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# NOTICE OF MOTION:

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The by-laws committee will present a motion to adopt the attached proposed by-laws at the next 3651 membership meeting which is scheduled for **3:30 to 5:30pm on Monday December 4 2023**, in the Health Services Building – Auditorium A and B.

Questions? Contact:  
[okeresztesi@cupe.ca](mailto:okeresztesi@cupe.ca)



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# **DRAFT Bylaws**

# **Local Union 3651**

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November 10, 2023

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## **INTRODUCTION**

Local 3651 of the Canadian Union of Public Employees has been formed to:

- Improve the social and economic well-being of all of its members;
- Promote equality for all members and to oppose all types of harassment and discrimination;
- Promote the efficiency of public services; and
- Express its belief in the unity of organized labour.

The following bylaws are adopted by Local 3651 and all of its **bargaining units** in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union 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 may also wish to adopt 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 3651.

Local 3651 consists of the following bargaining units:

Full-time employees:      Local 3651-00 (**bargaining unit 0**)

Part-time employees:      Local 3651-01**2** (**bargaining unit 2**)

**Clerical employees:      Local 3651-03 (bargaining unit 3)**

## **SECTION 2 – OBJECTIVES**

The objectives of Local 3651 are to:

- a) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
- 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 objectives set out in Article II of the CUPE National Constitution.

## **SECTION 3 – REFERENCES**

Numbers of articles at the end of sections or sub-sections in this document refer to relevant articles of the CUPE National Constitution which should be read together with these bylaws.

## **SECTION 4 – MEMBERSHIP**

a) Membership

An individual employed within the jurisdiction of Local 3651 can apply for membership in Local 3651 by signing an application and paying the initiation fee set out in Section 11(a) of these bylaws.

(Article B.8.1)

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.

(Article B.8.2)

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."

(Article B.8.4)

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.

(Article B.8.3)

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. This information will be protected and used to communicate with members. Such communication will take the form of mail, e-mail blasts or telephone town halls.

In the case of a telephone town hall, the telephone number may be shared with a service provider under contract to the Local Union to provide the technical equipment to support such a virtual meeting.

Upon request, the Local Union will share the telephone contact information with CUPE National or the Ontario Division, **or any of the labour organizations it is affiliated to**. The purpose of sharing this telephone contact information with CUPE National or the Ontario Division is so that the National Union or Provincial Division can conduct a telephone town hall with members on important matters.

## **SECTION 5 – AFFILIATIONS**

In order to strengthen the labour movement and work toward common goals and objectives, Local 3651 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE Ontario Provincial Division

- **The Health Care Workers Coordinating Committee of the CUPE Ontario Provincial Division**
- The Greater Toronto Area CUPE Council
- The Ontario Council of Hospital Unions
- **The Ontario Federation of Labour**

## **SECTION 6 – MEMBERSHIP MEETINGS**

### a) Regular Membership Meetings

~~Regular membership meetings of Local 3651 shall be held bi-monthly, time and date based on availability of meeting rooms at the workplace.~~

**Regular Membership Meetings will be held every two months on the second Tuesday of the month.** It is understood that a regular membership meeting is not required for the months of July and August.

Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven days in advance of the meeting. **Except in exceptional circumstances all meetings will be hybrid meetings, meaning members will be able to participate in-person or virtually. In-person and virtual participants must use the same method of voting, unless the National President approves otherwise. When a vote is taken in such a way that each person's choice is confidential the vote will take place using a secure electronic voting platform.**

**The recording secretary will send out with the notice of meeting, the Agenda, the full financial report with expenditures and assets, and committee reports.**

**Within 30 days of the meeting all meeting documents, including the approved minutes of the previous meeting, will be available to all members in PDF format through an online password protected portal.**

When a statutory holiday or a situation beyond the control of the Local Union arise which causes the cancellation of a regular membership meeting, the Executive Board shall reschedule the regular membership meeting, and will give members seven days' notice of the date of the rescheduled regular membership meeting.

### b) Special Membership Meetings

Special membership meetings of Local 3651 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than nine

(9) members. The President shall immediately advise members when a special meeting is called and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

c) Quorum

The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be **nine (9)** ~~six (6)~~ members, plus three (3) members of the Executive Board.

d) Membership Meeting Agenda

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

- 1) **Acknowledgement of Indigenous territory.**
- 2) Roll call of officers
- 3) Reading of the Equality Statement
- 4) Voting on new members and initiation
- 5) Reading of the minutes
- 6) Matters arising from the minutes
- 7) Secretary-Treasurer's Report
- 8) Communications and bills
- 9) Executive board Report
- 10) Reports of committees and delegates
- 11) Nominations, elections, or installations
- 12) Unfinished business
- 13) New business
- 14) Good of the Union
- 15) Adjournment

(Article B.6.1)

e) Bargaining Unit Meetings

Bargaining Unit meetings may be called **by the Executive Board or may be requested in writing by no fewer than nine (9) members** to deal with matters that affect only members of the bargaining unit. Such meetings are not to be used to replace regular membership meetings and will not make decisions that affect the Local Union as a whole or another bargaining unit. The President shall advise members of the bargaining unit seven (7) days in advance of the meeting providing the time and location and an agenda.



The minimum number of members required to be in attendance for the transaction of business at any bargaining unit meeting shall **be the same as a General Membership Meeting** ~~be six (6) bargaining unit members plus three (3) members of the Executive Board.~~ Members from other bargaining units in the Local Union may attend these meetings without vote but with voice and are not counted as part of quorum.

## **SECTION 7 – OFFICERS**

The Officers of Local 3651 shall be the President, one **(1)** Vice-President, Secretary-Treasurer, Recording Secretary, ~~Membership Officer,~~ three (3) Trustees, one **(1)** Chief Shop **Lead** Steward.

(Articles B.2.1 and B.2.2)

## **SECTION 8 – EXECUTIVE BOARD**

- a) The Executive Board shall include all Officers, except Trustees. (Article B.2.2)
- b) The Executive Board shall meet at least eight (8) times per year. (Article B.3.14)
- c) A majority of the Executive Board constitutes a quorum.
- d) The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.
- e) The Executive Board shall do the work delegated to it by the Local Union and shall be held responsible for the proper and effective functioning of all committees.
- f) Should any Executive Board member fail to answer the roll call for three (3) consecutive regular meetings or three consecutive regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant and shall be filled by an election at the following membership meeting.
- g) The Executive Board shall handle the work of the grievance process **and decide whether a grievance is referred to arbitration**, with the **Lead Steward** as Chair.

(Article B.2.5)

## **SECTION 9 – DUTIES OF OFFICERS**

Each Officer of Local 3651 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise. **Each year, as part of the budget exercise, an education plan shall be prepared for each officer and committee members.**

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 3651 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. **No signing officer will sign their own cheque.**

(Article B.3.5)

a) President

The *President* shall:

- Enforce the CUPE National Constitution, these Local Union 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 the same right to vote as other members. In the case of a tie vote, the President may cast another vote, 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 and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership.
- 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, the Ontario Division and the Ontario Council of Hospital Unions.
- **Attend CUPE educational sessions to learn and improve their abilities to represent members in this capacity.**

- On termination of office, surrender all books, seals and other properties of the Local Union to their successor (including all e-mails history, passwords and data storage devices).

(Article B.3.1)

b) Vice-President

The Vice-President shall:

- If the President is absent or not eligible, 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, be Acting President until a new President is elected through a by-election.
- Render assistance to any member of the Executive as directed by the Executive Board.
- **Attend CUPE educational sessions to learn and improve their abilities to represent members in this capacity.**
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor (including all e-mails history, passwords and data storage devices).

(Article B.3.2)

c) Recording Secretary

The 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 Trustees' reports.
- Record all amendments and/or additions in the bylaws and make certain that these are sent to the National President 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 Trustees or auditors.
- Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.

- Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union's funds.
- Performs other duties required by the Local Union, its bylaws or the National Constitution.
- Guard the inner door at membership meetings and admit no one but members in good standing or Officers and officials of CUPE, except on the order of the President and with consent of the members present.
- Maintain the record of membership attendance at meetings.
- **Attend CUPE educational sessions to learn and improve their abilities to represent members in this capacity.**
- **Bring, to the first meeting of the year a list of all anticipated conferences, conventions and other important events for the year, to solicit interest in attending, and facilitate timely compliance with article 15 of these bylaws.**
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor (including all e-mails history, passwords and data storage devices).

(Article B.3.3)

d) Secretary-Treasurer

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 and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including \$1.00 of each initiation fee on all members admitted, 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 a manner acceptable to the Executive Board and in accordance with good accounting practices.
- Make a full financial report to meetings of the Local Union's Executive Board.

- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- **Prepare and present for approval to the membership, on behalf of the Executive Board, an annual budget at the last General Membership meeting of the year for the coming year.**
- 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 Union is affiliated.
- Make all books available for inspection by the Trustees and/or auditors 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 the Trustees require to complete the audit, including forms provided by CUPE National.
- ~~Where required, not later than February 28<sup>th</sup> each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax deductible dues paid by him during the preceding calendar year.~~
- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.
- Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.
- **Attend CUPE educational sessions to learn and improve their abilities to represent members in this capacity.**
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor (including all e-mails history, passwords and data storage devices).

(Articles B.3.4 to B.3.8)

e) Trustees

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.
- **Confirm that attendance at all Membership, Executive, and Committee meetings is being properly recorded.** ~~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.
- **Attend CUPE educational sessions to learn and improve their abilities to represent members in this capacity.**
- 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.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor (including all e-mails history, passwords and data storage devices).

(Articles B.3.10 to B.3.12)

f) Lead Chief Steward

The **Lead** Chief Steward shall:

- Call regular monthly meetings of Stewards.
- Act as Chairperson of the Stewards meetings.
- Ensure that all grievances are properly processed in accordance with the collective agreement.
- **Receive copies of all grievances, and work with the Recording Secretary to ensure the Local keeps secure records of all grievances, their status, and any associated documents.**
- **Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative, and at general membership meetings.**
- ~~Submit regular reports to the membership, and correlate~~ **Correlate** problems and recommendations in writing, to the Executive Board for consideration of the bargaining committee, **and where the Executive Board deems it appropriate for the consideration of the worker members of the Labour Management Committee, Joint Health and Safety Committee, and any other relevant committee.**
- Assist the Executive as requested.
- **Attend CUPE educational sessions to learn and improve their abilities to represent members in this capacity.**
- On termination of office, surrender all books, seals and other properties of the local to his/her successor **(including all e-mails history, passwords and data storage devices).**

## SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

a) Nominations

- Nominations will be received at the regular **general** membership meeting held in the month of May for the applicable position(s) every three (3) years.
- To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.  
(Articles B.8.1, B.8.2 and B.8.3)
- Nominations, **including self-nominations**, will be accepted from in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member, specifying the position desired. **Members who accept nomination**

**will be allowed up to five (5) minutes to address the members present. The speaking time limits may be amended by the chair with consent of the members.**

- 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 **the time they are installed in their new position.** ~~that time.~~
- No member will be eligible for nomination if they are in arrears of dues and/or assessments.
- No member can be on the ballots for more than one position.



b) Elections

- At a membership meeting, **at least one month three weeks** prior to **Election Day**, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a ~~Chief Returning~~ **an Election Officer** and two (2) assistants. **The Election Officer will appoint polling clerks, who are not officers or candidates for office, to work in shifts to ensure that two people staff the voting location(s) on Election Day at all times.** The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee 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 Union shall serve as an advisor to the committee when requested by the Local Union.
- The Elections Committee will determine the form of the ballot and ensure that sufficient quantities are made available in good time to the **Election Chief Returning Officer**.
- The ~~Chief Returning~~ **Election Officer** will be responsible for issuing, collecting, and counting ballots. The ~~Chief Returning~~ **Election Officer** must be fair and impartial and see that all arrangements are unquestionably democratic.
- The voting will take place on the premises (or nearby if the Employer does not agree) of the Employer. **There will be a voting location for each work site that is more than a 15 minute drive from another worksite, and at which more than 10 members work. Members must vote at the voting location associated with their worksite. The Election Officer will assign voting locations to members who work at multiple worksites.**
- The vote will be by secret ballot no later than **one month three (3) weeks from** the date of nominations. ~~The vote will be by secret ballot. Voting will occur from 7:00 a.m. to 4:00 p.m.~~ **7:30 p.m.**
- **At the end of the voting period the ballot box will be sealed and transported to the counting location under the supervision of the Election Officer or an Assistant, and a polling clerk. Upon request, a candidate's scrutineer may also witness the sealing and transportation of the ballot box. All witnesses to the sealing may sign a piece of tape placed in such a manner that it would break if the ballot box is opened.**
- The Election Officer will arrange for at least two members to witness the counting of the vote to ensure the count is accurate. The witnesses may be scrutineers selected by the candidates. The witnesses may not be candidates for office.
- The candidate with the most votes will be declared elected. **In the event of a tie, another vote for that position will be scheduled.**

- 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.  
(Article 11.4)
- 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 6(c).
- All election complaints by members will be submitted in writing to the Chief Returning **Election** Officer as soon as possible but in no circumstance, will a complaint be valid if it is filed later than seven days after the election. The Chief Returning **Election** 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.
- **After the count the Election Officer will keep the ballots in a secure location until after their report at the next General Membership Meeting, at which time they will make a motion to destroy the ballots, or after all complaints have been settled, whichever is later.**

c) Installation of Officers

- **All duly elected Officers shall be installed at the time the Election Officer announces the election results, and will take their Oath of Office in the presence of the Election Officer.**
- ~~All duly elected Officers shall be installed at the meeting at which elections are held and~~ **They** shall continue in office for three (3) year(s) 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 (3) years.  
(Article B.2.4)
- 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 Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one Trustee for a three (3) year period while others of previous years go down in years of service. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one (1) full term of office has elapsed.
- The Oath of Office to be read by the newly-elected Officers is:

*"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."*

(Article 11.6 b)

d) By-elections

Should an office fall vacant for any 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 11 – FEES, DUES AND ASSESSMENTS**

a) Initiation Fee

Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of one (\$1.00) 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 and B.8.2)

b) Readmission Fee

The readmission fee shall be one (\$1.00) dollar.

(Article B.4.1)

c) Monthly Dues

The monthly dues shall be **two percent (2%)** of regular wages.

(Article B.4.3)

d) Amending Monthly Dues

The regular monthly dues may be amended at a regular or special membership meeting. The vote must be **held in a way that ensures that each persons' vote is confidential** ~~by secret ballot~~. Notice of at least seven **(7)** days at a previous meeting or **sixty (60)** days in writing must be given.

(Article B.4.3)

e) 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)

## **SECTION 12 – 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 a 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.

**Members who are not receiving wages but are still members of the bargaining unit, or whose status in the bargaining unit is the subject of a grievance, do not owe any dues.**

~~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 13 – 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 **general** ~~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 **general regular** or special membership meeting.

(Article B.4.4)

- **funds cannot be divided among individual members. All monetary gifts to members including gift cards are inappropriate expenditures. Fundraising prizes and retirement gifts should be non-monetary items, Gifts of sympathy can include donations to a cause or charity by the local.**

b) Payment of Per Capita Tax and Affiliation Fees

Authorization to pay per capita tax to CUPE National, to CUPE Ontario Provincial Division, 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 **three hundred dollars (\$300)** ~~\$100~~, a notice of motion must be **posted in writing, or** made at a regular membership meeting and then approved at ~~a the following regular or special membership meeting~~ **that occurs at least seven (7) days after the notice** before the grant or contribution can be paid out. ~~The approval meeting must be no earlier than seven (7) days after the meeting where notice of motion has been given.~~

- d) No Officer or member of Local 3651 will be allowed to spend any Local Union funds without first having received authorization under Section 13 a) of these bylaws.

- e) **When an Officer, Steward, Committee member or other appointed representative of the local Union needs to use their personal vehicle to attend Union business, a Kilometer allowance for the distance travelled shall be paid as per the annual Canada Revenue Agency rate considered reasonable, as amended each year on the CRA website.**

- f) **When an Officer, Steward, Committee member or other appointed representative of the local Union needs to use public transit to attend Union business, the cost of such transit usage shall be reimbursed when receipt is provided.**

## **SECTION 14 – ~~OUT OF POCKET EXPENSES~~ HONORARIUM**

Local Union Officers and committee members shall be provided an ~~out-of-pocket expense allowance~~ **honorarium** as follows: **No person will receive two honoraria**

President, and <del>Vice-President,</del> and Lead Steward	<del>\$105.00</del> <b>Three hundred dollars (\$300)</b> per month
Secretary Treasurer and <b>Recording Secretary</b> and <del>Chief Shop Stewards</del>	<del>\$95.00</del> <b>Two hundred dollars (\$200)</b> per month
<del>Recording Secretary</del>	<del>Ninety-five dollars (\$95.00)</del> per month
<b>Shop Steward</b>	<b>One hundred dollars (\$100) per month</b> <del>Twenty-five dollars (\$25.00)</del> per calendar year
<b>Committee Chair</b>	<b>One hundred dollars (\$100) per month</b>

**SECTION 15 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS**

- a) Except for the President’s option [Section 9 a)], all delegates to conventions, conferences, and educationals shall be chosen by election at membership meetings. **Except all officers, stewards, committee members, and other members with union duties, will receive the training necessary to carry out their duties, without requiring a vote of the membership.**

- b) Delegates to the Greater Toronto Area District CUPE Council shall be elected annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall make a written report at each Local Union membership meeting on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.
- c) All delegates attending conventions, conferences, or educationals held outside the City of ~~Toronto~~ **Markham** shall be paid transportation expenses (at economy, tourist or coach rates) as determined by the Secretary-Treasurer, and a per diem allowance of **one hundred and twenty (\$120)** ~~\$86.00~~ dollars for meals and expenses. The Local Union will reimburse the member's employer for any loss of wages.
- d) Delegates to conventions, conferences, and educationals held locally shall have no travel allowance. There shall be a per diem allowance of **sixty (\$60) dollars** ~~\$40.00~~ for meals and expenses incurred by attendance at the convention, conference or educational. The Local Union will reimburse the member's employer for any loss of wages.
- e) Local 3651 will provide members with their per diem allowance prior to their attending the convention, conference, or educational.
- f) Local 3651 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.

## **SECTION 17 – COMMITTEES**

### a) Special Committees

A special committee may be established for a specified purpose and a specified period of time by the membership at a meeting. The members shall be elected at a 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.

#### 1) *Negotiating Bargaining Committee*

**This will be a special committee for each bargaining unit established at least five (5) months prior to the expiry of the bargaining unit's collective agreement and automatically disbanded when new collective agreements are either ratified or awarded. The function of each committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committees shall consist of six (6) members, two (2) of which are to be from the Executive Board (selected between them) and four (4) elected at a bargaining unit meeting for each bargaining unit. The National Representative**

**assigned to the Local Union shall be a non-voting member of each committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.**

All members of Local 3651's negotiating **Bargaining** committees shall attend Level 1 and Level 2 of CUPE's collective bargaining educationals.

*b) Permanent Committees*

The Chairperson of each permanent committee will be elected by the members **in accordance with Section 10 of these bylaws** at a membership meeting **with the exception of the Grievance Committee.** Permanent committees will have a term of **three (3)** two years. **Where it is necessary for the effective functioning of the committee the Executive Board may remove a committee Chairperson from their role. Nominations to fill the vacancy will be held at the next membership meeting. The Executive Board may appoint an interim chair until the election process is complete.**

The Chairperson and **with the approval of** the Executive Board **will** ~~may~~, with the approval of the membership, jointly appoint other members to serve on a committee. Committees will provide written reports to each regular membership meeting. The Vice-President shall be a member, ex-officio, of each committee.

There shall be **two (2)** permanent committees as follows:

1. Health and Safety Committee

This committee will:

- Work to educate members on the importance of workplace health and safety.
- Prepare and present reports to the regular membership meetings.
- Organize an April 28<sup>th</sup> Day of Mourning ceremony each year.
- Participate on the Joint Worksite Health and Safety Committees (JWH&SC) at their workplace.
- Ensure that the worker representatives on the JWH&SC meet separately from the employer to prepare for meetings with the employer.
- Promote safe work procedures and environments so as to prevent illness and injury as a result of workplace factors.
- Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members' illness or injury.



- Work to eliminate all workplace hazards, be they physical, environmental, or social.

Members of this committee should be designated as a "Certified Worker Representative" in accordance with the legislation in their respective jurisdictions (provincial, federal).

**The Chairperson, with approval of the President, will appoint the worker members of the JWH&SC. The Chairperson may appeal a decision of the President to the Executive Board.**

**The committee members will be the Chairperson, the worker members of the JWH&SC, and an alternate for each work area represented on the JWH&SC.**

The committee shall appoint its secretary from among its members.

## **2. Grievance Committee**

- a) When a grievor appeals the decision of the Executive Board on their grievance the appeal will be heard and decided by the Grievance Committee.**
- b) The Grievance Committee members will be the Lead Steward, the President, and all stewards.**
- c) The Lead Steward will be the Chairperson.**
- d) The committee will appoint its secretary from among its members.**
- e) Quorum for the Grievance Committee will be the Lead Steward or President plus five (5) Stewards.**
- f) The Lead Steward will ensure the grievance is not abandoned during the appeal process.**
- g) The Grievance Committee in these bylaws is not the same as the Grievance Committee referenced in the Collective Agreement.**
- h) The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.**

## **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.

(Articles B.11.1 to B.11.5)

## **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 to these bylaws, the CUPE National Constitution may provide guidance, but, if the situation is not dealt with there, 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. The National President has the sole authority to interpret the CUPE Constitution.

(Articles 9.2(c), 13.3 and B.5.1)

### b) Additional Bylaws

A Local Union can amend or add to its bylaws only if:

- (i) The amended or additional bylaws do not conflict with the CUPE Constitution;
- (ii) The amended or additional bylaws are approved by majority vote at a regular membership meeting or at a special membership meeting called for that purpose; and
- (iii) Notice of the intention to propose the amended or additional bylaws was given at least seven **(7)** days before at a previous membership meeting or **sixty (60)** days before in writing.

(Articles 13.3 and B.5.1)

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

The amended or additional bylaws do not come into effect until they have been approved in writing by the National President. The National President will decide whether to approve the amended or additional bylaws within **ninety (90)** days of receiving them and will withhold approval only where they conflict with the CUPE Constitution.

(Articles 13.3 and B.5.1)

## **SECTION 21 – PRINTING AND DISTRIBUTION OF BYLAWS**

**Members will receive a copy of Local 3651 bylaws in paper format distributed at general membership meetings or on request.** Members with special needs may request a copy of the bylaws in larger font.

## **APPENDIX 'A'**

### **CUPE NATIONAL UPDATED 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 ~~sisters and brothers~~ **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.**

**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:**

- 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.**

## **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 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. Members are not allowed to speak about an issue for more than five minutes. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.
3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to fifteen minutes. With the agreement of the members present, the fifteen minutes may be expanded.
4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: "Is the Local ready for the motion?" If no member rises to speak, the motion will be voted upon.
5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.
6. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.
7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.
8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.
9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.
10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.
11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not



- proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.
13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.
  14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.
  15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
  16. Religious discussion of any kind is not permitted.
  17. The Chairperson will not take part in any debate. 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.
  18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
  19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six **(6)** motions shall have precedence in the order indicated. Motions **one (1)** through **three (3)** shall be decided without debate.
  20. The Chairperson will ask "Will the main question be now put?" where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.
  21. A motion to adjourn is in order except when a member is speaking or when members are voting.
  22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
  23. After the Chairperson declares the vote results on a question, and before the Local Union 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 will count the standing vote.
  24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked

to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.

25. At a membership meeting where a question has been decided any two members who voted with the majority can 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 **(2/3)** majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
27. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.