

RULES OF ORDER

APTS PROVINCIAL DECISION-MAKING BODIES



*Alliance du personnel
professionnel et technique
de la santé et des services sociaux*

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Rules of order are designed to provide a framework for collective deliberations and help participants make informed decisions. These rules have to strike a balance between individuals' freedom of expression and collective rights to ensure that the work advances.

Participants can express themselves in various ways: by speaking up, introducing motions, voting, etc. The rules of order specifically address each of these aspects.

Collective decision making can cover countless topics and aspects of union life. It is limited only by the APTS Constitution and its by-laws.

With this guide, the APTS has devised its own coherent set of rules of order. While inspired in large part by the *Code Morin*,¹ our rules of order are not law. It's up to the meeting co-chair to complete the rules contained in this guide, if necessary.

The rules of order cannot replace a provision of the APTS Constitution, a by-law, or a law applicable to Québec. As far as possible, the meeting co-chairs must ensure that the latter are observed, but it is up to the provincial executive committee to interpret the APTS Constitution and its by-laws (3.5.2 i).²

Rules of order are a tool to facilitate a discussion: the focus of the discussion and how the discussion unfolds.

This guide applies to provincial APTS decision-making bodies: the General Council and the Convention.

1. CO-CHAIRS

The APTS president assumes the role of meeting co-chair. With the decision-making body's permission, the APTS president can delegate this responsibility for the duration of the meeting. For a number of years now, the APTS has used a system of co-chairing, where the duties usually assumed by one person are shared by three people appointed by the decision-making body.

This collegial system makes it possible to offer delegates additional help particularly in drafting their motions, and to share the sometimes heavy responsibility of ensuring that the proceedings run smoothly.

¹ The *Code Morin*, initially published in 1939 by Victor Morin, a well-known Québec notary, is a guide to the various rules of procedure used to govern "deliberative assemblies." It is still widely used today by unions and boards of directors.

² The clauses cited are all drawn from the APTS Constitution.

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In essence, the co-chairs perform three duties:

- ❶ the meeting chair *per se* applies the rules of order, ensures that they are followed, and is in contact with the decision-making body;
- ❷ the co-chair seated right beside the meeting chair ensures technical liaison and assists the chair in her or his duties;
- ❸ the co-chair seated with the delegates helps them formulate their motions, advises them directly, and ensures liaison with the co-chairs.

The appointed co-chairs can alternate these duties as needed. We'll use the term "co-chairing" to denote this overall set of duties.

The role of meeting co-chairs is not a passive one. Co-chairs propose methods of work, organize discussions, call attention to the remaining time available, explain the effects of a motion on other motions or on the APTS Constitution if necessary, and in certain cases summarize or clarify the issues.

At all times, the appointed co-chairs must perform their duties with **integrity, impartiality and neutrality**. The objective is to help the work advance within the framework (the rules of order) defined and chosen by the decision-making body (the adopted agenda).

2. COMPOSITION OF THE DECISION-MAKING BODY

The composition of the decision-making body is stipulated in the APTS Constitution (3.1.1 – Convention, and 3.2.1 – General Council). Essentially, the Board of Directors and local presidents are automatically part of the delegation. The executive then has to designate the additional delegation in accordance with the prescribed parameters.

All delegates have the right to speak, introduce motions and vote. Co-chairs can only restrict a delegate's right following a serious breach of the rules of order, a violation of ethics or a misuse of a right, which prevents the decision-making body from advancing in its work. The delegate whose right is thereby restricted may appeal the co-chair's decision to the delegation.

A union decision-making body is not public. Only delegates have **the right** to be there. The Board of Directors (3.1.2 and 3.2.2) and the decision-making body may nonetheless invite **observers**, without the right to introduce motions or vote. These observers generally are part of provincial committees that present a topic during the meeting, are APTS employees, or are representatives from groups that have ties with the APTS.

3. A PROPERLY CONSTITUTED DECISION-MAKING BODY

A decision-making body is properly constituted after a notice of meeting is sent in accordance with the APTS Constitution, and quorum requirements are met to start the meeting.

The notice of meeting must indicate where the meeting is held. It must be sent through the usual channels to those who must be convened. As delegates from a bargaining unit must be appointed by the local executives, or by the general assembly before a Convention, it is their responsibility to register their delegation with the head office.

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This notice must be sent at least:

- 10 days before the General Council meeting is held (3.2.5);
- 150 days before the Convention is held (3.1.4);
- 30 days before the date of the Special Convention (3.1.7b);
- 10 days before a Special Convention in exceptional or urgent circumstances (3.1.7 c – the notice must include the matters to be discussed)

The proposed agenda must be transmitted to the delegates at least:

- 10 days before the General Council meeting (3.2.5);
- 30 days before the Convention or a Special Convention (3.1.4 and 3.1.7a).

The agenda is submitted to the meeting for approval (see section 4: Agenda).

The **main documents** to be presented for items on the agenda must be transmitted to delegates at least one week ahead of time. If not, the item is deferred unless a majority of the delegates vote in favour of addressing it despite the delay in sending the documents (3.1.4 and 3.2.5).

It's up to delegates to call attention to problems about whether the decision-making body is properly constituted or documents have been sent sufficiently in advance.

Quorum is set out in 3.1.5 and 3.2.4 of the APTS Constitution. It must be declared at the start of the meeting in order for the meeting to validly take place. Quorum is considered to be sustained throughout the meeting unless a delegate calls for a quorum check, and attendance is insufficient. This quorum call is treated as a point of order.

When, at the request of a delegate, the meeting co-chair checks the number of delegates and finds that there is no longer quorum, she or he immediately calls the meeting to an end. All decisions made before that nonetheless remain valid.

4. AGENDA

The agenda is the key element that guides delegates in their work. Once it has been adopted, it indicates the sole topics that are to be discussed, the order in which they'll be addressed, and the targeted outcome (information, decision-making, consultation). Moving to adopt the agenda involves a main motion, but because the content of this motion is so unusual, there are special rules for examining and adopting the agenda.

The items on the agenda are always presented in the following order:

- ➊ Routine items
- ➋ Work to be covered at this meeting
- ➌ Miscellaneous
- ➍ End of meeting.

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① Routine items

The routine items pave the way for the delegation to undertake its work:

- *By officially starting the meeting and declaring quorum.* This first item is generally preceded by the APTS president's opening remarks. These remarks are not part of the work of the meeting, so there is no discussion in plenary committee (also known as the committee of the whole).
- *By appointing people to run the meeting (co-chairs, meeting secretary, scrutineers).* Those who are appointed don't lose their right to speak or to vote. However, they have to exercise restraint when making comments, and are prohibited from running for elected office or promoting a particular candidate.
- *By adopting the agenda.* For each item on the agenda, it is important to indicate whether it is an information item (I), a decisional item (D), or a consultation item (C). This indicator is part of the agenda and cannot be changed without a motion to reconsider a decision already made (see the section on special motions).

Main motions are only introduced for decisional items, and workshops are only held for consultation items.

Note that the agenda provided ahead of time (see Section 3: Properly constituted decision-making body) is always at the draft stage until it is adopted. The proposed agenda that is presented at the start of the meeting may be slightly different than what was sent in advance. The idea behind making these minor adjustments is to avoid having to spend time on amendments proposed by the same people who moved to adopt the agenda in the first place.

The delegation can add items to the agenda, withdraw items, or change the order in which items will be presented. Care must be taken in exercising this prerogative, however, as the people responsible for organizing the meeting have put in considerable work, and those responsible for making presentations have arranged their schedules accordingly. Also, it's important to ensure that the topic a delegate wishes to put on the agenda concerns the decision-making body as a whole. Outside the decision-making meetings, it is always possible to communicate with the people responsible for specific files, to obtain information.

It is also possible to **set a specific time** for adopting an item. In that case, at the set time, the decision-making body suspends its current discussions and proceeds to consider the subject in question. When that's done, the delegates resume work where they left off.

Votes on amendments to the main motion (proposed agenda) follow the usual procedure that applies when there is no formal debate.

- *By approving the minutes of the last decisional meeting of that kind.* This enables the delegation to be cognizant of recent work and crystallize a record of the past. All delegates can comment on the minutes even if they weren't at the last meeting. However, only those who were at that meeting can move to change the content of the minutes. A seconder is required, and the proposed change has to be put to a vote requiring a simple majority to pass. Spelling mistakes can be corrected without being put to a vote.

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There is no item for “Follow-up to the minutes.” To discuss a subject that appeared in the last minutes, there has to be an item expressly added to the current agenda.

All these items are decisional. However, the co-chair will not open a plenary committee or a period of formal debate, and will proceed directly to a vote unless there are requests to open a debate.

② Work to be covered at the meeting

These are subjects requiring discussion and deliberation.

The main documents to be presented for information items and decisional items on the agenda must be transmitted to delegates at least one week before the meeting (3.1.4 and 3.2.5). If these documents are transmitted after that deadline, the item on the agenda can only be addressed at that meeting if there is a simple majority that votes in favour. It is the delegates’ responsibility to point out such an irregularity.

③ “Miscellaneous”

The point of having a “Miscellaneous” item is to enable delegates to inform the meeting of a union situation or action that might be of interest to the delegation as a whole. This is an information item. For example, it might be about a regional APTS tee-shirt design that has received outstanding comments, or an inter-union initiative, or a petition that needs to be signed. The presenter has 5 minutes to speak.

It is recommended that delegates state their intention to present a topic under the Miscellaneous item when the agenda is being adopted. That gives the co-chair time to assess the time requirements and to let the delegate speak earlier on in the meeting if some kind of action has to be taken during the meeting (such as signing a petition).

④ End of meeting

The meeting comes to an end when the meeting is declared over. The co-chair does so when all items on the agenda have been covered, without any other formality. A delegate may also move to end the meeting before all items have been dealt with on the agenda. That motion must be seconded by another delegate, and requires a simple majority vote.

As the end of the meeting is a sign for delegates to head toward the exits, it is usually prefaced by closing remarks from the APTS president.

5. DELIBERATIONS

So as not to descend into chaos, the delegates’ proceedings have to be framed by a series of rules aimed at organizing the discussions and building a process of reflection that leads to a shared understanding of the issues (information items), collective decision making (decisional items) or active participation in developing the work (consultation items), as the case may be.

The first step in organizing the discussions is to adopt the agenda. After that, each of the items is considered in stages, to meet the objective of informing, decision making, or consulting.³ The first two objectives are presented together here, with the necessary adjustments, while the third objective is presented separately.

³ The following explanations do not apply to routine motions covered earlier in the section on the agenda.

Information items and decisional items

Step 1: Presentation of an issue

Each item on the agenda starts with a presentation of the subject by those responsible for the file. The latter have to be available during the plenary committee (Step 2) to answer questions. If it involves a decision, the people responsible for the file often introduce a main motion to open the plenary committee.

Step 2: Plenary committee

Following the presentation, delegates are invited to ask the presenters questions, raise issues of concern, and share their thoughts on the subject during the plenary period.

Those responsible for the file have to answer questions succinctly and clearly to the best of their abilities, as there is no time limit applicable to them. So as not to abuse their privileged position, they have to take care not to repeat their presentation or get sidetracked by comments.

If they consider it appropriate, the individuals responsible for the file can let another person answer a specific question. The latter must nonetheless stick to the facts and not use that forum to express a personal viewpoint, argue, or criticize.

If this is a decisional item, delegates can introduce motions or amendments on the subject under consideration, during the plenary period.

The co-chair recognizes delegates' right to speak in turn, following the numerical order of the microphones. Delegates have three minutes to present all their questions, viewpoints and thoughts. They have to identify themselves and indicate the bargaining unit they come from.

Delegates can speak more than once in plenary committee. Priority is nonetheless given to first-time speakers in this plenary committee.

Delegates must address the co-chair and avoid direct exchanges with other participants at the meeting unless the co-chair or the people in charge of the file ask them to clarify their question. Respectful language must be used at all times by each and every participant, and it is important to stick to the topic under consideration. When a speaker's time is up, the microphone shuts off automatically.

To make sure the work advances, the meeting co-chair generally sets a time period for the plenary committee. The delegates can always extend or shorten that period if a simple majority votes in favour. The plenary period can be extended by adding more time or allowing a greater number of speakers.

Bringing the plenary committee to a close also marks the end of the period for receiving motions and amendments.

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Step 3: Period of formal debate

When there is a decisional item involving at least one main motion, the co-chair opens a period of formal debate. This period helps delegates take a position on motions that have been introduced, and convinces them to vote accordingly. The individuals in charge of a file no longer have the privilege of speaking whenever questions arise, but they can have the same right to speak as any other delegate.

The meeting co-chair has to organize the period of formal debate in such a way that discussions are comprehensible. She or he can segment the period of formal debate and at times, the ensuing votes, so the delegation can take a position on one question at a time.

As with the plenary committee, the co-chair recognizes delegates' right to speak in turn, following the numerical order of the microphones. Delegates have two minutes, however, to present all their position and arguments. They have to introduce themselves and indicate the bargaining unit they come from.

Delegates can speak more than once during the period of formal debate. Priority will nonetheless be given to people who are speaking for the first time during that period.

Delegates must address the meeting co-chair and avoid direct exchanges with other participants at the meeting. All participants must use respectful language and stick to the topic in question. Once the person's time is up, the microphone automatically shuts off.

To move things forward, the meeting co-chair generally sets the duration of the period of formal debate. It can always be extended or shortened by a simple majority vote. Extending it can be done by adding more time or by increasing the number of speakers.

The end of the period of formal debate also marks the end of discussions, and opens the voting period.

Step 4: The vote

Once the period of formal debate is over, the meeting co-president informs delegates of the order in which the motions and amendments will be voted. The co-chair then grants the right to conclude, in that order. No other speech is allowed except for a request for a secret ballot vote, a point of order or a question of privilege.

The right to conclude or the right of rebuttal is the last opportunity a "mover" has to assert the validity of her or his motion or amendment, to the decision-making body. The "mover" can let the "second" exercise this right. In all cases, the allotted time for speaking is two minutes.

The co-chair then calls for the vote on each of the motions, starting with the associated amendments.

Voting is done by a show of hands, unless the APTS Constitution, its by-laws or the law stipulate otherwise. Delegates are required to vote with the vote card provided.

No voting by proxy or in advance is allowed.

Decisions are made by a simple majority. However, amendments to the APTS Constitution and Statement of Principles (Chapter 7) and certain special motions are carried only when two thirds of the votes cast are in favour.

Delegates may **abstain from voting**. By abstaining, delegates indicate that they are unwilling or unable to take a position on the motion. Abstentions are not counted for the purposes of calculating a majority.

The meeting co-chair may ask the scrutineers to count the votes when it isn't clear whether there is a majority in favour or against. A delegate may also request a vote count, but such a request must not be used to slow down the proceedings (misuse of a right).

A member may at any time request a vote by secret ballot. Such a request is automatically granted.

The co-chair informs the decision-making body of the procedure for the secret ballot vote, depending on the human and material resources at her or his disposal. Delegates must exercise discretion during this period and meet rigorous standards of decorum.

The co-chair announces the results of the vote, and when a vote count takes place, specifies the number of votes.

The APTS president only votes in the event of a tie vote (3.1.6 and 3.2.6, APTS Constitution).

Consultation item

As its name indicates, a consultation item is used to consult the delegation on an issue or a proposal. Discussions may only be held in plenary committee, and delegates will generally be called to discuss the matter in workshops or subgroups.

The process for a consultation item starts off with the subject being presented by those in charge of the issue. The discussions may then be preceded by a plenary committee and may also end with such as committee. The co-chair must inform the delegation about how a consultation item proceeds.

6. MOTIONS AND THEIR AMENDMENTS⁴

A delegate can introduce a motion during the plenary committee when the item on the agenda is one that requires a decision. The motion will be classified as a main motion, a counter motion or an amendment, depending on its nature.⁵ The classification of the motion is decided by the meeting co-chair.

To be admissible, all motions except special motions must:

- pertain to the current item on the agenda;
- be submitted in writing;
- be submitted by a delegate to the meeting co-chair or the meeting secretary;
- be presented to the delegation;
- be seconded by a delegate;
- be in compliance with the APTS Constitution, the APTS by-laws, and more generally, the laws in force in Québec.

⁴ This section does not cover special motions.

⁵ The concept of sub-amendments is not used at the APTS.

The main motion is a statement aimed at producing a result when it is passed, such as by taking a position on a matter, by taking action, by circumscribing a type of behaviour, etc.

- Be it moved to support the anti-poverty collective, the *Collectif pour un Québec sans pauvreté*.
- Be it moved to initiate regional actions to denounce cuts in services.
- Be it moved to adopt the by-law on equalization allowances, as presented.

The motion may be preceded by a preamble to contextualize it. This optional segment generally starts with “Considering that,” or “Whereas.”

A number of main motions can be put on the same subject under consideration. It’s up to the meeting co-chair to organize the discussion and the votes.

A counter motion is a main motion that is irreconcilable with another main motion introduced in the same session, or that prevents the other main motion from being carried out in practice. For example:

If the delegation carried a motion to "publicly denounce the reform in health and social services," it couldn't also vote for a motion to "applaud the government for its reform in health and social services."

When the vote takes place, if the first main motion is carried, it is no longer necessary to take a position on the second, as the two are irreconcilable.

An amendment is a motion that modifies a main motion by adding or removing parts of it without changing its nature. An amendment that radically alters the main motion will be considered by the co-chair as a new main motion or as a counter motion, depending on the case. For example:

If the main motion is to "publicly denounce the reform in health care," an amendment that adds "and social services" would be admissible. However, if the amendment replaces the words "the reform in health care" with "physicians' compensation," it would distort the main motion under consideration to the point where the amendment would instead have to be considered as a main motion.

The amendment to a main motion, in this sense, suffers the same fate as the main motion in special cases where a request is made to table, reconsider or withdraw the main motion.

7. SPECIAL MOTIONS

Special motions are specific procedural motions by delegates who wish to:

- complain about physical conditions or point out a failure to follow the agenda;
- challenge a decision that was made; or
- alter the normal course of the debate.

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These motions must be written and must be dealt with in the following order:

I – Privileged motions

Because of their importance, privileged motions take priority over any other issue under consideration. They are the only motions that allow a delegate to interrupt another delegate, and should therefore be used judiciously.

a) A motion to adjourn⁶:

- is used to suspend the current session of the decision-making body without bringing it to a close, generally when it's time for a break or lunch, and the end of the day when work will be continued the next day;
- must be seconded by a delegate;
- is open to debate.

N.B.:

- Only the starting time of the adjournment and the time for resuming work are subject to amendment.
- The decision is made by the decision-making body (simple majority vote).
- The co-chair may suggest that the decision-making body adjourn, and unless opposed by a delegate, adjournment is granted without requiring a "second" or a vote.

b) A question of privilege:

- is used to denounce violations of rights or complain to the co-chair about physical conditions such as the temperature or lighting of the hall or the sound levels of the microphones, which make it difficult to follow the debates;
- requires no "second;"
- is not open to debate: the person who raises a question of privilege explains her or his position and request, and the co-chair responds.

N.B.:

- The decision is made by the co-chair and may be challenged.

c) **A point of order:**

- is used to call attention to a failure to follow the agenda, unruliness (or lack of decorum), or a procedural error;
- requires no "second;"
- is not subject to debate: the person who raises a question of privilege explains her or his position and request, and the co-chair responds.

N.B.:

- The decision is made by the co-chair and may be challenged.

⁶ Adjournment includes the concept of suspending a meeting.

II – Incidental or subsidiary motions

- a) Withdrawal of a motion:
- is used when a delegate no longer thinks that the motion she or he introduced at the meeting is a good position for the APTS, and would therefore vote against it;
 - is not open to debate: the person who wants to withdraw her or his motion must give a brief presentation of the arguments for withdrawing it;
 - requires no vote: the motion is retained if a delegate becomes its mover and another delegate seconds it.
- b) Division of a motion:
- is used when the motion under consideration is very complex and consists of a number of objects that are divisible. Such a motion spares the mover from introducing successive amendments to remove certain aspects of the main motion and retain others, according to the discussions;
 - must be seconded by a delegate;
 - is not subject to debate.
- N.B.:
- The decision is made by the co-chair and may be challenged.
- c) Suspension of the rules of order:
- is used to temporarily alter the rules of order. The change must be circumscribed;
 - must be seconded by a delegate;
 - is not open to debate: the person who moves to suspend the rules briefly presents her or his arguments and the suggested change.
- N.B.:
- The decision is made by the decision-making body (2/3 majority vote).
 - The co-chair may suggest a change in the rules of order, and unless opposed by a delegate, the change is granted without the need for a "seconded" or a vote.
- d) A motion to table:
- is used to end the debate on a motion and postpone it to a later date or indefinitely. Postponing the debate means that there is no position taken on one or more duly introduced motions. The person who moves to table must be seconded by a delegate.
- N.B.:
- Debate must focus only on the possibility of postponing consideration of the motion, not on the motion itself.
 - The decision is made by the decision-making body (simple majority vote).
- e) A motion to put the previous question (call for a vote):
- is used to end debate immediately and require a vote;
 - must be seconded by a delegate;
 - does not allow for any debate.
- N.B.:
- The decision is made by the decision-making body (2/3 majority vote).
 - The movers retain their right of rebuttal.

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f) Postponement indefinitely or to a set date:

- is used to halt discussions on an item on the agenda and postpone them indefinitely or to a later date that can be determined. This postponement is often used to obtain additional information that is not available immediately or to address other work in priority when the meeting is reaching the end;
- must be seconded by a delegate.

N.B.:

- The debate must focus only on the possibility of postponing discussions.
- Postponement to a set date cannot result in the Board of Directors being forced to convene a provincial decision-making meeting on a set date. However, the date must be able to be determined, such as by indicating “at the next General Council meeting.”
- The decision is made by the decision-making body (2/3 majority vote).

III – Special motions

a) A motion to challenge the chair’s decision:

- is used to try to reverse a decision made by the co-chair. Only discretionary decisions made by the co-chair can be challenged, not those dictated by the APTS Constitution;
- must be introduced immediately after the decision is made. Accordingly, the person challenging the decision can interrupt a delegate who is speaking;
- must be seconded by a delegate;
- is not open to debate: the person challenging the decision presents her or his position and request, and the co-chair responds.

N.B.:

- The decision is made by the decision-making body (by a simple majority vote).

b) A motion to reconsider:

- is to cancel a decision made by that same decision-making body during the same session, and thus resume debate on that question;
- may be made at any time during the session, but must be dealt with after concluding the current item on the agenda;
- must contain new facts that were not known at the time of the vote that led to the decision. The person who moves to reconsider a resolution must have initially voted with the majority;
- must be seconded by a delegate who also voted initially with the majority;
- is not open to debate: the person asking to reconsider the decision presents the new facts that would have led her or him to take another position.

N.B.:

- The decision is made by the decision-making body (by a two-thirds majority vote).
- If the decision-making body votes to reconsider the decision, the initial decision is cancelled and the subject is placed on the agenda immediately after the item currently under discussion.



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