




TASK FORCE ON GOVERNANCE

CUPE

Discussion Guide



At our 2017 National Convention, delegates adopted Resolution 36, which called for the creation of “a Task Force on Governance to conduct a comprehensive review of the governance and structure of our National Union as laid out in the National Constitution” and “report, with recommendations, to the National Executive Board no later than March 2019”.

In March 2018, CUPE’s National Executive Board (NEB) confirmed the 16 members of the Task Force; 8 are members of the NEB, and 8 are CUPE activists who serve in elected positions at other levels of the union.

OUR MANDATE

The Task Force mandate is a broad one.

As part of our comprehensive review, we are undertaking a consultation, seeking input from CUPE members, locals and other chartered bodies. This discussion guide provides background information about CUPE’s governance and is organized to accompany our survey. While it provides context for our consultation, it is by no means a comprehensive document.

To better focus our work, we will be concentrating on the following aspects of the governance of our national union:

- The makeup of the National Executive Board
- How NEB positions are elected
- The roles and responsibilities of the NEB
- National Conventions
- Affiliations

We will also consider any governance and structure matters that are raised during the course of our consultation and deliberations.

GOOD GOVERNANCE

In its simplest form, “governance” is the means by which an organization makes decisions and implements them. While there are many definitions and different schools of thought on the principles of good governance, almost everybody recognizes these key components:

- Accountability
- Transparency
- Responsiveness
- Effectiveness
- Inclusiveness

With good governance in mind, here are some things to consider as you participate in this consultation:

- Are leadership and decision-making roles clearly defined in our national constitution?
- Are these roles appropriate and do they provide our national union with responsive and effective leadership?
- Is the decision-making process sufficiently transparent?
- Does CUPE's national structure provide for accountability to our chartered organizations and our members?
- Are there barriers to participation in our decision-making bodies?

TASK FORCE MEMBERS

Mark Hancock, National President • **Daniel Légère**, GVP (NB) • **Denis Bolduc**, GVP (QC) • **Fred Hahn**, GVP (ON) • **Judy Henley**, GVP (SK) • **Marle Roberts**, GVP (AB) • **Yolanda McClean**, DVP (ON) • **Nan McFadgen**, RVP (NS) • **Dawn Lahey**, Local 2329 (NL) • **Ann Ramsay**, Local 1770 (PEI) • **Émilie White**, Local 1244 (QC) • **Janice Folk-Dawson**, Local 1334 (ON) • **Tricia Merritt**, Local 204 (MB) • **Trevor Davies**, CUPE BC (BC) • **Aman Cheema**, Local 402 (BC) • **Julie Roberts**, Airline Division

SOME RELEVANT HISTORY

CUPE was formed in 1963, the result of a merger of the National Union of Public Employees (NUPE) and the National Union of Public Service Employees (NUPSE). NUPE and NUPSE had very different structures and cultures, and the constitution of the new union was very much a negotiated compromise.

Our constitution has changed relatively little in the past 55 years.

Over the years we have:

- Added five Regional Vice-Presidents to our NEB
- Added two Diversity Vice-Presidents to our NEB
- Created three Trustee positions
- Changed the dues structure from a flat rate to percentage
- Established a Defence Fund, and a separate Strike Fund
- Converted our constitution to plain language

This isn't the first time our union has conducted a governance review. There have been many reviews, committees, task forces and commissions over the years that have undertaken similar work.

In 1977, a Commission on Structure and Organization reviewed both governance and operational matters, and many recommendations on the governance structure of our union. They recommended, among other things, the creation of three Trustee positions, the dissolution of district councils, and that local unions be required to affiliate to provincial divisions.

In 1990, a Commission on Structure and Services was created to review both operational and governance matters. Many of their recommendations helped shape the way our union works today, but their recommendations on structure (which included mandatory affiliation to provincial divisions) were not adopted by delegates to the 1991 convention.

That Commission continued its work, and prior to the 1993 convention shared a preliminary report with chartered organizations. That report included some suggestions for changing our structure, again with a view to mandating affiliation to provincial divisions. Again, convention delegates chose not to adopt those recommendations.

In 1995, an additional day was added to our national convention specifically to debate constitutional amendments. Unlike in previous years, there was no formal report with recommendations – rather, locals and other bodies were encouraged to submit their own amendments for consideration. At this convention, proposed amendments included mandatory affiliation to provincial divisions, the addition of positions to the NEB (two Diversity Vice-Presidents, an Airline Division Representative, one additional Regional Vice-President for Ontario), and the election of Regional Vice-Presidents at provincial division conventions. None of these were adopted.

The next formal review and report that focused in part on our governance was the National Women's Task Force. Their 2007 report focused on measures that would increase and ease women's participation in our union, with specific recommendations to add two new full-time officer positions and require gender parity among the four officers, create 4 Regional Vice-President seats for women, and elect Regional Vice-Presidents in regional caucuses rather than on the floor of convention.

STRUCTURE OF THE NEB (ARTICLE 7.2)

We currently have a 23-member National Executive Board. There are seven more seats on that Board now than in 1963, but it is still largely based on regional representation.

There are two full-time National Officers, and five General Vice-Presidents (GVPs). This is unchanged from our first convention. These seven positions still form the National Executive Committee, as they have since 1963.

There were originally only nine Regional Vice-Presidents (RVPs): 1 each for BC, Alberta, Saskatchewan, Manitoba and Quebec; 2 for Ontario, and 2 for the “Atlantic Region”. Over the years the number of RVPs has increased to fourteen.

The National Executive Board initially met a minimum of five times between National Conventions. It now meets eight times between Conventions.

The roles of the NEC and the NEB, as described in the constitution, remain essentially unchanged. And the roles of the two National Officers have seen only minor changes.

REPRESENTATION (ARTICLE 7.2)

There have been various proposals to change or increase representation on the NEB over the years. This includes increasing diversity representation, a topic that we will cover separately because it has its own history and has been a more recent debate.

In 1977, the Commission on Structure and Organization recommended replacing the National Secretary-Treasurer position with an Executive Vice-President. The National Women’s Task Force recommended the creation of two Executive Vice-Presidents as full-time Officers, and there have been other constitutional amendments submitted that would add one or three Executive Vice-President positions.

In the 1990s, there were proposals to eliminate the GVPs and replace them with 10 Vice-Presidents (one for each province), plus additional Vice-Presidents for provinces with more members. One such proposal would have automatically appointed the 10 elected Provincial Division Presidents to the NEB.

Through all of that debate, representation on the NEB has barely changed since 1963. We have added 5 RVP positions, as follows:

- A new position for Northern Ontario – 1967
- A second Quebec position – 1979
- Replace 2 “Atlantic” positions with 1 “Maritimes” and 1 “Atlantic” – 1979
- Replace 1 “Maritimes” and 1 “Atlantic” position with 1 for each eastern province – 1981
- A second BC position – 1995

And while 5 of our provincial divisions structure their executive boards on regional representation, 4 divisions are based on sectoral representation. Commissions in the 1990s also reviewed the question of sectoral representation but made no recommendations to add sectoral positions to the National Executive Board.

DIVERSITY (ARTICLE 7.2)

In 1999, convention also approved the addition of two Diversity Vice-President positions. Similar proposals in 1995 and 1997 had failed to get delegate support.

1999 also saw proposals for 2 women Vice-President positions, but these amendments were not debated on the floor of convention.

In 2005, the question of women’s representation was the subject of a number of constitutional amendments including proposals to ensure gender representation on the NEC and the addition of specific women’s positions on the NEB. This convention also saw the first amendment calling for a position for a young worker.

The National Women’s Task Force was created following the 2005 convention, and issued its report in 2007. As a result, there were many amendments submitted to the 2007 convention that sought to address women’s representation on the NEB. There were also a number of amendments proposing up to four additional Diversity Vice-President positions (for women, LGBTTOI workers, workers with disabilities and young workers).

Amendments to increase diversity representation have been submitted to every convention since 2007. They have not been adopted by convention delegates.

NEB ELECTIONS (ARTICLE 11)

Every member of the National Executive Board is elected by majority vote of delegates at national convention.

The only criteria to run for National President, National Secretary-Treasurer, or General Vice-President (GVP) is that you are a credentialed convention delegate. These seven positions form the National Executive Committee (NEC) and are meant to represent and be accountable to the membership as a whole.

Historically, the five GVPs have been elected to represent five different regions: Atlantic/Maritimes, Quebec, Ontario, Manitoba/Saskatchewan, BC/Alberta. Caucuses are held at convention to endorse a candidate, and that individual is nominated as “caucus choice”.

But there is nothing in the constitution that specifies this. On two occasions, one of these “regions” has been left without representation on the NEC. There have been constitutional amendments proposed that would specify the regional representation of the GVPs, but they have never been brought for debate.

There is also a tradition of “rotating” some of the GVP positions where they represent more than one province, but it is not a consistent practice.

To run for Regional Vice-President (RVP), you must live and work in the region you seek to represent. These positions are meant to represent their regions on the NEB, although their roles are not defined in the constitution.

As with other positions, the practice is for candidates to be selected in regional caucuses, and nominated on the floor of convention as the “caucus choice”. There is nothing in the constitution that prevents someone else being nominated and elected by convention.

In the 1990s, debate on the RVP positions centred around establishing a direct link between these positions and their provincial divisions, up to and including proposals that RVPs be elected at division conventions.

In the 2000s, the focus shifted to ensuring that regional caucus choice is respected. The National Women’s Task Force proposed that elections for RVPs are formally elected in regional caucus, rather than by convention as a whole.

As for the two Diversity Vice-President positions, there is no criteria in the constitution on which communities they represent – although the debate at the 1999 convention and the guidelines that were adopted after make it clear that they represent “workers of colour” and “aboriginal workers”.

In practice, convention delegates self-identify as members of those caucuses, and select their Diversity Vice-President candidate, who is then nominated as the “caucus choice” on the convention floor. There is nothing in the constitution that prevents someone else being nominated and elected by convention.

TRUSTEES (ARTICLE 10)

First recommended in 1977, our three national Trustee positions were not established until 1991. One is elected at every convention for a six-year term.

The only restriction on who can be elected as a Trustee is that they must be a delegate elected from the floor of national convention. But in practice, the three Trustee positions are held by members from the three largest provinces: Ontario, Quebec and BC. This is another example of an “unwritten rule”.

The description of the trustees’ role has not changed since 1991.

NATIONAL CONVENTION (ARTICLE 6)

National convention has, since our inception, been the governing body of this union. They have been held every two years, like clockwork.

Special conventions have been contemplated by our constitution since 1963, and the basis for holding one remains the same – by order of convention, the NEB, or request of a majority of local unions.

Delegate entitlement to conventions for local unions has remained mostly the same since 1963. The one change, in 1977, was an increase to the allocation of delegates for locals with more than 3,000 members.

Over the years we have added delegate entitlement for Service Divisions, Provincial Councils of Unions, Councils of Unions, and Airline Division Components. In 2017, Provincial Divisions increased their delegate entitlement to 2 delegates.

Although there have been changes proposed over the years, quorum has not changed. It remains at one-half of registered delegates.

The rules of order for convention are set out in Appendix A of the constitution.

AFFILIATIONS (ARTICLE 2.2, ARTICLE 16)

TO CUPE BODIES

Over the years, CUPE members have discussed and debated the relationship between local unions, district councils, and provincial divisions. This debate dates back to merger negotiations, and while it has not always been a feature of our national conventions it has certainly been a hot topic at many.

The main focus of the debate has been on amending the constitution to require local unions to affiliate to their provincial divisions, or to otherwise compel affiliation by electing regional NEB representatives at division conventions. These amendments have never been adopted by convention.

While a number of divisions have close to 100% affiliation, there are still significant numbers of local unions that either choose to not participate in, or do not affiliate to, their provincial divisions. The constitution continues to “urge” locals to “affiliate and maintain membership in” their provincial division.

District councils currently exist in only three provinces: BC, Alberta and Ontario.

Debate over the years has ranged from requiring locals to affiliate to eliminating them altogether (because they were seen to duplicate the work of local labour councils). As with provincial divisions, the constitution continues to “urge” locals to affiliate and participate in these councils.

TO OTHER LABOUR BODIES

In 1973, on an amendment submitted by the NEB, language that required affiliation to the Canadian Labour Congress (CLC) was removed from the constitution. We remain, per Article 2.2, obliged to “work with” the CLC.

And while it has been debated at conventions from time-to-time, our constitution does not require affiliation to or participation in the CLC’s labour councils and federations of labour.

Other than that, language around affiliation to various bodies (CUPE’s provincial divisions and district councils, and the CLC’s labour councils and federations of labour) remains essentially unchanged from 1965.

