CUPE LOCAL 3313

BY-LAWS

**NATIONAL APPROVAL – January 09, 2017**

**(as per attachment)**

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# P R E A M B L E

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, her/his Local of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following By-laws are adopted by the Local pursuant to, and to supplement, Appendix "B" of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

# SECTION 1 - NAME

The name of her/his Local shall be: Canadian Union of Public Employees, Local No. 3313 ~~(Central East CCAC).~~

# SECTION 2 - OBJECTIVES

The objectives of the Local are to:

1. Secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
2. support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
3. provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
4. encourage the settlement by negotiation and mediation of all disputes between the members and their employers;
5. establish strong working relationships with the public we serve and the communities in which we work and live.
6. to reduce the hours of labour and by all legal and proper means to elevate the moral, intellectual and social conditions of all workers in general and her/his membership in particular.

# SECTION 3 - INTERPRETATION and DEFINITIONS

1. Masculine pronouns shall be understood to include the feminine gender.
2. Numbers of Articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these by-laws.
3. Definitions are as follows:

 Local – the entire membership of Local 3313.

 **Unit** – refers to each one of the 4 former Community Care Access Centres. Specifically Scarborough Unit, Peterborough Unit, Whitby Unit and Haliburton, Northumberland, Victoria Unit.

 Note: Off-site locations where bargaining unit employees work are deemed part of the Unit.

 **Branch** – There are seven branches which refer to the aforementioned Units except in the case of the Haliburton, Northumberland, Victoria Unit which is comprised of four branches known as Lindsay Branch, Port Hope Branch, Campbellford Branch and Haliburton branch.

# SECTION 4 - MEMBERSHIP MEETINGS - Regular and Special

1. Semi-Annual General Membership meetings shall be held on the 3rd Wednesday of April and October of each year. The meetings shall be held via Video/Teleconferencing at each Branch.

**Amend as: Delete a) notation above and replace with:**

Quarterly General Membership meetings shall be held on the 3rd Wednesday of **January, April, July, and October** of each year. The meetings shall be held via Video/Teleconferencing.

1. Unit meetings shall be held quarterly in the months of March, June, September and December or on a more frequent basis if required.

**Amend as:** **Delete b) notation above and replace with:**

**Unit meetings (in addition to General & Special meetings) can be held on a more frequent basis if required.**

1. Special Meetings- General or Unit membership meetings may be ordered by the Executive Board or requested in writing by no fewer than 12 members. The President shall call a special meeting within 7 days when so ordered or requested and shall see that all members receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
2. General/Special Membership Meeting - A quorum for the transaction of business at any meeting shall be 15 members, including at least three (3) members of the Executive Board.
3. Unit/Special Meeting - A quorum for the transaction of business at any meeting shall be six (6) members, including at least one (1) member of the Executive Board.
4. The order of business at all membership meetings is as follows:
	1. Roll call of Officers
	2. Reading of the Equality Statement
	3. Voting on new members and Initiation
	4. Reading of Minutes
	5. Matters arising of Minutes
	6. Secretary Treasurer's report
	7. Communications and bills
	8. Executive Committee Board report
	9. Reports of committees and delegates
	10. Nominations, Elections, or Installations
	11. Unfinished business
	12. New business
	13. Good of the Union
	14. Adjournment

(Article B. 6.1)

## SECTION 5 – EXPENDITURES

1. **Payment of Local Union Funds**

Funds can only be spent for valid purposes of the Local Union under the following circumstances:

* + When the expenditure is authorized by a budget approved by a majority of members present and voting at a regular or special membership meeting;
	+ When these by-laws approve the expenditure; or
	+ Through a vote of the majority of members present and voting at a regular or special membership meeting;
	+ Voting may take place using a secure electronic format.

(Article B.4.4)

(b) **Payment of Per Capita Tax and Affiliation Fees**

Authorization to pay per capita tax to CUPE National, to CUPE Ontario Provincial Division (OD), Canadian Labour Congress (CLC), Ontario Federation of Labour (OFL), applicable CUPE District Councils or any Labour organization the Local Union is affiliated with, is not required.

(c) **Payment of Local Union Funds to Members or Causes Outside of CUPE**

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than $100, a notice of motion must be made at a regular membership meeting and then approved before the grant or contribution can be paid out. Voting will take place after 10 calendar days of the motion using a secure electronic format.

(d)No Officer or member of Local 3313 will be allowed to spend any Local Union funds without first having received authorization under Section 5(a) of these by-laws.

**NEW ARTICLE**

**(e) Strike Fund - Local 3313**

 Based on the Monthly Per Capita form, the sum of two dollars ($2.00) per member per month will be placed in the Strike Fund bank account for strike benefits, campaigns to avert strikes and interest arbitration costs for Local Unions not permitted by law to strike.

**NEW ARTICLE**

**(f) Arbitration Fund - Local 3313**

 Based on the Monthly Per Capita form, the sum of two dollars ($2.00) per member per month will be placed in the Arbitration bank account for arbitration and interest arbitration costs.

# SECTION 6 - OFFICERS

The Officers shall be the President, four (4) *Unit* Vice-Presidents, Recording Secretary, *four (4)* *Unit* Recording Secretaries, Secretary-Treasurer, WSIB/Health and Safety Representative, Long Term Disability Representative, Chief Steward, ~~ten (10) Stewards~~ **eight (8) Stewards** as follows: ~~one (1) Campbellford~~, ~~one (1) Haliburton~~, one(1) Lindsay, two (2) Peterborough, one (1) Port Hope, two (2) Scarborough, and two (2) Whitby**,** Webmaster and three (3) Trustees. All officers shall be elected by the membership.

(Article B.2.1)

1. All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.

(Article B.11.15 to B.11.5)

1. On termination of tenure, the officer shall surrender all books, records and other properties of the Local to her/his successor.

(Article B.3.9)

# SECTION 7 - EXECUTIVE BOARD

1. The Executive Board shall be the President, Vice-President(s), Secretary-Treasurer, Recording Secretary, Chief Steward. No member can hold more than one position on the Executive Board.

(Article B.2.2)

1. The Board shall meet at least eight (8) times per year.

(Article B.3.14)

1. A majority of the Board constitutes a quorum.
2. The Board shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
3. The Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
4. Should any Board member fail to answer the roll call for three consecutive regular membership meetings or three consecutive regular Board meetings without having submitted good reasons for those failures, his/her office shall be declared vacant and shall be filled by an election at the following membership meeting.

(Article B.2.5)

#  SECTION 8 - DUTIES OF OFFICERS

All officers must give all properties, assets, funds and all records of the local Union to their successors at the end of their term of office.

(Article B.3.9)

All signing Officers of Local 3313 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

(Article B 3.5)

## PRESIDENT

The *President* shall:

* + enforce the CUPE Constitution and these By-laws;
	+ preside at all General Membership and Executive Board meetings and preserve order;
	+ decide all points of order and procedure (subject always to appeal to the membership);
	+ have a vote on all matters (except appeals against her/his rulings);
	+ in case of a tie vote in any matter, including elections, will turn the matter back to the membership for a revote
	+ ensure that all officers perform their assigned duties;
	+ fill committee vacancies where elections are not provided for;
	+ as a signing authority ensure that the Local's funds are used only as authorized or directed by the Constitu­tion, By-laws, or vote of the membership;
	+ ex-officio of all committees;
	+ have first preference as a delegate to any convention, school or conference to which the Local is affiliated .

(Article B.3.1)

## UNIT VICE-PRESIDENTS

The *Unit**Vice-Presidents* shall:

* + Enforce CUPE Constitution and these By-Laws.
	+ If the President is absent or incapacitated, perform all duties of the President;
	+ The Executive Board shall elect from the four Vice Presidents the individual to act in the capacity of President.
	+ Preside over Unit Membership meetings and preserve order.
* Decide all questions of order and procedures (subject always to appeal to the membership).
	+ have a vote on all matters (except appeals against her/his rulings);
	+ in case of a tie vote in any matter, including elections, will turn the matter back to the membership for a revote
	+ Introduce new members and conduct them through the initiation ceremony;
	+ as a signing authority ensure that the Local's funds are used only as authorized or directed by the Constitution, by-laws, or vote of the membership.
	+ Ex-officio of all committees within Unit.
	+ Render assistance to any member of the Board as directed by the Board.
	+ Fill committee vacancies where elections are not provided for.
	+ Have second preference on a rotating basis throughout all Units as a delegate to any bargaining, convention, school, meeting or conference.

(Article B.3.2)

## RECORDING SECRETARY

The *Local Recording Secretary* shall:

* Keep full, accurate and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustee’s reports.
* Record all submissions for changes to the by-laws.
* Answer correspondence and fulfil other secretarial duties as directed by the Board.
* File a copy of all letters sent out and keep on file all communications received.
* Prepare and distribute all circulars and notices to Unit Recording Secretaries.
* Have all records ready on reasonable notice for Auditors and Trustees.
* Get assistance from the Unit Recording Secretaries as needed.
* Have second preference on a rotating basis throughout all Unitsas a delegate to any bargaining, convention, school, meeting or conference.

(Article B.3.3)

###  *Unit* Recording Secretary

The Unit *Recording Secretary shall:*

* Keep full, accurate and impartial account of the proceedings of all regular or special Unit membership meetings.
* Forward a copy of minutes and attendance records to Local Recording Secretary.
* Answer correspondence and fulfil other secretarial duties specific to the Unit as directed by the Executive Board.
* Assist the Local Recording Secretary as needed.
	+ If the Local Recording Secretary is absent or incapacitated, perform all duties of the office.
* The Executive Board shall elect from the four Unit Secretaries the individual to act in the capacity of the Local Recording Secretary.
* File a copy of all letters sent out, forward a copy to the Local Recording Secretary and keep on file all communications received.
* Prepare and distribute all circulars and notices to members.

## SECRETARY-TREASURER

The *Secretary-Treasurer* shall:

* Sign all cheques and ensure that the Local Union’s funds are used only as authorized or directed by the CUPE Constitution, Local 3313 by-laws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
* Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's pay­ments, and deposit promptly all money with a bank or credit union.
* Ensure the Employer is submitting all union dues and appropriate documentation to CUPE National no later than the last day of the following month.
* Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE headquarters, as well as records and supporting documents for all income received by the Local Union.
* Record all financial transactions in a manner accept­able to the Executive Board and in accordance with generally accepted account­ing practices.
* Make a financial report to meetings of the Local's Executive Board, as well as a written financial report to general memberships meeting, detailing all income and expenditures for the period.
* Be bonded through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
* Pay no money unless supported by a voucher duly signed by the President and/or any two other signing officers; (Signing officers of the local shall be; President, Vice-Presidents, Secretary Treasurer).
	+ Ensures no signing officer signs a cheque payable to themselves.
* Make all books available for inspection by the Auditors and/or Trustees on reasonable notice. Fiscal \year will be January to December have the books audited at least once each year, within the first three (3) months after year end, and respond in writing to any recommendations and concerns raised by the Trustees.
* Provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE.
	+ Have second preference on a rotating basis throughout all Unit as a delegate to any bargaining, convention, school, meeting or conference.

(Article B.3.4 to B.3.8)

## WSIB/Health and Safety Representative

* Organize and maintain WSIB claims and information.
* Give monthly reports on all accidents, incidents and issues to the Executive Board.
* Assist members with the WSIB appeal process.
* Have completed Level 1 and 2 of the WSIB training or agreed to be trained as soon as possible.
* Representative will receive the Health Safety training Level 1 & 2.

## LTD/Disability Representative

* Assist/guide members with the LTD application process.
* Provide assistance/guidance with any necessary appeals.
* Give monthly reports on all issues to the Executive Board.

**Note:** The provision of assistance and guidance does not constitute any obligation of CUPE to ensure legal representation within the courts. Members are responsible to retain their own legal counsel if required.

## STEWARD

##  Amend as STEWARDSHIPS

### Chief Steward

The *Chief Steward* shall:

* + - Oversee all grievances and advise Unit Stewards.
		- Assign the grievance number to the steward when requested.
		- Be the Chair of the Grievance Committee.
		- Hold Steward meetings on an as needed basis.
		- Keep records of all grievances submitted by members.
		- Report any steward activities to the Executive Board on a monthly basis.

### Unit Stewards

The Unit *Stewards* shall:

* Ensure Collective Agreement is enforced at all times.
* Investigate complaints.
* Complete a grievance fact sheet and forward a copy to the Chief Steward.
* Process all grievances at the initial stages of the grievance procedure.
* Be a member of the grievance committee.
* Make a monthly written summary report of all grievances to the Chief Steward.

# (h) TRUSTEES

The *Trustees* shall:

* Act as an auditing committee on behalf of the members and annually audit within the first three (3) months after year end. The books and accounts of the Secretary-Treasurer, the Recording Secretary and the Standing Committees.
* Make a written report of their findings to the first membership meeting following the completion of each audit.
* Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner.
* Validate that monies are not paid out without proper constitutional or membership authorization.
* Validate that proper financial reports are made to the membership;
* Audit the record of attendance.
* Inspect semi-annually any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership.
* Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
	+ - Completed Trustee Audit Program
		- Completed Trustees’ Report
		- Secretary-Treasurer Report to the Trustees
		- Recommendations made to the President and Secretary-Treasurer of the Local Union
		- Secretary-Treasurer’s response to recommendations
		- Concerns that have not been addressed by the Local Union Executive Board.
* Audit during regular work hours.

(Articles B.3.10 to B.3.12)

## (i) WEBMASTER

The *Webmaster*shall:

* Design a local website with Local and Unit contact information and links to relevant information.
* Maintain the website on a regular basis.
* Liaison with all Executive Board Officers for updates.

# SECTION 9 - HONORARIUM OUT-OF-POCKET EXPENSES

The following honorarium allowance shall be provided annually in the month of

December or at the end of term for that calendar year.

|  |  |  |
| --- | --- | --- |
|  | current | **proposed** |
| President |  1,250.00 | 1500.00 |
| Unit Vice President |  1,000.00 | 1250.00 |
| Local Recording Secretary |  750.00 | 1000.00. |
| UnitRecording Secretary |  250.00 | 300.00 |
| Secretary-Treasurer |  750.00 | 1000.00 |
| WSIB/Health and Safety Rep |  500.00 | 550.00 |
| Long Term Disability Representative |  500.00 | 550.00 |
| Chief Steward |  1,000.00 | 1250.00 |
| Stewards |  250.00 | 300.00 |
| Webmaster |  500.00 | 550.00 |
| Education Committee Member |  100.00 | 150.00 |
| Negotiation Committee Member (per contract negotiations) |  250.00 | 500.00 |
| Returning Officer (per election) | 100.00 | 150.00 |
| Scrutineers (per election)  | 25.00 | 50.00 |
| Strike Aversion Committee Member (per contract neg.) |  100.00 | 150.00 |
| Job Evaluation Committee Member |  100.00 | 150.00 |
| Trustees (per audit) |  25.00 | 50.00 |
| Trustees shall be booked off for the audit(s)  |  |
| totals | 7450.00 | 9450.00 |

The President shall be eligible to take one (1) day per month to conduct union business in accordance with the Collective Agreement.

***Note:*** *The honorariums will not be pyramided. The annual honorariums will be pro-rated based on number of months served.*

Meals

When performing Local business over the meal period (includes virtual meetings) representatives shall be provided up to ~~$15~~ **twenty dollars** (**$20)** for breakfast, ~~$20~~ **thirty dollars** (**$30)** for lunch and ~~$30~~ **fifty dollars** (**$50)** for dinner. Receipts must be provided except in the case of a paid per diem (Section 12c).

Mileage

Mileage shall be paid at the rate outlined in the Collective Agreement for all travel on behalf of the Local for out of town meetings, educational opportunities or conference/conventions. It is understood that all efforts shall be made to car pool.

**NEW ARTICLE**

Cell Phone Allowance

Executive Board representatives shall be provided a fifty dollars ($50.00) monthly cell phone allowance.

# SECTION 10 - FEES, DUES, and ASSESSMENTS –Initiation Fee

Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation fee of one (1) dollar which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected the fee shall be returned.

(Articles B.4.1& B8.2)

## Re-admittance Fee

The re-admittance fee shall be $10.00.

(Articles B.4.1)

## Monthly Dues

The monthly dues shall be 1.5% of regular wages.

(Article B.4.3)

Changes in the levels of the Initiation Fee, the Re-admittance Fee, or the Monthly Dues can be effected only by following the procedure for amendment of these by-laws (see Section 15), with the additional provision that the vote must be by secret ballot.

(Articles B.4.3)

Notwithstanding the above provisions, if a decision is made at CUPE Convention to raise minimum fees and/or dues above the level herein established, these by-laws will be deemed to have been automatically amended to conform to the new CUPE minimum.

Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.

**Non Payment of Dues and Assessments**

A member who fails to pay dues and assessments for three months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying the readmission fee and any other penalty set by the Local Union. The readmission fee cannot be less than the initiation fee of the Local Union.

A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears.

(Article.B.8.6)

# SECTION 11 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

## Nomination

The Positions of President, Local Recording Secretary, Unit Recording Secretary, Webmaster, Chief Steward and WSIB/Health and Safety Representatives shall be elected every even year.

The Positions of Unit Vice Presidents, Secretary-Treasurer, Long Term Disability Representative (LTD), Unit Stewards and Education Committee Representatives shall be elected every odd year.

One (1) Trustee shall be elected every year for a three (3) year term. Nominations shall be opened by the Returning Officer in September. The nominations shall be submitted electronically to the Returning Officer by the designated date for submission (min. of one (1) week submission time).

To be eligible for nomination a member shall be a member in good standing. No nomination shall be accepted unless the member has filed electronically with the Returning Officer her/his consent to stand. No member shall be eligible for nomination if she/he is in arrears of dues and/or assessments.

Notice of all nominations will be sent by the Returning Officer to all units, outlining who is running for all positions by the last working day in September.

## Election

* 1. The President shall appoint an Elections Committee consisting of a Returning Officer and Scrutineers. The committee shall include members of the Local who are neither officers nor candidates for office. The Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
	2. The Executive Board shall determine the content of the electronic ballot.
	3. The Returning Officer shall be responsible for ensuring that the electronic voting process is established. She/he shall receive the secure electronic voting summary. The Returning Officer and Scrutineers shall be responsible for reviewing the voting summary. She/he must be fair and impartial and see that all arrangements are unquestionably democratic.
	4. Each member of the Local will be entitled to cast a vote for the President, Secretary-Treasurer, Local Recording Secretary, Chief Steward, Web Master, WSIB\Health and Safety Representative, Long Term Disability Representative and Trustees(s).
	5. Each Unit shall be responsible to elect its own Vice President, *Unit* Recording Secretary, Stewards, Health & Safety, Education and any other *Unit* representatives. The voting shall take place prior to the Semi General Membership Meeting in October.

**NEW ARTICLE**

**NOTE**: Should any Unit position(s) remain vacant (after the election call and subsequent election), the position(s) will be deemed open and will be extended by way of a by-election to members within the Bargaining membership.

* 1. The candidate receiving the most amount of votes cast shall be declared elected. In the event of a tie, the membership will be required to revote until a winner is determined by majority vote.
	2. When two or more nominees are to be elected to any office, each member voting shall be required to vote for the full number of candidates to be elected or the member's vote will be declared spoiled.
	3. Any member may request to review the electronic voting summary for any election. A recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4.

## Installation

 1) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) years or until a successor has been elected and installed, however, no term of office shall be longer than three (3) years. The term may be shorter than the two (2) year period if the incumbent has been elected to fill a mid-term vacancy.

(Article B.2.4)

 2) The terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year. Each year thereafter, the Local Union shall elect one Trustee for a three year period. No member who has been a signing officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed.

## By-Election

Should an office fall vacant pursuant to Section 7 (f) of these by-laws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.

**NEW ARTICLE**

1. **Oath of Office**

A candidate who is elected to office must come forward to clearly and audibly take this oath:

 “I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my term of office. As an Officer of the Union, I will always promote the harmony and dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term.”

# SECTION 12 - DELEGATES TO CONVENTIONS

1. The Executive Board shall determine the number of delegates to attend any convention, conference and seminar. Except for the President’s, Unit Vice Presidents, Secretary Treasurer, Recording Secretary option [Section 8 (a, b, & c), all delegates to conventions, conferences and seminars shall be chosen by Education Committee/Executive Board. Delegates shall sign a contract of attending educationals/conference.
2. Delegates to the affiliated District Council shall be elected annually. An official reporter for these delegates shall be appointed annually by the President from among these delegates, and she/he shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Council.
3. All delegates elected to the conventions, conferences and seminars held outside the town of the delegate's home branch shall be paid the mileage rate, parking fees, hotel accommodations if required, a per diem allowance of ~~seventy-five (75) dollars~~ **one hundred ($100.00)** dollars for expenses, and an amount equal to any loss of salary incurred by attendance at the convention, conference and seminar.
4. Delegates to conventions, conferences and seminars held inside the town of delegate’s home branch shall be paid mileage and meal allowances in accordance with Section 9 and compensation for any loss of salary incurred by attendance at the convention, conference and seminar.
5. Representation at educational institutes and seminars shall be on the recommendation of the Education Committee, subject to final approval by the Executive Board.
6. Delegates will give written or verbal reports at the next Unit/General Membership or both meeting.

# SECTION 13 - COMMITTEES

## Negotiating Committee

This shall be a special ad hoc committee established at least six (6) months prior to the expiry of the Local's collective agreement. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of the President, ~~Unit~~~~Vice Presidents~~ **four (4) Vice Presidents, Chief Steward and one other individual elected by the Union** ~~and elected representatives from each Unit~~. The CUPE representative assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

## Special Committees

A special ad hoc committee may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two members of the Board may sit on any special committee as ex-officio members.

## Standing Committees

The Chairperson of each standing committee shall be appointed by the Executive Board. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. One Unit Vice-President shall be a member, ex-officio, of each committee. There shall be three (3) standing committees as follows:

### Grievance Committee

This committee shall process all grievances not settled at the initial stage and its reports shall be submitted first to the Executive Board, with a copy to the CUPE representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the collective agreement. The committee shall be comprised of the Executive Board.

### Education Committee

It shall be the duty of this committee to:

* + - Arrange for representation of the Local at any appropriate and available educational seminar or conference and submit recommendations accordingly to the Executive Board.
		- Instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports.
		- The committee shall be comprised of two (2) to four (4) members and shall appoint its recorder from among its members.
			1. Bylaw Committee

It shall be duty of this committee to:

* Review the bylaws annually and make recommendations to the Executive Board on proposed amendments.
* Review any proposed amendments received from the Executive Board or membership of the Local Union to ensure that the amendments will conform to the remainder of the bylaws and the CUPE National Constitution.
* Ensure that the Local Union’s bylaws are written in clear language, ensuring that clear language does not change the intent or meaning of the bylaws.
	+ - The committee shall be comprised of a chairperson and up to 5 committee members.

# SECTION 14 - RULES OF ORDER

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these by-laws as Appendix "B". These rules shall be considered as an integral part of the by-laws and may be amended only by the same procedure used to amend the by-laws.

In situations not covered by Appendix "B", the CUPE Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

**SECTION 15 – AMENDMENT**

1. These by-laws are always subordinate to the CUPE Constitution (including Appendix "B") as it now exists or may be amended from time to time, and in the event of any conflict between these by-laws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.

(Articles 9.2(c), l3.3, & B.5.1)

1. These by-laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following a seven day notice at a previous meeting or at least sixty days written notice.

(Article B13.3 & B.5.1)

1. No change in these by-laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

(Articles B 13.3 & B.5.1)

# Appendix "A"

# CUPE NATIONAL EQUALITY STATEMENT

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation, and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile, or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic, or homophobic hurts and thereby divides us. So too does discrimination on the basis of ability, age, class, religion and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue, or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society, and in our union.

CUPE’s policies and practices must reflect our commitment to equality. Members, staff, and elected officers must be mindful that all persons deserve dignity, equality, and respect.

# APPENDIX "B" TO THE BY-LAWS OF LOCAL 3313, CUPE

## R U L E S O F O R D E R

1. The President or, in her/his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President(s), the Recording Secretary shall act as President, and in her/his absence a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds vote of those present to deal with any urgent business.
7. All resolutions and motions other than those named in Rule l7, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
8. At the request of any member, and upon a majority vote of those present, a question may be divided when common sense dictates.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, she/he shall rise in his/her place and respectfully address the presiding officer, but, except to state that he rises to a point of order or on a question of privilege, he shall not proceed further until recognized by the chair.
11. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.
13. If a member, while speaking, is called to order, he/she shall cease speaking until the point is determined; if it is decided he/she is in order, he/she may again proceed.
14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he/she may in addition give a casting vote, or, if he/she chooses, refrain from breaking the tie, in which case the motion is lost.
17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this her/his form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for her/his challenge. The Chairperson may then state briefly the basis for her/his decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie the chair is sustained.
23. After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the Vice-President.
25. The Local's business, and proceedings of meetings, are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.

*LN:mm/cope491*