

**PROFESSIONAL ENGINEERS**  
**GOVERNMENT OF ONTARIO**

**CONSTITUTION**

**(incorporates amendments to date)**  
**December 19, 2002**

NOTE: Wherever in this document the singular or masculine is used, it is understood that the reference shall include the plural or feminine where the context so requires.

**ARTICLE 1** - Name

1.1 The name of the association shall be: Professional Engineers Government of Ontario hereinafter referred to as the Association, and the Association shall be called PEGO.

**ARTICLE 2** - Objectives

The objectives of the Association shall be:

- 2.1 To promote the professional and economic well-being of its members.
- 2.2 To act as an employee organization and represent its members for all purposes of collective bargaining, including, the negotiation of collective agreements covering remuneration and other terms and conditions of employment with the Ontario Public Service or any of its subsidiaries or crown corporations or other similar organizations.
- 2.3 To seek and conclude agreements on any questions which may be of interest to its members.
- 2.4 To promote and maintain a professional standard of service among the professional employees of the Public Service of Ontario.
- 2.5 To seek redress for specific complaints of any individual member or members where justified and appropriate.
- 2.6 To cooperate with other employee organizations to promote the general welfare of their

members.

### ARTICLE 3 - Membership

3.1 Subject to the exclusions set forth in article 3.4, membership shall be open to employees of the Ontario Public Service or any of its subsidiaries or crown corporations or other similar organizations, who are:

- a) Licensed in the Province of Ontario to practice professional engineering or as an Ontario Land Surveyor.
- b) Graduate engineers in training who are working towards a licence to practice professional engineering.

3.2 Subject to the exclusions set forth in article 3.2.1, membership shall be open to Professional Engineer retirees or Ontario Land Surveyor retirees of the Ontario Public Service or any of its subsidiaries or crown corporations or other similar organizations.

3.2.1 Professional Engineer and Ontario Land Surveyor retiree members shall not have voting rights; shall not serve as delegates; and shall not be eligible to be elected to the executive committee.

3.3 Fees for membership will be established by the Executive Committee, and will be of at least one (1) dollar.

3.4 Membership shall not be open to persons employed in a confidential capacity with respect to labour relations, or in a managerial capacity as determined by the Association, or as excluded from any bargaining unit by a decision, or order, of the Ontario Labour Relations Board, or other authorized tribunal.

3.5 Any questions of qualification or eligibility shall be referred to the Executive Committee whose decision shall be final.

### ARTICLE 4 - Executive Committee

4.1 The Executive Committee shall consist of a President, a Vice-President, a Treasurer, a Secretary and five (5) Directors, all of whom shall be elected by ballot. The Past President shall sit as an ex-officio member of the committee provided his eligibility is continued.

4.2 The Executive Committee shall take office on the first day of March of the year.

4.3 A Quorum of the Executive Committee shall be five (5) members, one (1) of whom shall be an Officer of the Association. Decisions by the Committee will be by majority vote.

#### ARTICLE 5 - Delegates

5.1 For the purpose of general representation, the membership shall be divided into ministry or geographic region groups of normally not more than 40 and normally not less than 10 members.

5.2 These groups shall be formed to reflect, insofar as is practicable, the geographic or ministry organizational units.

5.3 Each group shall be entitled to elect one delegate; election to take place at a meeting of the group prior to the Annual General Meeting of the Association. The elected delegate will represent the group at the Delegates' Council for a period of one year.

5.4 Members of the Executive Committee shall not serve as Delegates.

#### ARTICLE 6 - The Delegates' Council

6.1 The Delegates' Council shall consist of the Executive and the Delegates and shall be the policy-making body of the Association as well as providing a communication link between Association members and the Executive.

6.2 The Council shall meet at least once during the fiscal year of the Association. Meetings may be called by the Executive or on written request to the Secretary by a minimum of 5 Delegates.

#### ARTICLE 7 - Elections

7.1 During the month of June in each year, the Delegates' Council shall appoint a Nominating Committee of three members, only one of whom may be a member of the current Executive, and none of whom may run for office on the next Executive. Before October 15 in each year the Nominating Committee shall select a slate of officers and a sufficient number of Directors to replace those whose term is ending. If practicable, the Nominating Committee will nominate at least one member from a ministry or geographic region, or both, outside Metropolitan Toronto.

7.2 Before November 1 the Secretary shall distribute to all members the slate of officers selected by the Nominating Committee, together with a request for further nominations.

- 7.3 To be valid, all further nominations shall have the signature of two members and the written consent of the candidate. All nominations should be in the hands of the Secretary by November 14. The Secretary will invite all candidates to submit a campaign statement by November 30.
- 7.4 No candidate shall consent to stand for more than one office in any election.
- 7.5 For all contested positions the Secretary shall provide a ballot by December 15 to each member in good standing. Biographical data and the campaign statements by the candidates will be distributed with the ballots.
- 7.6 To be valid, a ballot must be received by the Secretary by 16:30 hours on January 15.
- 7.7 Ballots shall be validated and counted by a Returning Officer and at least two Dept Returning Officers, appointed by the Executive.
- 7.8 The Officer positions of President, Vice-President, Treasurer and Secretary shall be filled by the candidate receiving the largest total of votes cast at the annual election.
- 7.9 The Officer positions of President, Vice-President, Treasurer and Secretary shall be elected annually for a term of one year.
- 7.10 The vacant Director positions shall be filled by that number of candidates receiving the largest total of votes cast at the annual election.
- 7.11 The five (5) elected Directors of the Executive Committee, three of whom are elected each year and two on alternating years, shall hold office for two years.
- 7.12 In the event that an Officer or Director should resign or for whatsoever reason cannot otherwise complete their term of office, then that Officer or Director shall be replaced in accordance with 7.12.1 and 7.12.2.
- 7.12.1 If the President cannot complete his or her term of office, then the Vice-President shall assume the position of President for the balance of that term. The Nominations Committee shall recommend a replacement candidate for Vice-President and shall submit its recommendation to the Executive Committee for approval. Upon approval, the nominee shall be declared and assume the position of Vice-President for the balance of the term.
- 7.12.2 If any other Officer or Director cannot complete their term of office, then the Nominations Committee shall recommend a replacement candidate for their position and

submit its recommendation to the Executive Committee for approval. Upon approval, the nominee shall be declared and assume the position for the balance of the term.

#### ARTICLE 8 - General Meetings

- 8.1 There shall be an Annual General Meeting in each year, at a date and location to be decided by the Executive Committee.
- 8.2 The quorum for a general meeting of the Association shall be not less than 20 members.
- 8.3 The results of the ballots of the election shall be announced at the Annual General Meeting.
- 8.4 A General Meeting may be called at the written request of at least 25% of the current members, excluding retired members=. Such request shall be submitted to the President through the PEGO office. If the President fails to send out a notice of such a special meeting within two weeks of receiving the request, then the members requesting the meeting may send out a notice designating the time and location of the meeting.

#### ARTICLE 9 - Referenda

- 9.1 The Executive may, of its own motion, submit any questions to a referendum vote of the membership.
  - 9.1.1 On petition for a referendum by a minimum of 1/5 of the current members, excluding retired members=, the Executive shall call a referendum within 30 days, except that the executive is not required to call any referenda or honour any petition for a referendum that deals with or alludes to in any way an issue that the executive is currently negotiating or has notified the employer its intention to negotiate.
- 9.2 Any question, motion or resolution submitted for referendum shall be so framed as to be capable of a direct affirmative or negative answer and all members in good standing shall be entitled to vote.
- 9.3 If within the time specified on the ballot less than 100 ballots are returned, the referendum shall be declared invalid and the question may be decided by vote at a Delegates' Council.

9.4 A decision reached by a properly constituted referendum shall be final and binding on the Executive, the Delegates' Council and other Association members.

ARTICLE 10 - Fiscal Year Audit

10.1 The Association's fiscal year shall be from January 1 to December 31.

10.2 The Association's books shall be reviewed in accordance with generally accepted accounting principles at the end of each fiscal year.

ARTICLE 11 - Annual Dues

11.1 All members shall pay annual dues as established by the Association, of at least one dollar.

11.2 Any member who is in arrears beyond six months shall forfeit his membership unless the Executive Committee considers there are extenuating circumstances in the case of the member.

11.3 Any change in the annual dues shall be approved by referendum.

ARTICLE 12 - Discipline

12.1 Each member of the Association shall adhere to this Constitution in the conduct of the affairs of the Association and shall act at all times in the best interests of the Association.

ARTICLE 13 - Merger, Amalgamation or Transfer of Jurisdiction

13.1 The Association may, if it wishes, merge, amalgamate or transfer jurisdiction to another employee organization but only if approved by a two-thirds majority of members.

ARTICLE 14 - Affiliations

14.1 Affiliations of the Association as a whole with any labour, fraternal, professional, service or other organizations shall be decided through a referendum. Such a referendum would require a 2/3 majority vote, excluding retired members in order to succeed.

ARTICLE 15 - Amendments to the Constitution

15.1 The Constitution of the Association may be amended by a 2/3 majority of the votes received in a referendum of the membership. A referendum may be authorized by the Executive Committee, the Delegates' Council, or by a simple majority vote at a general meeting.

ARTICLE 16 - Bylaws

16.1 Bylaws must be consistent with the provisions of the Constitution.

16.2 A Bylaw may be instituted or amended by a majority vote in a referendum or at any general meeting of the Association, and the amendment shall come into force on the day it is approved.

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**PROFESSIONAL ENGINEERS**  
**GOVERNMENT OF ONTARIO**

**BYLAWS**

BYLAW NO. 1 - Duties of Officers

1.1.1 Duties of the President

The President shall be the chief executive officer of the Association and shall be charged with the general supervision of the affairs of the Association. The President shall preside at all the general and executive meetings of the Association.

1.1.2 If the President determines that there is a need, he shall have authority to appoint assistants for each of the Treasurer and Secretary with approval of the Treasurer and Secretary on the selection of these appointees. Such appointees will not have a vote on the Executive Committee.

1.2 Duties of the Vice-President

The Vice-President shall, in the absence or disability of the President, perform the duties and exercise the powers of the President. The Vice-President shall also perform such duties and exercise such powers as the Executive may delegate to this office.

1.3 Duties of the Treasurer

The Treasurer shall be responsible for the keeping of complete and accurate records of all financial transactions of the Association, shall be responsible for the deposit of monies in banks designated by the Executive, shall control the disbursement of the funds of the Association and shall render to the Executive, whenever required, an account of all financial transactions and of the financial position of the Association. The Treasurer shall also perform such other duties as may be prescribed by the Executive.

1.4 Duties of the Secretary

The Secretary shall be responsible for the keeping of all records, other than financial, of the Association, including the minutes of the Executive and general membership meetings. The Secretary shall be responsible for distributing all



required notices to the general membership and to the Executive and shall perform such other duties as may be prescribed by the Executive.

BYLAW NO. 2 - The Executive Committee

- 2.1 The Executive Committee shall administer the day-to-day activities of the Association and may of its own power decide and act upon all matters for the Association, except that it may not:
  - 2.1.1 Commit the Association or its members to any binding or continuing action or policy without ratification by the Delegates.
  - 2.1.2 Invest the funds of the Association in securities other than those authorized by law.
  - 2.1.3 Cause a reversal or negation of a decision of a General Membership meeting or of the Delegates' Council.
- 2.2 Except as herein otherwise provided all documents for the Association shall be signed by the President and Vice-President. In their absence, documents may be signed by such other officer(s) or members of the Executive as the Executive may appoint.
- 2.3 The President or if absent, the Vice-President or, if absent, a chairman chosen by the meeting shall preside at all Executive Meetings and shall vote only in the event of a tie.
- 2.4 The Executive Committee shall appoint committees as may be necessary to carry out the work of the Association.
- 2.5 Any member of the Executive may resign at any time by notice in writing to the Secretary. Vacancies may be filled by the Executive on approval of a majority of the Delegates and the chosen member shall complete the term of the resigning member.

BYLAW NO. 3 - Delegates/Area Representatives

- 3.1 Each delegate shall appoint an alternate to ensure that his group is represented at any meeting the Delegate is unable to attend.

- 3.2 Each group shall have the option of appointing area representatives as deemed necessary for prompt and reliable communications. Should a group decide not to exercise this option, the Delegate may appoint a suitable number of area representatives.

BYLAW NO. 4 - The Delegates' Council

- 4.1 The President of the Association or, if absent, the Vice President or, if absent, a chairman chosen by the meeting shall preside at all Delegates' Council meetings.
- 4.2 The Delegates' Council shall be authorized to decide upon or take any action in the affairs of the Association which does not specifically require ratification at a General Meeting or by referenda.
- 4.3 Voting at Delegates' Council shall take place on the basis of one vote for each Delegate (or Alternate) and Executive member present at a meeting unless a Delegate asks for a proportionate vote. In the case of a proportionate vote each Delegate may cast one vote for each member of his group and each Executive member may cast one vote.
- 4.3.1 Any member may instruct the Delegate representing him as to the manner in which one vote shall be cast, such vote to be cast in accordance with the instruction of the member.

BYLAW NO. 5 - General Meetings

- 5.1 Notice and agenda for any General Meeting shall be distributed to members at least seven days prior to meeting. Except for emergency purposes, no motion on a major policy shall be voted on unless it is included on an agenda so distributed.
- 5.2 The President or, in his absence, the Vice-President or, in his absence a member appointed by the Executive Committee shall Chair any General Meeting of the Association and shall not vote except in the event of a tie.
- 5.3 A General Meeting shall have the power to decide on any matter brought before it except:
- 5.3.1 Ratification of amendments to the Constitution.
- 5.3.2 A change in the amount of annual fees.
- 5.3.3 A reversal or negation of a legally established decision of the Executive or the Delegates' Council except as provided in Bylaw 5, section 5.4.

- 5.4 A General Meeting may authorize a referendum on any matter. The Executive shall be bound to ensure that the referendum takes place as required in Bylaw 6.

BYLAW NO. 6 - Referenda

- 6.1 In a referendum the question, motion or resolution shall be printed on a ballot and distributed to each member entitled to vote. Ballots shall be forwarded to all members on the same day. At least 15 days shall be allowed from the date of distribution to the date of closing the ballot. A simple majority of the votes counted shall prevail except as provided in Article 14, section 14.1 and Article 15, section 15.
- 6.2 Prior to distributing the ballots, the Executive shall appoint three scrutineers who shall not be members of the Executive. The Secretary shall turn the unopened returned ballots over to the scrutineer. The Scrutineer shall open the envelopes, count the ballots, and report the results to the Executive. The Secretary shall forthwith inform each member of the Association of the results.

BYLAW NO. 7 - Financial Affairs

- 7.1 The banking institution of the Association shall be determined by the Executive and may be changed if so authorized by the Executive.
- 7.2 All funds received shall be deposited promptly to the credit of the Association. All cheques, money orders, etc., to be paid to the Association shall be made payable to the Association and not to any group, member or employee of the Association.
- 7.3 The Executive may cause money to be borrowed upon the credit of the Association, at its discretion.
- 7.4 Signing officers for cheques drawn on the Association shall be appointed by the Executive.
- 7.5 The Treasurer shall prepare vouchers and/or obtain receipts for all monies paid by the Association and shall retain on file one copy of such voucher/receipt.
- 7.6 No member of the Executive, Delegates' Council or any committee shall receive any remuneration for acting as such, but may receive reimbursement for all reasonable expenses incurred as a result of meetings of the Association or in the process of conducting duly authorized business of the Association.

- 7.7 A review of the Association's books shall be carried out at the end of each fiscal year by a chartered accountant, external to the Association, who shall be appointed by the Delegates' Council.
- 7.8 The Association's financial statement for the previous fiscal year shall be circulated to the Delegates at least 15 days before the Annual General Meeting.
- 7.9 The Delegates' Council shall consider and approve a budget for the next fiscal year.
- 7.10 In the event of disbanding the Association all assets shall be used to the benefit of members pursuant to the provisions of the Societies Act relating to the dissolution of a Society.

BYLAW NO. 8 - Discipline

- 8.1 The Executive shall hear and, by a unanimous vote, determine the validity of any charge made in writing by any member that another member has violated Article 12 of the Constitution.
- 8.2 The Executive shall be entitled to reprimand, suspend or expel any member(s) whom it has found to be guilty of a violation of Article 12 of the Constitution.
- 8.3 Any member who is charged with a violation of the Constitution by a decision of the Executive made pursuant to Article 12 shall be given notice in writing of the charge(s), the right to a hearing, and at least ten days in advance of the meeting notice in writing of the time and location of the meeting at which the hearing will take place. Such member shall be entitled to appear and make such representations and produce such witnesses as he may deem advisable.
- 8.4 A decision of the Executive made pursuant to Article 12 of the Constitution may be appealed, by any person affected, to next meeting of the Delegates' Council, by notice in writing. Upon receipt of such notice, the Chairman of the Delegates' Council shall place the matter upon the agenda for hearing and the Delegates' Council shall, by majority vote, determine the appeal. The decision of the Delegates' Council shall be final and binding.

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