



# **LOCAL 4165**

## **BYLAWS**

**Approved by National June 30, 2025**



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## PREAMBLE

In order to improve the social and economic well-being of its members without regard to sex, colour, race or creed, to promote the efficiency in public employment, promote equality for all members and to oppose all types of harassment and discrimination and to manifest its belief in the value of the unity of organized labour, this local of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following bylaws are adopted by the Local in pursuant to, and to supplement, Appendix 'B' of the CUPE National 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.

CUPE chartered organizations shall respect and apply the CUPE National Equality Statement to all of the chartered organizations' activities. The CUPE National Equality Statement can be found in Appendix A to these bylaws.

CUPE chartered organizations also adopts a Local Union Code of Conduct that would apply to membership meetings and other functions organized by the chartered organization. The Local Union Code of Conduct can be found in Appendix B to these bylaws.

## SECTION 1 – NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local # 4165 (School District No. 5 Southeast Kootenay).

## 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) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (c) Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;
- (d) Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
- (e) Establish strong working relationships with the public we serve and the communities in which we work and live; and
- (f) Support CUPE in reaching all of the goals set out in Article II of the CUPE National Constitution.

## SECTION 3 – MEMBERSHIP

### **(a) Membership**

An individual employed within the jurisdiction of the Local can apply for membership in the Local by signing an application.

### **(b) Approval of Membership**

At the first membership meeting after the application has been submitted, the name(s) of the applicant(s) will be read out and unless a majority of members present at the meeting object, the applicant(s) will be accepted into membership.

(c) **Oath of Membership**

New members will take this oath:

"I promise to support and comply with the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union."

(d) **Continuation of Membership**

Once accepted, a member continues as a member in good standing while employed within the jurisdiction of the Local Union unless the member loses good standing under the provisions of the CUPE National Constitution.

(e) **Member Obligations**

Members are obligated to abide by the CUPE National Constitution and these bylaws as amended from time to time.

Members will provide the Recording Secretary with their current address, home telephone contact number and where available, an e-mail address. The member will advise the Recording Secretary of any changes to their contact information.

## SECTION 4 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, the Local shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE BC Provincial Division
- CUPE Kootenay District Council
- East Kootenay District Labour Council
- CUPE's K-12 Presidents' Council

## SECTION 5 – MEMBERSHIP MEETINGS

### **(a) Regular Membership Meetings**

Regular membership meetings shall be held 8 times per school year, as per the meeting calendar set in September which will outline the date, time, location, and format (in-person/virtual/teleconference/hybrid). If a statutory holiday intervenes, the Executive Board shall give a week's notice of any change in the date of the regular meeting.

### **(b) Special Membership Meetings**

Special membership meetings may be required and shall be called by the Executive Board or may be requested in writing by no fewer than 13 members. The President shall immediately advise members when a special meeting is called 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, the date, time, location and format (in-person/virtual teleconference/hybrid). No business shall be transacted at the special meeting other than that for which the meeting is called, and notice given.

### **(c) Quorum**

A quorum for the transaction of business at any regular or special meeting shall be 13 members, including at least three (3) members of the Executive Board.

### **(d) Membership Meeting Agenda**

The order of business at regular membership meetings is as follows:

1. Call to Order
2. Acknowledgement of Indigenous territory
3. Roll call of officers
4. Reading of the Equality Statement
5. Voting on new members and initiation
6. Reading of the minutes
7. Matters arising from the minutes
8. Secretary-Treasurer's Report
9. Correspondence
10. Executive Board Report
11. Reports of committees and delegates
12. Nominations, elections, or installations
13. Unfinished business
14. New business

15. Good of the Union
16. Adjournment

## SECTION 6 – OFFICERS

The Officers of the Local shall be the President, two (2) Vice-Presidents (East and West), Secretary-Treasurer, Recording Secretary, two (2) Lead Shop Stewards (East and West), and three (3) Trustees. All Officers shall be elected by the membership.

## SECTION 7 – EXECUTIVE BOARD

- (a) The Executive Board shall include all Officers, except Trustees.
- (b) The Board shall meet 8 times a year. The Executive Board may meet virtually and/or in person.
- (c) A majority of the Board constitutes a quorum.
- (d) The Executive 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.
- (e) 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.
- (f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE National Constitution.
- (g) 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, their office shall be declared vacant and shall be filled by an election at the following membership meeting.



## SECTION 8 – 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.

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.

(a) **The President shall:**

- Enforce the CUPE National Constitution and these bylaws and the Equality Statement.
- Interpret these bylaws as required.
- Preside at all 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 his / her rulings) and in the case of a tie vote in any matter, excluding elections, have the right to cast an additional vote to break the tie, or the President may refrain from casting an additional vote, in which case the motion is defeated.
- Ensure that all Officers perform their assigned duties.
- Fill committee vacancies where elections are not provided for.
- Introduce new members and conduct them through the initiation ceremony.
- Sign all cheques, except those that pertain to themselves, and ensure that the Local's funds are used only as authorized or directed by the Constitution, bylaws, or vote of the membership.
- Be the Spokesperson and signing authority on all matters with the employer but only as authorized or directed by the Constitution, bylaws, or vote of the membership.
- Have first preference as a delegate to the CUPE National Convention and CUPE B. C. Convention.
- Appoint a Sgt at Arms prior to each meeting.

- If the President is on full-time release from their position within the district to perform their Presidential duties, they shall provide a daily log outlining their daily tasks that will be provided to the Executive upon request.

(b) **The Vice-President shall:**

- If the President is absent or incapacitated, perform all duties of the President.
- Preside over membership and Executive Board meetings in the absence of the President.
- If the office of the President falls vacant, the most senior Vice President shall be Acting President until a new President is elected through a by-election.
- Render assistance to any member of the Executive Board as directed by the Executive Board.

(c) **The Recording Secretary shall:**

- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and 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 Trustees' reports.
- Record all alterations in the bylaws and make certain that these are sent to the National President through the Locals National Representative for approval prior to implementing.
- Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- Keep a record of all correspondence received and sent out.
- Prepare and distribute all notices to members.
- Have all records ready on reasonable notice for the auditors and Trustees.
- Preside over membership and Executive Board meetings in the absence of both the President and Vice-Presidents.
- Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local's funds.
- Performs other duties required by the Local Union, its bylaws or the National Constitution.

(d) **The Secretary-Treasurer Shall:**

- 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.
- Sign all cheques, except those that pertain to themselves, and ensure that the Local's funds are used only as authorized or directed by the CUPE Constitution, Local bylaws, or vote of the membership. In consultation with the Executive Board, 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/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- Record all financial transactions in accordance with the CUPE ledger.
- Make a full financial report to meetings of the Local's Executive Board.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local is affiliated.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice and have the books 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 the Trustees require to complete the audit, including forms provided by CUPE National.
- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local's funds.

(e) **The Lead Shop Stewards Shall:**

- Advise members of their rights under the collective agreement.
- Advise and direct Workplace Shop Stewards / members on issues.
- Actively prevent grievances from arising.
- Conduct the investigation (6 W's) of potential grievances.
- Sit on District Labour Management Committee.
- Participate in Shop Steward meetings.
- Develop and maintain Shop Steward contact information with Workplace Shop Stewards.
- Stay abreast of union affairs.

(f) **The Trustees Shall:**

- 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 committees at least once every calendar year.
- 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 that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner.
- Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- Ensure that proper financial reports have been given to the membership.
- Audit the record of attendance.
- 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 Union and report their findings to the membership.
- Send to the National Secretary-Treasurer with a copy to the assigned Servicing Representative, the following documents:
  - i) Completed Trustee Audit Program
  - ii) Completed Trustees' Report
  - iii) Secretary-Treasurer Report to the Trustees
  - iv) Recommendations made to the President and Secretary-Treasurer of the Local Union

- v) Secretary-Treasurer's response to recommendations
- vi) Concerns that have not been addressed by the Local Union Executive Board.

## SECTION 9 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

### **(a) Nominations**

1. Nominations shall be received at the regular membership meeting held in the month of June. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed their name to be filed at the meeting with their consent in writing and witnessed by another member. No nominations will be accepted after the June meeting date.
2. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.
3. A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.
4. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

### **(b) Elections**

1. Term:
  - a. In odd years, the President, Vice-President East, Recording Secretary and Lead Steward West will be elected to a two-year term.
  - b. In even years, the Vice President West, Secretary-Treasurer and Lead Steward East shall be elected to a two-year term.
  - c. One Trustee shall be elected annually to a three-year term
2. At a May membership meeting the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of a 1 Returning Officer and 10 assistants. The committee will include members of the Local who are neither Officers nor candidates for office; it shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local shall serve as an advisor to the committee when requested by the Local.
3. The Elections Committee shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officers.
4. The Returning Officer shall be responsible for issuing, collecting, and counting ballots. The Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.

5. The voting will take place on a Saturday in September on the same day as the Annual General Meeting at each election site in the communities of Cranbrook, Jaffray, Fernie, Sparwood, and Elkford. The vote will be by secret ballot and members are required to vote in the community they reside in. There will be a ballot box in each community operated and supervised by the assigned Election Committee Members. The ballot boxes will be open from 8 am-12 pm. After the ballot boxes are closed the Election Committee Members assigned to each community will be responsible for placing the ballots in a sealed envelope with the Election Committee Members signing the envelope for their assigned site on the seal and will be responsible for transporting the ballots to Jaffray where the Annual General meeting will be held beginning at 2:00 pm.
6. The final vote count will happen the same day at the in person Annual General Meeting in Jaffray commencing at 2:00 pm. All Nominees have an option of selecting a witness to oversee the count. The Returning Officer and trustees are responsible for counting the ballots.
7. The Candidate with the most votes (plurality) shall be declared elected
8. In the event of a tie vote, a subsequent ballot(s) will be deferred to the next membership meeting.
9. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
10. Any member may request a recount of the votes for any election and a recount will 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 set out in Section 4(c).
11. All election complaints by members will be submitted in writing to the Returning Officer as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven days after the election. The Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling to the very next regular membership meeting.

(c) **Installation of Officers**

1. All duly elected Officers shall be installed at the Annual General Meeting and shall continue in office for the term laid out for each position in section 9.(b) Elections or until a successor has been elected and installed, provided, however, that no term of office shall be less than one year and no longer than three years.
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, as laid down in the CUPE National Constitution. Each year thereafter, the Local shall elect one Trustee for a three-year period. No member who has been a signing Officer for the Local is eligible to run for Trustee, until at least one full term of office has elapsed.
3. A candidate who is elected to office must clearly communicate or affirm 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."*

(d) **By-elections**

Should an office fall vacant pursuant to Section 7 (g) of these bylaws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this section. The term of office for any position filled through a by-election will be the term that the vacated position was initially elected to fulfill.

## SECTION 10 – FEES, DUES AND ASSESSMENTS

### (a) **Monthly Dues**

The monthly dues shall be 1.15% plus the National per capita percentage of regular wages.

Changes in the levels of monthly dues can be affected only by following the procedure for amendment of these bylaws. The vote must be by secret ballot.

Notwithstanding the above provisions, if CUPE Convention raises minimum fees and / or dues above the level herein established, these bylaws will be deemed to have been automatically amended to conform with the new CUPE minima.

### (b) **Assessments**

Special 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.



## SECTION 11 – NON-PAYMENT OF DUES AND ASSESSMENTS

A member who fails to pay dues and assessments for three months is automatically suspended from membership. The Executive Board will report all suspensions to the next membership meeting. Any member under suspension wishing to be reinstated will, upon application, pay the assessments in arrears. This money will be returned if the application is rejected. A member who has been unemployed or unable to work because of sickness may not be required to pay arrears.

## SECTION 12 – EXPENDITURES

### **(a) 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 bylaws approve the expenditure; or
- Through a vote of the majority of members present and voting at a regular or special membership meeting.

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

Authorization to pay per capita tax to CUPE National, to CUPE BC or any labour organization the Local Union is affiliated with as per section 4 of these bylaws.

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

Except for ordinary expenses and bills, no sum over \$250.00 shall be voted for the purpose of a grant or a contribution to a member(s) or any cause outside of CUPE, except by notice of motion given in writing and dealt with at the following membership meeting.

### **(d) No Officer or member of this Local will be allowed to spend any Local Union funds without first having received authorization under Section 12(a) of these bylaws.**

### SECTION 13 – OUT-OF-POCKET EXPENSES

The following out-of-pocket expense allowance shall be provided:

President	\$400.00 per month
Vice Presidents	\$175.00 per month
Secretary-Treasurer	\$300.00 per month
Recording Secretary	\$250.00 per month
Lead Shop Stewards	\$250.00 per month
Trustees	\$100.00 annually
Election Officials	\$50.00 annually

Travel and meals shall be paid at the following rate:

\$0.60 per km for mileage

Per Diem of \$60.00 per day, if meals are not provided for courses and conferences within the East and West Kootenays and \$86.00 per day for travel outside of the Kootenay Boundaries.

If an officer is using their own cell phone for Union work, they will be provided with an additional \$25 per month to cover the usage costs.

### SECTION 14 – DELEGATES TO CONFERENCES, CONVENTIONS & EDUCATIONALS

- (a) Except for the President's option [Section 8(a)], all delegates to conventions, conferences, and educationals shall be chosen by election at membership meetings after first offering to executive members, with preference to those that haven't attended in the previous two years, then offered to members who have attended fifty (50) % of membership meetings in last twelve (12) months maintaining a balance between East and West delegates.
- (b) The President shall, appoint delegates to the Kootenay District CUPE Council. An official reporter shall be appointed by the President from among these delegates and may be required to report at the following membership meeting of the Local on proceedings at recent meetings of the Council. The Local will reimburse the member's employer for any loss of wages.
- (c) All delegates to conventions, conferences, educational or meetings held inside or outside the Southeast Kootenay shall be paid transportation expenses (at economy, tourist or coach rates) as per SECTION 13 of these bylaws, for expenses and an amount equal to any loss of salary incurred by attendance to the event.

- (d) Delegates to conventions, conferences, and educational or meetings held within the Kootenays shall be paid as per SECTION 13 of these bylaws, for expenses and an amount equal to any loss of salary incurred by attendance to the event.
- (e) Representation at educational institutes and seminars shall be subject to final approval of the membership.

## SECTION 15 – GIFTS TO MEMBERS

### **Retirement Gifts**

A retirement gift will be provided by the Union to each retiree that conforms to the table below:

Years of Service	Value of Gift
6 to 10	\$150.00
11 to 15	\$175.00
16 to 20	\$200.00
21 to 25	\$250.00
26 plus	\$300.00 plus \$25.00 per each additional year

## SECTION 16 - BURSARIES

- (a) The Local will provide one (2) bursaries annually to qualifying graduating students in each of the following schools; Elkford Secondary, Sparwood Secondary, Fernie Secondary and Mount Baker Secondary.
  - i. One (1) CUPE Local 4165 Bursary and
  - ii. One (1) CUPE Local 4165 Indigenous Student Bursary.
- (b) To be eligible for the CUPE Local 4165 Bursary the graduating student must be a child or grandchild of an active member.
- (c) To be eligible for the CUPE Local 4165 Indigenous Student Bursary the graduating student must be a student with Indigenous ancestry. (Indigenous ancestry includes First Nation, Inuit and Metis. Proof of status is NOT required).
- (d) In the case of no student being eligible for a specific school under subsection (a, i)

one bursary will be granted to a deserving graduating student from that specific school.

- (e) The amount of the bursary is five hundred (\$500.00) dollars.

## SECTION 17 – COMMITTEES

(a) **Negotiating Committee**

This will be a special committee established at least six months prior to the expiry of the Local's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of six (6) members (three (3) from each area), one of which is President. Out of the six (6), two are alternates. All members shall be elected at a membership meeting. The CUPE National 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.

(b) **Special Committees**

A special committee may be established for a specified purpose and a period of time. Such committees may be appointed by the President or the Executive Board. Two members of the Board may sit on any special committee as ex-officio members.

(c) **Standing Committees**

The Chairperson of each standing committee shall be elected by the members at a membership meeting. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. Committees will provide written reports to each regular membership meeting. At least one member of the executive board shall be a member, ex-officio, of each committee.

There shall be three Standing Committees as follows:

1. Grievance Committee

- The Chairpersons for this committee will be both Lead Shop Stewards.
- This committee shall process all grievances not settled at the initial stage and its report 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 comprise the elected chairperson and three other members to be selected from

among the shop stewards. The Committee shall appoint its secretary from among its members.

- When a grievance is not settled by the steps provided for in the collective agreement, this committee will decide whether or not the grievance should proceed to arbitration.
- If the decision is to not proceed, the griever(s) may appeal the decision to the Executive Board.
- The National Representative assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages.

## 2. Wellness Committee

This committee will be comprised of 1 member from each geographic area. To establish a mandate and report to membership for approval with criteria.

This committee may:

- Extend the Local Union's condolences in the event of the death of a member or one of their immediate family and give a gift valued of \$30.00.
- The Committee shall be reimbursed by the Executive Board for expenses incurred in the performance of its duties.

## 3. Health and Wellness Benefit Enhancement Fund Committee:

This committee will be comprised of 1 member of the executive, 1 member from the West, and 1 from the East. This committee will keep a list of expenditures, eligible for reimbursement and will help determine what is or is not eligible for reimbursement.

## SECTION 18 – COMPLAINTS AND TRIALS

All charges against members or Officers must be made in writing and dealt with in accordance with the Trial Procedure provisions of the CUPE National Constitution.

## SECTION 19 – RULES OF ORDER

All meetings of the Local Union will 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 bylaws as Appendix C. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

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

## SECTION 20 – AMENDMENTS

### (a) **CUPE Constitution**

These bylaws 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 bylaws and the CUPE Constitution, the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.

### (b) **Additional Bylaws**

These bylaws 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 seven days' notice at a previous meeting or at least sixty days written notice.

### (c) **Effective Date of Amended or Additional Bylaws**

No change in these bylaws 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.

## SECTION 21 – PRINTING AND DISTRIBUTION OF BYLAWS

Members will receive a copy of the Local bylaws, either in paper format or via the Local Union website if requested.

## Appendix A - 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 - 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.

This Code of Conduct sets out standards of behaviour for participants at national convention, conferences, schools, meetings, and any other union events organized by CUPE National, Local 2093, or any other CUPE chartered body. 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 and at events, meetings, and activities by other CUPE bodies. 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:



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. A complaint shall be brought to the attention of an ombudsperson when there is one available. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
3. The ombudsperson or the person in charge will work to seek a resolution. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge. The person in charge has the authority to expel members from the event for serious or persistent offenses.
4. If the complaint involves a national 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 CUPE chartered organization, the complaint shall be referred to the person responsible for their employment.
5. If the person in charge is a party to the complaint, an alternate will be designated to assume the role.
6. In a case where a member has been expelled from a National event, the National President shall receive a report on the matter. For other events, the presiding officer shall receive a report on the matter.
7. 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. For other events, the presiding officer shall consult the National President.

This Code of Conduct is designed to create a safe, respectful, and supportive environment within 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.

This Code of Conduct does not replace a member's right to access the trial provisions under Appendix F of the CUPE National Constitution.

## Appendix C - RULES OF ORDER

1. The President, will be the Chairperson at all membership meetings. In the absence of the President, the Vice-President will be the Chairperson at the membership meeting. In the absence of both the President and Vice-President, the Recording Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and Recording Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.
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 the opportunity.
3. The Chairperson of a committee who is making a report or the mover of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
4. The Chairperson will state every motion coming before the local and before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: "Is the Local ready for the motion. Should no member rise to speak, the motion will be voted upon.
5. A motion to be entertained by the presiding officer must be moved and seconded; both the mover and seconder must rise and be recognized by the Chair.
6. A motion to amend, or to amend an amendment are allowed, but no motion to amend an amendment to an amendment shall be permitted. No amendment or an amendment to an amendment, which is a direct negative to the main motion shall be in order.
7. On motion, the regular order of business may be suspended where two-thirds vote of those present, to deal with urgent business.
8. Motions other than those named in Rule 18, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before beginning debate and vote.
9. At the request of a member, and upon a majority vote of those present, a motion may be divided when the sense will admit it.
10. 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 unanimous vote of those members present.

11. When a member wishes to speak on a motion, or to make a motion, they shall rise and respectfully address the presiding officer but, except to state that they rise to a point of order or on a question of privilege, they shall not proceed further until recognized by the Chair.
12. When two or more members rise to speak at the same time, the presiding officer decides which one is entitled to the floor.
13. Every member, while speaking, shall adhere to the motion under debate and avoid all personal, indecorous or offensive language as well as any poor reflection on the local or member thereof.
14. If a member, while speaking, is called to order, they shall cease speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
15. No religious discussion shall be permitted.
16. The Chairperson shall take no part in debate while presiding. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.
17. The presiding officer shall have the same rights as other members to vote on any motion. In the case of a tie, the presiding officer may in addition give a casting vote or if the presiding officer chooses to refrain from breaking the tie, in which case the motion is defeated.
18. When a motion is before the local, no other motion is in order except a motion to 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; or 6) to divide or amend which motions shall have precedence in the order indicated. The first three of these shall be decided without debate.
19. 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 adopted, the Chairperson shall proceed to take the vote on the motion and amendments thereto (if any) in order of priority. If an amendment or an amendment to an amendment is adopted, the original motion, as amended shall be put to the local.
20. A motion to adjourn is in order except when a member has the floor or when members are voting.
21. 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.

22. After the presiding officer declares the vote results on a motion, and before the Local proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary shall count same.
23. If a member wishes to challenge (appeal) a decision of the Chair, the member must do so at the time the decision is made. If the challenge is seconded, the member will be asked to state briefly the basis for the challenge. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Shall the decision of the chair be upheld?" A majority vote shall decide except in the event of a tie vote, the decision of the chair is upheld.
24. After a question has been decided any two members who voted in the majority may, at the same meeting or next meeting give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.
25. 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.
26. 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.