



**CUPE** / Canadian Union  
of Public Employees

Oakville, Ontario • **LOCAL 136** • [www.cupe136.ca](http://www.cupe136.ca)

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**CUPE** / Canadian Union  
of Public Employees



# BY-LAWS

Approved by CUPE National: July 13<sup>th</sup>, 2023

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## PREAMBLE

In order to improve the social and economic welfare of its members without regard to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or handicap, to promote efficiency in public employment and to manifest its belief in the value of the unity of the Canadian Union of Public Employees (hereinafter referred to as “CUPE”), CUPE Local 136 (hereinafter referred to as “the Local”) 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**

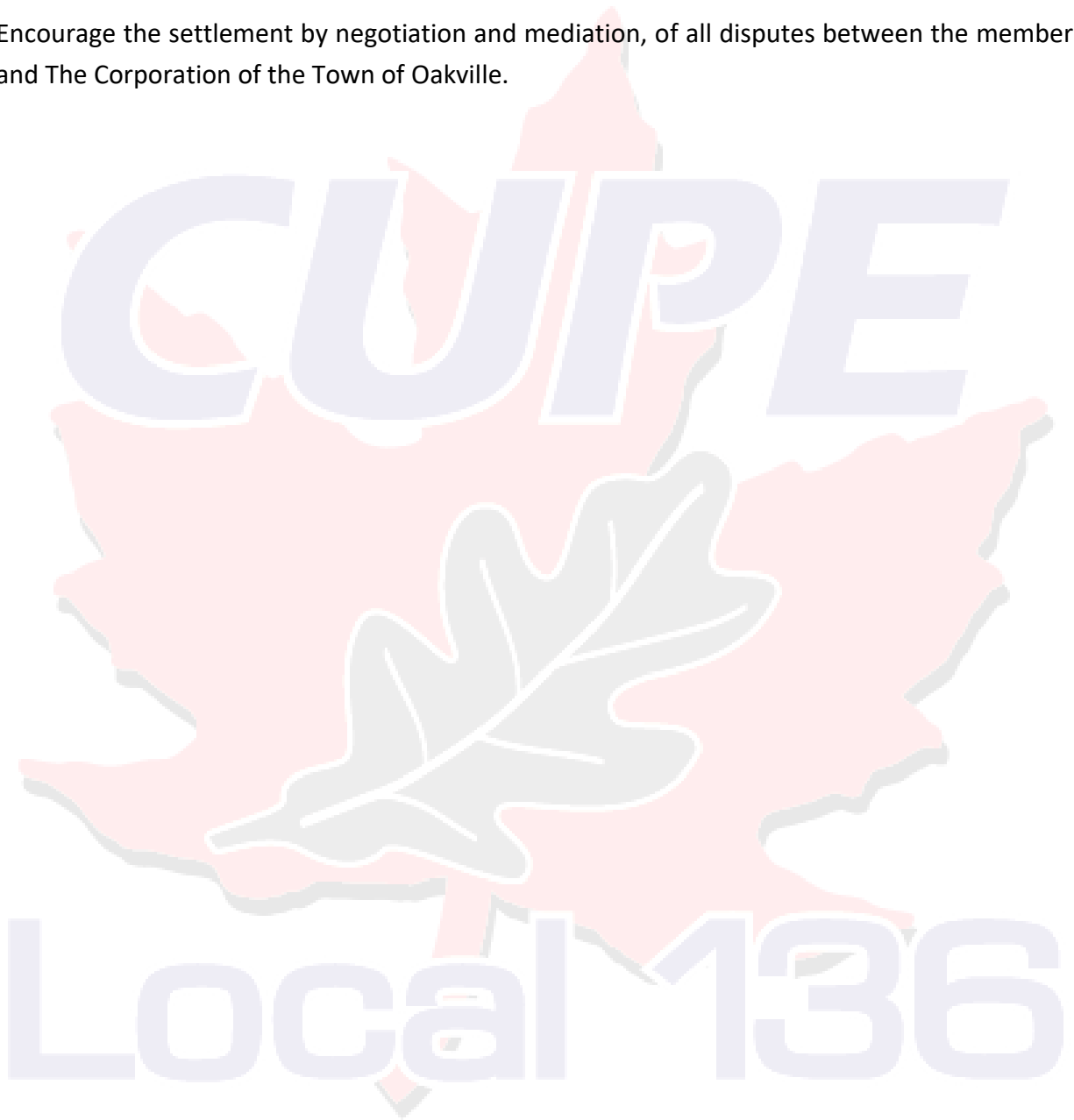
The name of this Local shall be: Canadian Union of Public Employees, Local 136 (CUPE Local 136), of the Town of Oakville, Ontario.



## SECTION 2 – Objectives

The objectives of the Local are to:

- (a)** Secure adequate remuneration for work performed, and generally advance the economic and social welfare of its members and of all workers;
- (b)** Support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- (c)** Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (d)** Encourage the settlement by negotiation and mediation, of all disputes between the membership and The Corporation of the Town of Oakville.



## **SECTION 3 – Interpretation and Definitions**

Numbers of Articles attached to sections, sub-sections, paragraphs, etc., refer to relevant articles of the CUPE Constitution which should be read in conjunction with these by-laws.



## SECTION 4 – Membership Meetings

- (a)** General Membership Meeting (hereinafter referred to as “GMM”) shall normally be held on the third Tuesday of every other month (January, March, May, July, September, and November) at 4:30pm. In the event a statutory holiday intervenes, or other circumstance affecting the Local, the Executive shall give at least one week notice of any change of date for a re-scheduled meeting.
- (i)** GMMs may be suspended for a given period, not to exceed 2 months. Such suspension is to be voted on, at a GMM with a 2/3 majority in favour.
  - (ii)** A GMM may also be cancelled by the Executive if it is known in advance that a majority of the Executive will be unable to attend. A reasonable effort shall be made to reschedule the meeting within the week before or after the originally scheduled meeting.
  - (iii)** The Executive shall not cancel two consecutive GMMs.
  - (iv)** In the event that a GMM cannot be hosted in person, it shall be hosted on a video call platform and the call access information shall be listed on the poster.
- (b)** Special Membership Meetings (hereinafter referred to as “Special Meeting”) may be ordered by the Executive or by request in writing by no fewer than five (5) members. The President shall immediately call a Special Meeting when so ordered or requested, and shall see that all members receive at least twenty-four (24) hours’ notice of the Special Meeting.
- (i)** In the event that a Special Meeting cannot be hosted in person, it shall be hosted on a video call platform and the call access information shall be listed on the poster.
- (c)** The Order of Business at GMMs is as follows: (Article B.6.1)
- |   |   |
|---|---|
| <b>1.</b> Call to order                           | <b>10.</b> Executive Report                         |
| <b>2.</b> Acknowledgement of Indigenous territory | <b>11.</b> Chief Steward’s Report                   |
| <b>3.</b> Roll call of Officers                   | <b>12.</b> Reports of committees and delegates      |
| <b>4.</b> Reading of the Equality Statement       | <b>13.</b> Nominations, elections, or installations |
| <b>5.</b> Voting on new members and initiation    | <b>14.</b> Unfinished business                      |
| <b>6.</b> Reading of the minutes                  | <b>15.</b> New business                             |
| <b>7.</b> Matters arising from the minutes        | <b>16.</b> Good of the Local                        |
| <b>8.</b> Secretary-Treasurer’s Report            | <b>17.</b> Adjournment                              |
| <b>9.</b> Communications and bills                |   |
- (d)** Quorum for the transaction of business at any GMM or Special Meeting shall be eight (8) members, including at least three (3) members of the Executive.

## **SECTION 5 – Officers**

The officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, Chief Steward, Negotiating Committee, seven (7) Stewards, and three (3) Trustees.

(Article B.2.1)





## SECTION 6 – Executive Board

- (a) The Executive Board (hereinafter known as “the Executive”) shall comprise all Officers, except Negotiating Committee, Stewards, and Trustees. (Article B.2.2)
- (a) Executive shall meet at least eight (8) times per year. (Article B.3.14)
- (b) A majority of the Executive constitutes a quorum.
- (c) The Executive shall do the work delegated to it by the Local and be held responsible for the proper and effective functioning of all committees.
- (d) All charges against members or Officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution. (Appendix F)
- (e) Should any Executive member fail to answer the roll call for three (3) consecutive GMMs, or three (3) consecutive Executive meetings without having submitted good reasons for those absences, their office shall be declared vacant and shall be filled by by-election (pursuant to Section 12 (d) of these by-laws) at the following GMM. (Article B.2.5)



## SECTION 7 – Duties of Officers

Each Officer of the Local is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

All Officers must give all properties, assets, funds, and all records of the Local to their successors at the end of their term of Office. (Article B.3.9)

All signing Officers of the Local 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)

Should any Officer (other than an Executive member) fail to answer the roll call for three (3) consecutive GMMs without having submitted good reasons for those absences, their office shall be declared vacant and shall be filled by by-election (pursuant to Section 12 (d) of these by-laws) at the following GMM. (Article B.2.5)

**(a)** The President shall: (Article B.3.1)

- Enforce the CUPE Constitution and these by-laws;
- Interpret these by-laws as required.
- Preside at membership and Executive 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 their rulings) and in case of a tie vote in any matter, excluding elections, have the right to cast an additional vote to break a tie;
- Ensure that all officers perform their assigned duties;
- Fill committee vacancies where elections are not provided for. If an elected position becomes vacant, it must go through re-election (Section 12 (d));
- Introduce new members and conduct them through the initiation ceremony;
- Be allowed necessary and reasonable funds to reimburse the President or any Officers for expenses incurred on behalf of the Local Union.
  - ◇ Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.
- Have first preference as a delegate to the CUPE National Convention, Ontario Division, and OMECC;
- Sit on any or all committees conducting business on behalf of the Local;
- Sign all cheques (where practicable) and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-Laws, or a vote of the membership.

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**(b)** The Vice President shall: (Article B.3.2)

- If the President is absent or incapacitated, perform all duties of the President;
- If the office of the President falls vacant, the Vice-President shall become Acting President until a new President is elected through a by-election;
- Assist the Chief Steward with their role in the grievance procedure as well as assisting with overseeing the Stewards' roles and education;
- Render assistance to any member of the Executive as directed by the Executive;

**(c)** The Recording Secretary shall: (Article B.3.3)

- Keep full, accurate, and impartial account of the proceedings of all GMM, ~~or~~ Special Meetings, and Executive meetings;
  - ◊ These records must also include a copy of the full financial report and all written financial reports presented at any GMM, Special Meeting, or Executive meeting, as presented by the Secretary-Treasurer, and any reports by the Trustees.
- Record all alterations in the by-laws;
- Answer correspondence, and fulfill other secretarial duties as directed by the Executive;
- File a copy of all letters sent out and keep on file all communications of the Local;
- Prepare and distribute all circulars and notices to members;
- Preside over membership and Executive meetings in the absence of both the President and the Vice-President;
- See that all motions and communications adopted, carried, or referred by any of the meetings of the Local, are executed or referred to the proper source for execution.
- Perform other duties required by the Local, its by-laws, or the National Constitution.

**(d)** The Secretary-Treasurer shall: (Articles B.3.4 to B.3.8)

- Receive all revenue, initiation fees, re-admission fees, dues, and assessments, keeping record of each member's payments, and deposit all money with a bank or credit union;
- Sign all cheques and ensure that the Local's funds are used as authorized or directed by the CUPE Constitution, these by-laws, or a vote of the membership. In consultation with the Executive, designate a signing officer during prolonged absences;
- Prepare all CUPE National per capita tax forms and remit payment 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 expense claims for every disbursement made, and receipts for all income received by the Local, for at least 8 years;
- 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;
- Record all financial transactions in a manner acceptable to the Executive and in accordance with good accounting practices;

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- Make a written financial report to each GMM, detailing all income and expenditures for the period;
- Make all books available for inspection by the auditors and/or Trustees on reasonable notice;
  - ◇ Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees;
- Provide the Trustees with any information they need to complete the audit report form supplied by CUPE;
- Through the Executive, allocate funds to help support any of the activities sponsored by the Local:
  - ◇ Sports sponsorship, including the Local's tournaments or leagues (to a maximum of \$500 per sponsorship);
  - ◇ Social events involving the Local's members, upon approval of the membership (to a maximum of \$2000 per event);
- Track all hours worked, where needed, as required by the appropriate clauses within the Local's Collective Agreement;
- Assume duties of the Recording Secretary when they are absent.

**(e)** The Chief Steward shall;

- Perform all duties of a Steward;
- Co-ordinate and/or assist all Stewards in their education and duties;
- Be directly involved in any grievance as required under Article Nine of the Local's Collective Agreement;
- Assist the Executive with any duties as requested;
- Chair the Grievance Committee meetings;

**(f)** The Stewards shall:

- Research and prepare any grievance and submit to the Grievance Committee all pertinent details, within the time frames as set out in Article 9.02 (a) (or currently numbered article) of the Local's Collective Agreement;
- Immediately consult with the Chief Steward, and/or the Grievance Committee, on any suspected, impending, or potential grievance situation;
- Generally know and police the Local's Collective Agreement, and provincial or federal legislation affecting labour and a particular job;
- Provide communications and information from the membership to the Executive and from the Executive to the membership;
- Greet all new members in their area and encourage the participation of all members in union activity;
- Attend a CUPE Stewarding course, if available, within the first six (6) months in office (if not taken previously);
- Render assistance to any member of the Executive, as directed by the Executive.

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**(g)** The Negotiating Committee shall:

- (i)** Prepare collective bargaining proposals;
- (ii)** Negotiate a collective agreement in its entirety (*Section 12 (c) (iii)*);
- (iii)** Continue to work with the Executive in the Labour/Management areas of interest with regards to Article 6.06 (or currently numbered article) of the Local's Collective Agreement;
- (iv)** Render assistance to any member of the Executive as directed by the Executive.
- (v)** Shall ratify the Collective Agreement, as a whole and in its completion, PRIOR to any ratification vote, with no exceptions. For clarity, no Collective Agreement may be ratified until all clauses and appendixes are finalized.

**(h)** The Trustees shall: (Articles B.3.10 to B.3.12)

- (i)** Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the Standing Committees at least once every calendar year;
- (ii)** Make a written report of their findings to the first GMM following the completion of each audit;
- (iii)** Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed, in order to ensure that the Local's funds, records, and accounts, are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner;
- (iv)** Be responsible to ensure that monies are not paid out without proper Constitutional or membership authorization;
- (v)** Ensure that proper financial reports are made to the membership;
- (vi)** Audit the record of attendance;
- (vii)** Inspect at least once a year 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;
- (viii)** Send to the National Secretary-Treasurer, with a copy to the assigned National 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
  - ◇ Secretary-Treasurer's response to recommendations
  - ◇ Concerns that have not been addressed by the Executive

## SECTION 8 – Voting of Funds

- (a) Except for regular operating expenses, no sum over \$500 shall be granted by the Executive except by approval by the membership.
- (b) Donations sent to CUPE Locals for strike appeals, approved by CUPE Ontario Division or the Ontario Federation of Labour shall be up to a maximum of \$25, with 3 appeals per year, per Local.
- (c) Donations sent to union Locals other than CUPE for strike appeals approved by the Ontario Federation of Labour, shall be up to a maximum of \$25, with 2 appeals per year, per Local allowed.
- (d) Charity organizations and promotion of the Local within the community, shall be brought to a regular GMM and voted on, to a maximum of \$2500 donation, per year, for any charity or organization. This shall not include donations in memoriam of a member's deceased loved one (Section 8 (f)).
- (e) Members off sick or injured and are hospitalized for a minimum 2 weeks shall receive an appropriate gift with an approximate value of \$200. Any other member with less than 2 weeks hospitalization shall receive a card.
- (f) Members which have a death within their immediate family shall receive a flower arrangement, plant, a donation sent to their choice of a registered charity, or another appropriate gift with an approximate value of \$200. Immediate family is defined as:
- Daughter, Son, Stepdaughter, Stepson. Does not include in-laws
  - Mother, Father, Stepmother, Stepfather. Does not include in-laws.
  - Sister, Brother, Stepsister, Stepbrother. Does not include in-laws.
  - Grandmother, Grandfather, Granddaughter, Grandson. Does not include in-laws.
- (g) Members who have a birth, or adopt a child, shall receive a flower arrangement/basket, plant, or another appropriate gift with an approximate value of \$100.
- (h) Members who get married, shall receive an appropriate gift with an approximate value of \$150.
- (i) When a member retires, they shall receive the following amount.
- |                    |        |
|--------------------|--------|
| • 30 years or more | \$1000 |
| • 20 – 29 years    | \$750  |
| • 10 – 19 years    | \$500  |
| • Up to 10 years   | \$250  |
- (j) At any event sanctioned by the Local where liquor is being served, a forty dollar (\$40) voucher will be made available to any member that requests one for the purpose of a taxi service.
- (k) Approval of Expense Vouchers must be made by another person of the Executive, who is not the person submitting the voucher.
- (l) Nothing in Section 8, other than sub-sections (a) & (k), shall be in force if the Local is in a legal strike position, on strike, or under financial hardship.

## SECTION 9 – Delegates on Business of the Local

- (a) Except for the Presidents option, up to three (3) delegates may be chosen by the Executive to attend a convention. If the Executive wishes to send more than three (3) delegates, the additional delegates must be voted on at a GMM.
- (b) The Executive shall decide the members who should attend courses, conferences, seminars, etc.
- (c) Any member who fails to attend forty percent (40%) of the GMM in a twelve (12) month period, shall be deemed ineligible to attend any event on behalf of the Local.
- (d) All Executive members may take any CUPE related courses upon approval of the President or designate.
- (e) All expenses incurred while taking part in business of the Local will be paid for by the Local in accordance with the following guidelines:
- Lodging: as per receipts submitted, and considered reasonable for the area in which the expenses occurred (where possible, these will be prepaid by the Local).
  - Car mileage equal to the current rates set by the National Treasury Board of Canada.
  - Reimbursement of wages if courses are taken during regular working hours.
  - Per diems: a daily allowance of one hundred dollars (\$100) may be claimed to cover various costs and other incidental expenses not covered.
- (f) Registration fees shall be paid by the Local. Where possible, these will be prepaid by the Local.
- (g) Where applicable, receipts must accompany request reimbursements.
- (h) With the exception of the National Convention, no delegates shall attend any event out-of-province, unless presented prior to the membership, outlining total anticipated costs, and benefits to the Local by their attendance. Their attendance shall be by a majority vote by the membership.

## SECTION 10 – Recurring & Out of Pocket Expenses

The following expenses shall be provided:

- (a) cell phone and service shall be provided for the Executive. The Local shall cover the cost of a second-year-model phone (not the most recent), as well as the monthly service agreement for same. Any charges for excessive personal use (overage fees), or phone upgrades, shall be recovered from the member. Any other Officer or committee member who incurs excess charges on their personal monthly bill as a result of business for the Local, shall have the fees in excess reimbursed, after providing receipts for the overage.





## SECTION 11 – Honourariums

- (a)** Honourariums are meant to be a token, or a recognition of the services of these Officers and allowances are to compensate them in part, for the time and personal resources spent in the service of the Local. These Honourariums shall be as follows, and provided four times (4x) per year in November, February, May, and August, while Trustees shall be provided their Honourarium on a per-audit basis:
- (i)** President: 4 x \$750 (\$3000/yr)
  - (ii)** Vice President: 4 x \$625 (\$2500/yr)
  - (iii)** Chief Steward: 4 x \$500 (\$2000/yr)
  - (iv)** Recording Secretary: 4 x \$375 (\$1500/yr)
  - (v)** Secretary-Treasurer: 4 x \$375 (\$1500/yr)
  - (vi)** Stewards: 4 x \$125 (\$500/yr)
  - (vii)** Trustees: \$100 (per audit)
- (b)** No Honourarium shall be issued for a period if the Officer has resigned or deemed vacated from their position.
- (c)** In the event of a vacancy filled, no honourarium shall be issued for a period prior to the Officer taking office.
- (d)** For the purpose of Section 11 (b) & (c), the periods are as follows and inclusive: January to March, April to June, July to September, October to December.

## SECTION 12 – Nomination, Election, and Installation of Officers

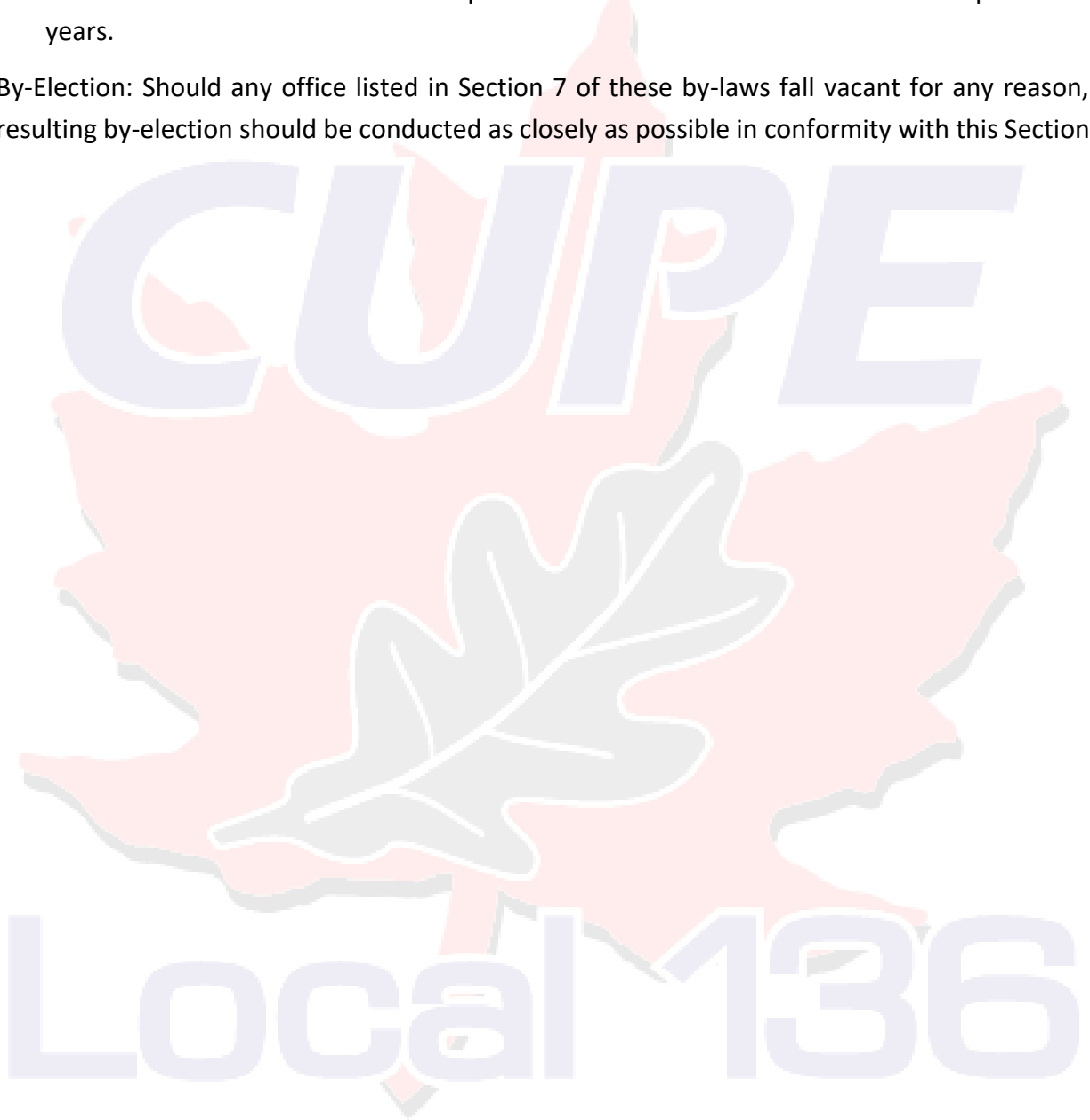
- (a)** Nomination: Nominations shall be received at the GMM at least one month prior to the designated meeting for elections. No nomination shall be accepted unless the member is in attendance.
- (i)** To be eligible for nomination, a member shall be in good standing with CUPE and the Local.
  - (ii)** To be eligible for nomination to the Negotiating Committee, the member must have a minimum of CUPE Collective Bargaining course(s) or previous CUPE negotiating experience.
  - (iii)** To be eligible for nomination for the position of Chief Steward, previous experience and/or related CUPE educational training in Stewarding, Arbitration, and/or Labor Law.
  - (iv)** All duly elected Officers, if required, shall enroll in a course to better affect their position in the Local (as per Section 9 (c)) within six (6) months of the commencement of their own term of office. Approval shall be by the Executive.
- (b)** Election: Elections shall normally take place at a Special Meeting in October. (Article B.2.3)
- (i)** At the Special Meeting designated for elections, the President shall, subject to the approval of the membership, appoint a Returning Officer. The Returning Officer shall not be an Officer, nor candidate for office, and shall have full responsibility for voting arrangements and shall treat all information submitted to them in connection with their responsibilities as confidential. The Returning Officer may appoint assistance as required, subject to approval by the membership. All assistance shall treat all information submitted to them in connection with their responsibilities, as confidential.
  - (ii)** The Executive shall determine the form of ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
  - (iii)** The Returning Officer shall be responsible for issuing, collecting, and counting ballots. They must be fair, impartial, and see that all arrangements are unquestionably democratic.
  - (iv)** The voting shall take place at the GMM in October. The vote shall be by secret ballot, with no vote being by proxy.
  - (v)** Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
  - (vi)** A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot shall be dropped, until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
  - (vii)** Any member may request a recount of the votes, for any election, and 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 prescribed in Section 4 (c).
  - (viii)** In accordance with Article B.2.4, in a non-election year, the vacant Trustee position will hold nominations at the September GMM, and if needed, the election will be held at the November GMM.

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**(c) Installation:** (Article B.2.4)

- (i)** All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two years.
- (ii)** Terms of office for Trustees shall be as prescribed in Article B.2.4 of the CUPE Constitution.
- (iii)** In the event that negotiations have commenced with the Town, and a new Collective Agreement has not been ratified, as the Local's elections are to take place, any member elected to the existing Negotiating Committee shall hold their seat on same, for up to one (1) additional year, until conclusion of the negotiations, and a new contract has been ratified, at which point all seats will become vacant. At no point shall the term of office be extended past three (3) years.

**(d) By-Election:** Should any office listed in Section 7 of these by-laws fall vacant for any reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.



## SECTION 13 – Fees, Dues, and Assessments

- (a)** Initiation Fee: Payment of initiation fees is a tangible confirmation of the desire to become a member of the Local and CUPE. Each application for membership in the Local will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of two dollars (\$2.00), 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 and B.8.2)
- (b)** Re-admission Fee: (Article B.4.1)
- (i)** The re-admission fee shall be two dollars (\$2.00).
  - (ii)** A member of the Local who becomes a member in good standing within the Local and works as temporary/seasonal employee shall continue to be a member in good standing as long as they continue working in the jurisdiction of the Local from year to year, and is not subject to pay the re-admission fee.
- (c)** Monthly Dues: (Article B.4.3)
- (i)** The monthly dues shall be 1.5% of regular wages.
  - (ii)** Amending Monthly Dues: The regular monthly dues may be amended at a GMM or Special Meeting. The vote must be by secret ballot. Notice of at least seven (7) days at a previous meeting or sixty (60) days in writing must be given.
- (d)** Assessments: Assessments may be levied in accordance with the CUPE Constitution. Assessments do not mean, or include, regular monthly dues, and are applied for a specific purpose or specific length of time. Membership approval is required, and the assessment will only be applied after the National President approves the assessment. (Article B.4.2)
- (e)** Non-Payment Of Dues and Assessments: (Article B.8.6)
- (i)** If 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 by the Secretary-Treasurer. The Executive will report all suspensions to the next GMM. The member may return to membership in good standing by paying a re-admission fee and any other penalty set by the Local. The re-admission fee cannot be less than the initiation fee of the Local.
  - (ii)** A member who has been unemployed or unable to work because of sickness shall pay the re-admission fee, but may not be required to pay arrears.

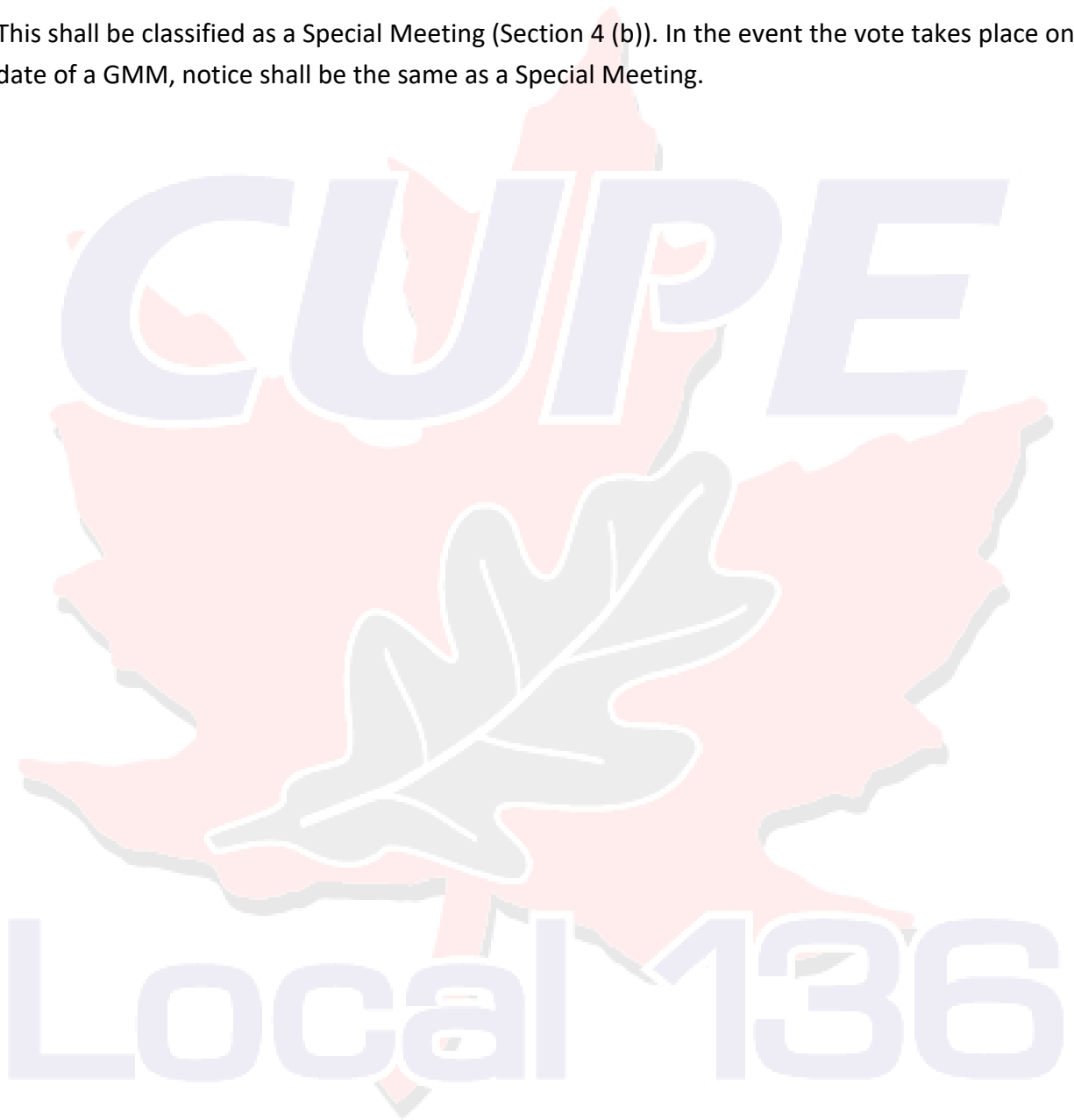
## SECTION 14 – Committees

- (a) The President may sit on all committees.
- (b) A special ad hoc committee may be established for a specific purpose and period, by any member at a GMM. The members shall be appointed by the President or the Executive. Two members of the Executive may sit on any special committee as *ex officio* members.



## SECTION 15 – Majority Vote

- (a) For any matter being voted on by a single, majority vote (where only one outcome needs to be decided, with no possible run-off vote [such as, but not limited to a strike vote]), all efforts shall be made to have a voting period from 10am until 5pm, on the day of the vote.
- (b) There shall be one voting location, and all ballots shall be cast on site.
- (c) At all times, no less than three (3) members of the Local shall be present to oversee the ballots.
- (d) Tabulation of results shall occur after the notified cut-off time, at the site of the vote.
- (e) This shall be classified as a Special Meeting (Section 4 (b)). In the event the vote takes place on the date of a GMM, notice shall be the same as a Special Meeting.



## SECTION 16 – 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 assure free and fair debate as stated below. These rules shall be considered 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 the following, the CUPE Constitution may provide guidance. As a final resource, Bouinot's Rules of Order shall be consulted and applied.

### RULES OF ORDER

1. The President, or in their absence, the Vice President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Recording Secretary shall act as President, and in their absence, a President pro tempore 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 attendees, or until all who wish to speak have had an opportunity to speak. Chairpersons and movers of a resolution shall be limited to fifteen minutes except, with the consent of the meeting attendees.
3. The President shall state every question coming before the Local, 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 of any meeting 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 17, or those to accept or adopt the report of a committee, shall, if required 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.
9. Any member having made a motion can withdraw it with the consent of the seconder. 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, they shall rise in their 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, they shall not proceed further until recognized by the chair.

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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 first.
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 any member thereof.
13. If a member, while speaking, is called to order, they shall cease speaking until the point is determined; if it is decided that they are in order, they may again proceed.
14. No religious discussion shall be permitted.
15. The President shall not take 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 may in addition give a casting vote, or, if he 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:
  - ◇ to adjourn;
  - ◇ to put the previous question;
  - ◇ to lay on the table;
  - ◇ to postpone for a definite time;
  - ◇ to refer;
  - ◇ 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 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:
  - ◇ when a member has the floor; and
  - ◇ 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 Recording Secretary shall count same.

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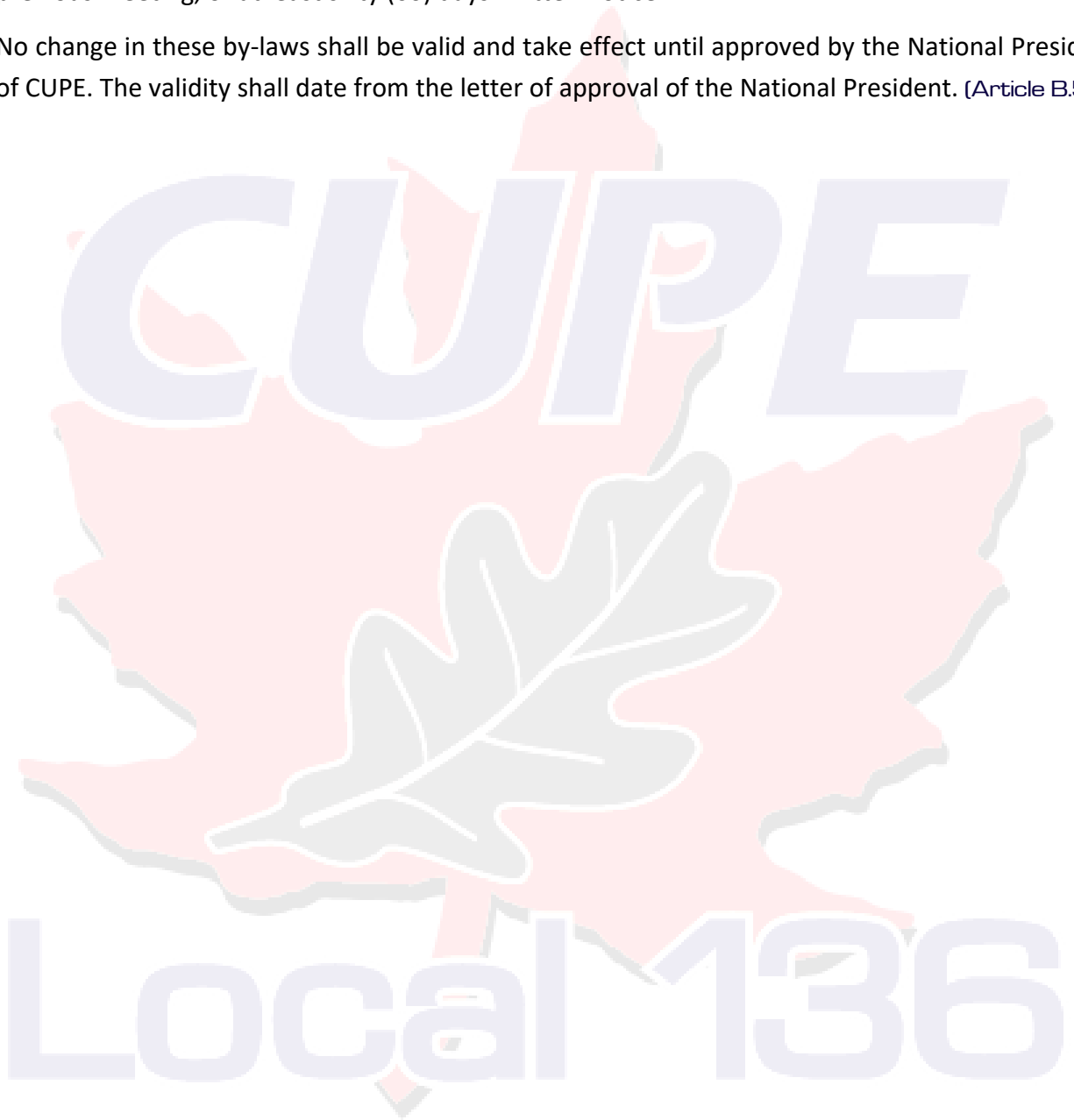


- 22.** If any member wishes to challenge (appeal) a decision of the Chair, they must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for their challenge. The Chairperson may then state briefly the basis for their decision, following 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 CUPE.



## **SECTION 17 – Amendment**

- (a)** These by-laws are always subject to, and may not contradict, the CUPE Constitution (including Appendix “B”) as it 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. (Article 9.2 (c))
- (b)** These by-laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting, at a GMM or Special Meeting, following at least seven (7) days notice at a previous meeting, or at least sixty (60) days written notice.
- (c)** 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. (Article B.5.1)



## APPENDIX A – CUPE National Code of Conduct

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

CUPE is committed at all levels to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. CUPE needs to ensure that we provide a safe environment for members, staff and elected officers to carry out our work. CUPE's expectation is that mutual respect, understanding and co-operation will be the basis of all our interaction.

The Code of Conduct sets out standards of behaviour for participants at national convention, national conferences, schools, meetings, and all other events organized by CUPE National. It is also applicable to structures of CUPE – locals, Provincial and Service Divisions, District Councils, Provincial Unions, Councils of Unions, Provincial Councils of Unions, and Provincial Sectoral Groups. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As CUPE members, staff, and elected officers, we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement.
- Respect the views of others, even when we disagree.
- Recognize and value individual differences.
- Communicate openly.
- Support and encourage each other.
- Make sure that we do not harass or discriminate against each other.
- Commit to not engaging in offensive comment or conduct.
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating.
- Take responsibility for not engaging in inappropriate behaviour due to use of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding the Code of Conduct will be handled as follows:

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1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking them to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. At national convention, national conferences, schools, meetings, and all other events organized by CUPE National, a complaint shall be brought to the attention of an ombudsperson.
3. At a meeting, event, or activity held by a structure of CUPE, should an ombudsperson be available, the same process would be used. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
4. If the complaint involves a staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another part of CUPE, the person responsible for their employment will be the one to whom a complaint is referred and the relevant collective agreement, should it exist, would be applicable.
5. Once a complaint is received where an ombudsperson is being used, the ombudsperson will work to seek a resolution.
6. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.
7. At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint. Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses. The same process is to be used for other parts of CUPE where an ombudsperson is not available.
8. For National events, if the person in charge is a party to the complaint, the director or designate shall assume that role. For all other parts of CUPE, an alternate will be designated to assume the role.
9. In a case where a member has been expelled from an event, the National President shall receive a report on the matter. For all other structures of CUPE, the presiding officer shall receive a report on the matter.
10. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. A similar process may be applicable to the other parts of CUPE, done in consultation with the National President.

This Code of Conduct is designed to create a safe, respectful and supportive environment within all parts of CUPE. It is meant to enhance the rights and obligations outlined in the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

All chartered organizations are subject to this Code of Conduct, to apply to conventions, conferences, schools, and meetings which they organize.

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The above Code of Conduct was adopted at the 2007 National Convention.