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June 20, 2022

Winnipeg Association of  
Non-Teaching Employees  
Executive, Council and Members

**Via Email**

**Re: Annual General Meeting, May 31, 2022**

We have provided advice to WANTE regarding the Annual General meeting. The following is a summary of recent events regarding the Executive and elections arising out of the WANTE AGM on May 31, 2022.

Article VI E of the Constitution provides that a member may make a motion to remove an officer at a general meeting, "providing notice of such action is sent to members at least ten (10) days prior to the meeting." Such a motion would be successful with a two thirds (2/3) majority vote of members at the meeting.

A motion was presented at the AGM on May 31, 2022 to remove the President, Secretary and a Member at Large. There were issues raised at the AGM whether the motion was compliant with the Constitution, as notice was not "sent to members " by the member presenting the motion at the AGM. The discussion at the AGM and facts known to WANTE were that the motion was distributed to school liaisons by the mover, which was posted at some, but not all schools. In any event, it was not "sent to members" by the mover.

There were also issues raised as to whether the motion properly identified the mover (no name was on the motion). The motion initially included a bar on those officers from running for or holding office for one (1) year. The mover amended the motion to remove the proposed one (1) year ban during consideration of the motion at the AGM.

The Chair at the AGM ruled the motion to be out of order, based on issues including lack of required notice to members under the Constitution. The Chair's ruling was appealed and

overruled. The motion (as amended to remove the proposed 1 year ban), was debated, and passed after a vote of those present at the AGM. The result was that the President, Secretary and Member at Large were removed from office effective immediately. (It should be noted that the term of the Member at Large was expiring May 31, 2022.)

Article VI E of the Constitution also provides for an election of a vacant officer position, resulting from a removal, at a general meeting. Members were nominated for election to the then-vacant office of President. Two members accepted nominations, and a member was elected as President at the AGM. No election was held for the then-vacant office of Secretary.

Following the AGM, the Executive and Council requested legal advice as to whether the motion for removal and resulting election were compliant with the Constitution. After considering the legal advice received, Council determined that the motion was not compliant with the Constitution, primarily based on a lack of required notice to members. The motion for removal was therefore determined to be void. The election for the office of President was also determined to be void, since there was no basis under the Constitution for an election.

The result is that the President and Secretary were reinstated to their offices. The term of the Member at Large had already expired.

Yours truly,

**TAYLOR McCaffrey LLP**

Per: 

**Kenneth M. Dolinsky**

KMD/cf