elsewhere provided for by these By-Laws.

**2. Preparation of Ballots**

Within fourteen (14) days of a CIU National Executive or CIU National Board of Directors decision to call for a referendum vote, the National President shall prepare ballots:

- (a) Fully outlining the reason(s) for such a referendum vote; and
- (b) Showing the date by which the ballots must be returned in order to be considered valid.

**3. Ballot Envelopes**

- (1) Each ballot is to be placed in a specially identified "ballot" envelope.
- (2) Each specially identified "ballot" envelope is to be inserted in a second envelope bearing:
  - (a) Prepaid return postage;
  - (b) The member's personal identification information; and
  - (c) The appropriate return address.

**4. Distribution of Ballots**

- (1) The ballots in individual envelopes shall be sent to each District Branch Secretary for distribution to the general membership.
- (2) The number of ballots to be sent to each District Branch shall be in accordance with the latest membership listing available.

**5. Voting**

- (1) The CIU National Executive shall establish the balloting period during which the referendum vote shall be taken.
- (2) Starting from the date ballots were mailed to District Branches, the balloting period shall be:
  - (a) No less than twenty-one (21) days; and
  - (b) No more than thirty-five (35) days.
- (3) The balloting period shall however be extended for a further period, equal to the length of any postal disruption plus five (5) days.

**6. Returning Ballots**

Each individual member shall return his/her ballot directly to the address shown on the self-addressed envelope.

**7. Ballot Count**

- (1) The counting of the ballots in each referendum vote shall be done by independent persons appointed by the CIU National Executive.
- (2) The ballot count shall be verified against the latest membership listing available.

**8. Simple Majority Required**

Unless otherwise provided for under these By-Laws, a simple majority of valid returned ballots shall be required to carry a referendum vote.

**BY-LAW 18**      **AMENDMENTS OF BY-LAWS****1. Amendments**

- (1) Notice of Motion to amend these By-Laws shall be submitted in the form of Resolutions as outlined in By-Law 8, Section 17.
- (2) A CIU By-Law may only be amended by two-thirds (2/3) majority:
  - (a) Of the vote of Delegates assembled and voting in a CIU National Convention;
  - (b) Of the returned ballots for a referendum vote; or
  - (c) Of the votes cast during a Special CIU National Convention, provided:
    - (i) The Special CIU National Convention was called for amending the By-Laws; or
    - (ii) A Special CIU National Convention called for another purpose carries a proposal amending the By-Laws by a two-thirds (2/3) majority of the Delegates present and voting.

**BY-LAW 19**      **OATH OF OFFICE****1. Administration of Oath of Office**

The following Oath of Office shall be administered to all members elected to office in CIU before they can assume office:

I, (Name of Officer), having been elected (Name of Office) of the Customs and Immigration Union, a Component of the Public Service Alliance of Canada, do solemnly declare that during my term of Office, I shall faithfully discharge the duties of such Office, respect and maintain the autonomy and integrity of CIU and strive at all times for improved working conditions for its members.

**BY-LAW 20**

**NATIONAL PRESIDENT'S SALARY**

\*

**1. National President's Salary**

The National President's base salary (\$95,841) shall be subject to change only by a vote of delegates at National Convention.