

SMAESP

Syndicate of Montreal Area
Educational Services Professionals-CSQ



Syndicat des professionnelles et professionnels
des services éducatifs de la région de Montréal-CSQ (SPPSERM)

SMAESP

BY-LAWS (Revised 2013)

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Syndicate of Montreal-Area Educational and Service Professionals

BY-LAWS

CHAPTER I

APPLICATION AND DEFINITIONS

Articles

1.0 NAME

The name of the syndicate will be that which is authorized by the Inspector General of Financial Institutions, specifically the *"Syndicat des professionnelles et professionnels de l'ouest du Québec—Anglophone-CSQ"* ("*SPPOQA*").

1.1 LEGAL REGIME

The syndicate will be constituted under the terms of the Professional Syndicates Act (R.S.Q. c. S-40).

1.2 DEFINITIONS

For the purpose of these by-laws, the following definitions shall apply, unless the context indicates otherwise:

- 1.2.1** "Professional" means any person carrying out duties of a professional nature who is employed by a school board;
- 1.2.2** "Local" or "Local Unit" means a group of Professionals employed by one school board; there may, however, be more than one local (unit) within the same school board;
- 1.2.3** "Syndicate" or "SMAESP" means the Syndicate of Montreal-Area Educational and Service Professionals (CSQ);
- 1.2.4** "Federation" or "FPPE" means the Fédération des professionnelles et professionnels de l'éducation du Québec (CSQ);
- 1.2.5** "Centrale" or "CSQ" means the Centrale des syndicats du Québec;
- 1.2.6** "School Board" means any school board, any regional school board or that which is in lieu of it according to the laws on Quebec school boards;
- 1.2.7** "Member" means any person admitted as such to the syndicate in conformity with its by-laws.
- 1.2.8** "Administrative Council" means the Administrative Council of the syndicate (see Article 4.0).

1.3 JURISDICTION

The syndicate will be qualified to represent school board Professionals.

1.3.1 The syndicate's jurisdictional territory will cover the following school board territories:

1.3.1.1 Lester B. Pearson School Board

1.3.1.2 New Frontiers School Board

1.3.1.3 Riverside School Board

1.3.1.4 Sir Wilfrid Laurier School Board

1.3.1.5 Western Quebec School Board

1.3.1.6 and any other local unit in Quebec which so chooses, subject to the approval of the Administrative Council of the syndicate, and the approval of the Federation as per Article 9.4 of these by-laws.

1.4 OBJECTIVE

The syndicate's objective will be the study, safeguarding, development and promotion of the economic, cultural, social and professional interests of its members, particularly the negotiation and the application of the collective agreements. The syndicate may also work in collaboration with groups and organizations whose interests are in harmony with its own.

1.5 AFFILIATIONS

The syndicate will be affiliated with the Centrale des syndicats du Québec and with the Fédération des professionnelles et professionnels de l'éducation du Québec (CSQ).

1.5.1 The syndicate may also affiliate with any organizations whose interests are in harmony with its own.

1.6 HEADQUARTERS

The headquarters of the syndicate will be located at Montreal, Quebec.

1.7 FINANCIAL YEAR

The fiscal year will start on September 1 of each year and will terminate on August 31 of the following year.

1.8 RIGHTS, POWERS AND PRIVILEGES

The syndicate will avail itself of all the rights, powers and privileges which are its by virtue of the Professional Syndicates Act (R.S.Q. c. S-40) and of any other laws which may apply to it.

CHAPTER II

MEMBERSHIP

2.0 CONDITIONS FOR ADMISSION

To be a member, one must fulfill the following conditions:

- 2.0.1** To be a Professional employed by a school board;
- 2.0.2** To make written application;
- 2.0.3** To pay an initiation fee of two dollars (\$2.00);
- 2.0.4** To be accepted by the syndicate;
- 2.0.5** To pay the syndical fee and any other fee required by the syndicate;
- 2.0.6** To comply with the syndicate's by-laws and regulations;
- 2.0.7** The syndicate may also allow as members those Professionals who are retired or who, for any other reason, are accepted by the syndicate.

2.1 SYNDICAL FEE

The rate of the regular annual fee will be that which is requested as payment to the FPPE and CSQ, plus whatever other amount recommended by the Administrative Council and approved by a majority vote of the members present at the Annual General Meeting (AGM). The rate and amount referred to in the preceding is calculated as a percentage of the annual salary of each member.

2.2 EXCLUSION AND SUSPENSION

Any member may be excluded or suspended from the syndicate for failure to comply with the provisions of Article 2.0.

- 2.2.1** In all cases, a decision of the syndicate to exclude or suspend a member for failure to comply with the provisions of Article 2.0 shall be made by the General Assembly at a Special Meeting called for that purpose.
- 2.2.2** In all cases, the exclusion or suspension will be made only after thirty (30) days from the time that the notice is sent by the Secretary of the syndicate to the designated person, in order that said person can take any action deemed necessary.
- 2.2.3** Any decision on the part of the syndicate to exclude or suspend a person can subsequently be disputed in front of the Administrative Council of the union. Any recommendation to rescind the exclusion or suspension of a person must then be ratified by a General Meeting of members.

CHAPTER III

GENERAL ASSEMBLY

3.0 COMPOSITION

The General Assembly shall be composed of all members of the syndicate.

3.1 POWERS

The powers of the General Assembly mainly are:

- 3.1.1** To adopt or modify the syndicate's by-laws;
- 3.1.2** To elect the members of the Administrative Council;
- 3.1.3** To adopt or modify the syndicate's regulations;
- 3.1.4** To study and adopt an annual budget;
- 3.1.5** To study and adopt an annual financial statement;
- 3.1.6** To name an auditor and accept the auditor's report as per article 8.2;
- 3.1.7** To fix the regular syndical fees;
- 3.1.8** To fix any special syndical fee;
- 3.1.9** To name a collecting agent for the syndical fees (normally the Treasurer) and to determine the method of collection for these fees;
- 3.1.10** To decide on affiliation with the Federation, CSQ, or with any other organization with similar interests;
- 3.1.11** To adopt a syndical action plan;
- 3.1.12** To take cognizance, to evaluate and to deal with submitted reports;
- 3.1.13** To take cognizance, to evaluate and to deal with submitted proposals;
- 3.1.14** To decide on the suspension or exclusion of any member;
- 3.1.15** To decide on the procedures to be followed in all cases not foreseen in the procedural regulations or by-laws.

3.2 ANNUAL GENERAL MEETING

An Annual General Meeting (AGM) of all members will be held at least once a year at the day, time and place determined by the Administrative Council or by the General Assembly itself; normally this AGM is held during the month of June.

- 3.2.1** The convocation to the AGM will be sent in writing to each member, at least ten (10) working days before the date of the meeting. A tentative agenda and a slate of proposed Officers will be included.

3.3 SPECIAL GENERAL MEETING

A Special General Meeting of all members can be called by the President on his/her own authority. As well, upon written request from ten (10) members, the President must within ten (10) working days call a Special General Meeting.

3.3.1 A written notice for a Special General Meeting must be sent to each member forty-eight (48) hours prior to a Special General Meeting. The included agenda must indicate all topics to be covered.

3.4 QUORUM

A quorum at any General Meeting shall consist of those members in good standing who are present.

3.5 VOTING

At all General Meetings, voting is done by raised hands except in the case of elections, which must be held by secret ballot(s), or in the event that one member of the assembly so requests.

3.5.1 Decision is by simple majority except for questions where these by-laws stipulate the need for a greater majority. The President, who shall act as the Chair of all General Meetings, shall vote only in the case of a tied vote.

3.5.2 The President decides the procedure(s) to be followed at General Meetings. The General Assembly can, however, modify the procedure(s) by resolution.

CHAPTER IV

ADMINISTRATIVE COUNCIL

4.0 POWERS

The powers of the Administrative Council mainly are:

4.0.1 To manage and to direct the carrying out of the syndicate's business;

4.0.2 To carry out the expulsion or suspension of a member in conformity with Article 2.2 of these by-laws;

4.0.3 To carry out decisions of the General Assembly;

4.0.4 To ensure the upkeep of proper communications with the local units in order that all members are well-informed;

4.0.5 To call a strike for a local unit after having been authorized to do so in conformity with Article 6.3;

4.0.6 To authorize the signing of a collective agreement in conformity with Article 6.4;

- 4.0.7 To authorize all procedures and regulations, whether statutory or not, in the interests of
- 4.0.8 the syndicate, except those which according to law or these by-laws require a mandate from the General Assembly;
- 4.0.9 To call the AGM and carry on functions related to this meeting;
- 4.0.10 To present an annual report to the AGM;
- 4.0.11 To designate the signing Officers of the syndicate;
- 4.0.12 To decide through a resolution or a mandate to take a grievance to arbitration;
- 4.0.13 To ratify, where applicable, any execution of a mandate related to taking a grievance to arbitration;
- 4.0.14 At the request of the local unit, to appoint a representative to sit on the labour relations committee (LRC) together with the delegates of the local unit;
- 4.0.15 To study and suggest amendments to the General Assembly in order to modify these by-laws;
- 4.0.16 To study a plan of action for the syndicate and to recommend its adoption to the General Assembly;
- 4.0.17 To modify when necessary the plan of action approved by the General Assembly in order to adjust to new circumstances;
- 4.0.18 To study the budget and to recommend its adoption at the AGM;
- 4.0.19 To modify when necessary the budget adopted at the AGM in order to adjust to new circumstances;
- 4.0.20 To appoint the syndicate's official delegates to the organizations with which it is affiliated, and to receive their report(s).

4.1 MANDATE

The mandate of the members of the Administrative Council shall be one year from the previous AGM with the exception of the President, whose term shall be for two (2) years.

4.2 COMPOSITION

The Administrative Council is composed of Professionals holding Canadian citizenship. The Officers are:

- 4.2.1 The Past-President
- 4.2.2 Five (5) Officers elected by the General Assembly at the AGM to carry out the following functions -
 - 4.2.2.1 President;
 - 4.2.2.2 First Vice-President;
 - 4.2.2.3 Second Vice-President;
 - 4.2.2.4 Treasurer;
 - 4.2.2.5 Secretary;
- 4.2.3 A delegate appointed by each local unit.
- 4.2.4 A delegate to represent the regional syndicate at the Conseil fédéral of the F.P.P.E. and a delegate to represent the regional syndicate at the Conseil général of the C.S.Q. If none of the Officers from Articles 4.1.1, 4.1.2, or 4.1.3 assume these positions then, the delegates will be elected to the Administrative Council at the AGM.

4.3 THE FUNCTION OF THE PRESIDENT

The President will:

- 4.3.1 Chair meetings of the Administrative Council and the General Assembly maintaining order, directing discussion and seeing to it that rules and regulations are applied; the President can ask to be replaced as the Chair temporarily in order to participate more fully in debate;
- 4.3.2 Carry out all other duties arising from the function as well as those assigned by the syndicate;
- 4.3.3 Be entitled to a second vote at meetings of the Administrative Council in the event of an equal division of votes cast, thus enjoying a casting-vote;
- 4.3.4 Be a member ex officio of all committees;
- 4.3.5 Officially represent the syndicate;
- 4.3.6 Present an annual report to the General Assembly at the AGM;
- 4.3.7 Coordinate the members of the Administrative Council in the performance of their duties.

4.4 THE FUNCTION OF THE FIRST VICE-PRESIDENT

The First Vice-President will replace the President in all functions in case that person is absent, refuses or is unable to act. The First Vice-President assists the President in the exercise of his/her responsibilities and performs all duties required by the Administrative Council or the General Assembly.

4.5 THE FUNCTION OF THE SECOND VICE-PRESIDENT

The Second Vice-President assists the President, and the First Vice-President in the exercise of their responsibilities and performs all duties required by the Administrative Council or the General Assembly. The Second Vice-President assumes, upon designation by the Administrative Council, the functions of the presidency in the event of absence, refusal or inability to act on the part of the President and First Vice-President.

4.6 THE FUNCTION OF THE TREASURER

The Treasurer will:

- 4.6.1 Be responsible for the collection of the dues and the initiation fee and other monies due to the syndicate;
- 4.6.2 Be in charge of the bookkeeping as approved by the syndicate and in accordance with the Professional Syndicates Act (R.S.Q. c. S-40);
- 4.6.3 Be responsible for the depositing of all monies in one or more bank accounts in the name of the syndicate;
- 4.6.4 Sign all cheques and other bills jointly with the person(s) authorized by the Administrative Council to that effect;
- 4.6.5 Submit a financial statement for the fiscal year ending on August 31, prepare a budget for submission to the AGM, and submit an annual financial report to the General Assembly at its AGM;

4.6.6 Perform all other duties required by the Administrative Council.

4.7 THE FUNCTION OF THE SECRETARY

The Secretary will:

- 4.7.1 Record or have recorded the minutes of the meetings of the Administrative Council, and of meetings of the General Assembly, in accordance with the provisions of the Professional Syndicates Act (R.S.Q. c. S-40);
- 4.7.2 Be in charge of the syndicate's records and keep all related documents;
- 4.7.3 Conduct correspondence, keeping a copy of all letters sent and received;
- 4.7.4 Call meetings at the request of the President and prepare appropriate documentation, agendas, etc.;
- 4.7.5 Keep an up-to-date register of the members of the syndicate, in accordance with the provisions of the Professional Syndicates Act (R.S.Q. c. S-40);
- 4.7.6 Perform all duties required by the Administrative Council.

4.8 THE FUNCTION OF THE PAST-PRESIDENT

The Past-President will assist the President in the exercise of the President's functions, sit on and act as convener of the nomination committee (in accordance with Article 5.1) and perform all other duties required by the Administrative Council or the General Assembly.

4.9 CONVOCATION, QUORUM AND DECISIONS

The Administrative Council will meet at least eight (8) times a year at the day, place and time determined by the President or by the Administrative Council itself.

- 4.9.1 Convocation to a meeting of the Administrative Council will be signified to its members at least two (2) days prior to that day fixed for such meeting.
- 4.9.2 A quorum shall consist of the simple majority of the members of the Administrative Council.
- 4.9.3 Decisions of the Administrative Council will be taken by a simple majority and by a show of hands unless indicated otherwise by resolution.

CHAPTER V

ELECTION OF OFFICERS

5.0 THE ELECTION OF OFFICERS

The syndicate's Officers will be elected at the AGM of the General Assembly and will remain in office until their mandate expires; all may seek another mandate.

5.1 ELECTION PROCEDURES

A slate of proposed Officers for the next year is drawn up by a nomination committee and circulated to the members of the General Assembly at the same time as the convocation to, and agenda of, the AGM, at least ten (10) days prior to the date for the AGM.

- 5.1.1** The nomination committee is composed of the Past-President and two other members of the syndicate.
- 5.1.2** The nomination committee shall meet at least once prior to May 1.
- 5.1.3** The Past-President shall act as convenor for the first meeting of the nomination committee.
- 5.1.4** In so far as possible, the nomination committee shall try to ensure that each of the various groups of Professionals in the syndicate is adequately represented, and that there is a balance of experienced members and new members among the Officers.
- 5.1.5** It is expected that the First Vice-President will succeed the President, who in turn becomes Past-President.
- 5.1.6** At least twenty (20) days prior to the AGM, the nominating committee shall appoint one of its members to serve as a Chief of Elections.
- 5.1.7 DUTIES OF THE CHIEF OF ELECTIONS**
The duties of the Chief of Elections are:
 - 5.1.7.1** to inform members of the nomination and elections procedures;
 - 5.1.7.2** to receive nominations;
 - 5.1.7.3** to supervise the election of Officers;
 - 5.1.7.4** to prepare blank ballots and count cast ballots.
- 5.1.8** Notwithstanding the slate of Officers proposed by the nominations committee, any member in good standing may declare himself/herself a candidate, or may nominate any other member in good standing, by submitting to the Chief of Elections a notice of intention with at least two signatures of support from members in good standing, or may be nominated at the AGM.
- 5.1.9** Nominations and elections of Officers are held in the following order: President, First Vice-President, Second Vice-President, Treasurer, Secretary.
- 5.1.10** All members have the right to vote. If the Chief of Elections is nominated and accepts to be a candidate, a replacement Chief of Elections will immediately be chosen by vote of the General Assembly.
- 5.1.11** A motion of nomination for each position, in accordance with Article 5.1.9, is made verbally and requires that a member seconds the motion.

- 5.1.12** If only one person is nominated, and accepts to be a candidate, that person is proclaimed elected by the Chief of Elections following a vote of the General Assembly to close nominations.
- 5.1.13** If there are two or more candidates who are nominated for a post, an election is held by secret ballot and in the following manner:
- 5.1.13.1** The Chief of Elections asks the nominated persons if they accept nomination, starting with the last one who was nominated and going back to the first one;
 - 5.1.13.2** Each member casts a ballot by writing on the ballot paper the name of the chosen candidate;
 - 5.1.13.3** The ballot count is the responsibility of the Chief of Elections who informs the General Assembly of the results;
 - 5.1.13.4** The candidate who has the majority of votes cast is declared elected;
 - 5.1.13.5** If no candidate receives a majority, a subsequent vote is necessary but the candidate with the lowest vote total on the preceding ballot is eliminated;
 - 5.1.13.6** On the final ballot, the candidate who receives the greater number of votes is declared elected.

5.6 UNION DELEGATE

Within ten (10) days following the AGM, the local units represented by either the Past-President or one of the Officers shall inform the President and the Secretary in writing of the name, address and telephone numbers of the Delegate who shall represent that local unit on the Administrative Council.

5.7 VACANCY AMONG THE OFFICERS

A vacancy occurs among the Officers when an Officer resigns, dies, is declared by a civil court unable to fill the post for which he/she was elected, or is expelled due to failure to exercise the duties of the post as established by a resolution supported by two-thirds of the members of the syndicate.

5.7.1 If a position of Officer becomes vacant, the Administrative Council may appoint a replacement; a vacancy among the Delegates is filled by the local unit lacking a representative due to the vacancy.

5.8 INABILITY TO ACT

If the Administrative Council is unable to act or carry out its duties, the protocol in the by-laws of the FPPE concerning the administration of a union should its Administrative Council find itself unable to act, come into effect.

CHAPTER VI

THE LOCAL UNIT

6.0 COMPOSITION

The local unit is composed of full-fledged syndicate members employed by one school board. A school board may, however, comprise more than one local unit.

6.1 ELIGIBILITY

Any Professional who is a member of the syndicate and of a local unit is eligible to be that local unit's Delegate on the Administrative Council.

6.2 INTERNAL OPERATION

The local unit shall establish, in writing, the procedures for its internal operation and the means by which its Delegate on the Administrative Council is chosen.

6.3 AUTHORIZATION TO CALL A STRIKE

The Administrative Council of the Syndicate can call a strike of a local unit only if authorized through a secret ballot by the majority of the members of that local unit present at a meeting called for that purpose at least forty-eight (48) hours in advance.

6.4 AUTHORIZATION TO SIGN A COLLECTIVE AGREEMENT

The Administrative Council of the Syndicate can proceed to the signing of the Local Arrangement of a local unit only if authorized through a secret ballot by the majority of the members of that local unit present at a meeting called for that purpose at least forty-eight (48) hours in advance.

CHAPTER VII

COMMITTEES

7.0 FORMATION

The General Assembly and the Administrative Council can form committees according to their needs and the syndicate's plan of action.

7.1 REPORTING

The committees report to the decisional body which has formed them and at the time determined by the said decisional body.

CHAPTER VIII

FINANCES

8.0 INCOME OF THE SYNDICATE

The syndicate draws its income from:

- 8.0.1** The syndical fee paid by its members and subscribers;
- 8.0.2** The initiation fee charged to members as determined in Article 2.1;
- 8.0.3** Special donations, grants or subsidies which could be given to it.

8.1 PAYMENTS

All payments are made by cheques signed jointly by two persons authorized to that effect by the Administrative Council as per Article 4.0.10.

8.2 FINANCIAL STATUS

The General Assembly will designate an auditor, or an audit committee consisting of three members of the syndicate, who must submit to it a report during the next financial year; the General Assembly may appoint to this task members of the syndicate, so long as they are not members of the Administrative Council.

8.2.1 The General Assembly adopts the financial status following the study of the auditor's report.

8.3 ACCESS TO INFORMATION

Any member has the right to receive a free copy of the syndicate's financial status, budget or financial statement.

CHAPTER IX

AMENDMENTS - DISSOLUTION

9.0 *AMENDMENTS TO THE BY-LAWS*

For any amendment aimed at abrogating, modifying or replacing an article of these by-laws, a notice-of-motion must be sent to all members at least ten (10) days before the meeting of the General Assembly at which the motion to amend will be discussed.

9.1 *DISAFFILIATION*

For an amendment to the by-laws aimed at disaffiliating the syndicate from the CSQ and/or the FPPE, the following conditions must be met:

- 9.1.1 A proposal to hold a referendum on the subject of disaffiliation cannot be discussed unless a notice-of-motion has been given at least thirty (30) days before the holding of a meeting of the General Assembly; the notice-of-motion must be sent to the CSQ and to the Federation within the same time limit;
- 9.1.2 SMAESP must send both the CSQ and the FPPE a summary of the reasons used to support the motion to hold a referendum on disaffiliation. A list of SMAESP's fee-paying membership must be included. This information must be sent to the CSQ and the FPPE at least 30 days before the date of the General Meeting.
- 9.1.3 To be valid, a disaffiliation must through a referendum receive the support of the majority of the fee-paying members, whether or not they exercised their right to vote; all fee-paying members must have been informed of the place and the date of the poll; the place and the date must have been chosen in such a manner as to facilitate the taking of the vote;
- 9.1.4 Both the CSQ and the FPPE can delegate an observer to the referendum session including the counting of votes. Both the CSQ and the FPPE may have one representative each, at each of the polling stations.
- 9.1.5 SMAESP must accept at the prior request of the CSQ and/or the FPPE, two representatives of each of the aforementioned organizations to attend the General Meeting and present their case, and answer questions from the members in attendance.
- 9.1.6 SMAESP must send both the CSQ and the FPPE the notice of meeting and the agenda for the General Meeting within the normal delays set out in its by-laws.
- 9.1.7 The results of the referendum are sent to both the CSQ and the FPPE within 24 hours of the count or where necessary the recount of the votes.

9.2 *NOTICE-OF-MOTION*

Any notice-of-motion aimed at amending the by-laws must contain the wording of the proposed amendment.

9.3 APPROVAL

Any amendment to all or part of the by-laws requires approval by a majority of the members present at the meeting of the General Assembly called for this purpose, except for amendments regarding disaffiliation from the CSQ or the Federation which require a majority of all members.

9.4 AMMENDMENTS TO ARTICLE 1.3

Any amendment to Article 1.3 (JURISDICTION) cannot take effect without having previously obtained the authorization from the Federation Congress.

9.5 INSPECTOR GENERAL OF FINANCIAL INSTITUTIONS

Any amendment cannot become effective before having been approved by the Inspector General of Financial Institutions (R.S.Q. c. S-40).

9.6 DISSOLUTION

The syndicate cannot be dissolved as long as fifteen (15) members in good standing wish to maintain it.

9.6.1 In case of dissolution, liquidation must be done in conformity with the dispositions of the Professional Syndicates Act (R.S.Q. c. S-40).

END
