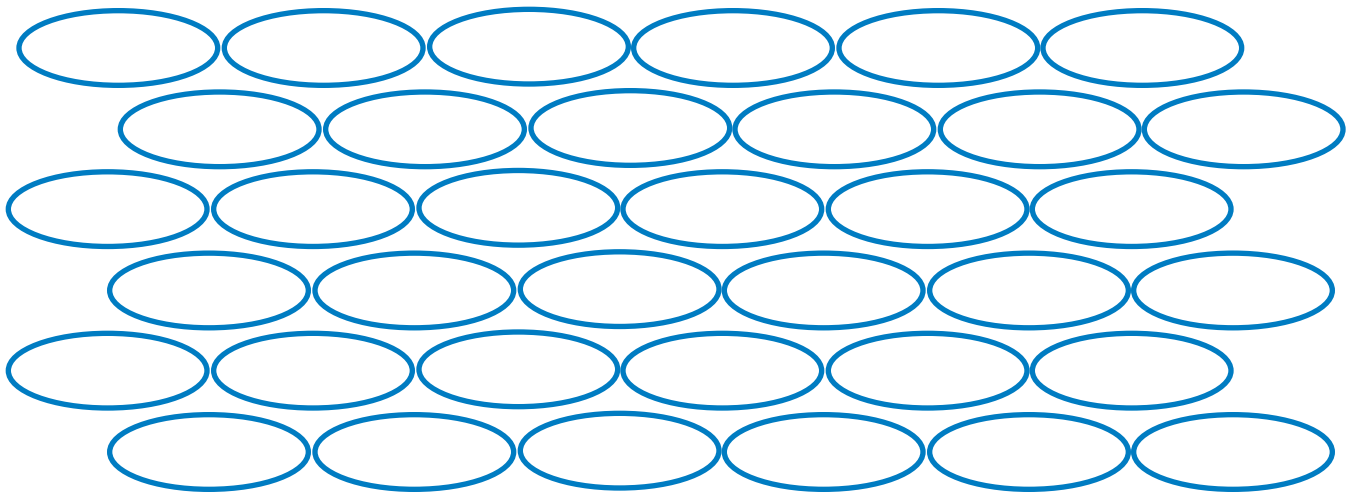


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Amended  
2013

# A Guide to Preparing Local Union Bylaws





January 2013

Sisters and Brothers,

We are pleased to introduce the revised document entitled "A Guide to Preparing Local Union Bylaws". At the 2011 National Convention, delegates adopted a clear language Constitution and clarified the sequence and order of provisions found under Appendix B.

As well, since the release of the previous guide, we have received feedback from activists and staff and this updated version of "A Guide to Preparing Local Union Bylaws" has been amended to deal with a number of matters raised. Thank you for your comments that help strengthen the Guide.

This Guide is a colourful document which sets out the various provisions required at a minimum, to provide good governance and the financial accountability necessary to effectively run a Local Union.

The Guide also contains explanations which help support the necessity for certain provisions, as well as offering some options in order to adapt requirements to your Local Union's unique situation.

We encourage you to study the Guide prior to beginning to create your own Local Union bylaws. A Microsoft Word template to which you can insert, amend, or delete is available at <http://cupe.ca/bylaws/template>.

Elected Officers and members should address any questions regarding the Guide or its contents to the Office of the National President.

We hope that you find the Guide helpful in formulating your own Local Union bylaws.

Good reading!

In solidarity,

A handwritten signature in black ink that reads "Paul Moist". The signature is written in a cursive, flowing style.

PAUL MOIST  
National President



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# **Bylaws**

## **Local Union \_\_\_\_\_**



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# Introduction

Local **1** \_\_\_\_\_ 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 \_\_\_\_\_ 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.

**1** The number appearing shall be the same as the number appearing on the Local Union charter.

## Section 1

### Name

The name of this Local Union shall be Canadian Union of Public Employees,

Local \_\_\_\_\_. **2** \_\_\_\_\_.

Local \_\_\_\_\_ consists of the following bargaining units: **3** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**2** The name appearing shall be the same as the name on the Local Union's charter.

**3** Local Unions that have members in more than one bargaining unit should complete this section by stating the names of the bargaining units that the Local Union represents. The term bargaining unit refers to a group of employees who are appropriate for collective bargaining and where a certificate has been issued. In some cases a bargaining unit is referred to as a unit, sub-unit, or sub-local.

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## Section 2

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# Objectives

The objectives of Local \_\_\_\_\_ 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.

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## 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 \_\_\_\_\_ can apply for membership in Local \_\_\_\_\_ 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 obey 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)**

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(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 \_\_\_\_\_ **(provincial division)**. The purpose of sharing this telephone contact information with CUPE National or \_\_\_\_\_ **(provincial 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 \_\_\_\_\_ shall be affiliated **4** to and pay per capita tax to the following organization(s):

- The CUPE \_\_\_\_\_ **(insert province)** Provincial Division
- The \_\_\_\_\_ CUPE Council
- The \_\_\_\_\_ **(insert province)** Federation of Labour
- The \_\_\_\_\_ CLC Labour Council

**4** CUPE encourages all Local Unions to affiliate to labour structures established in their provinces and regions in order to maximize our collective strength, coordinate activities, and achieve shared goals.

## Section 6

# Membership Meetings

### (a) Regular Membership Meetings

Regular membership meetings of Local \_\_\_\_\_ shall be held on the \_\_\_\_\_ (for example, the second Wednesday of each month) at \_\_\_\_ (advise of time), at \_\_\_\_\_ (advise of location when possible) **5**. 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.

When a statutory holiday or a situation beyond the control of the Local Union arises 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 \_\_\_\_\_ may be required, and shall be called by the Executive Board or may be requested in writing by no fewer than **6** \_\_\_\_\_ 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

**5** It is important that Local Unions set meeting times to provide the best opportunity for all members to attend, maximizing membership participation. In order to do this, Local Unions must consider the needs of its members. Are the date, time, and location flexible? Is the facility accessible for all members? Local Unions are encouraged to be innovative. For instance, a Local Union might consider lunch time meetings, or offering child care on site for evening or weekend meetings, or may consider setting a yearly calendar which would see monthly meetings on different evenings of the week, or holding every other meeting on a Saturday. A precise yearly calendar should be circulated to members so that everyone is fully aware a long time in advance of the meeting schedule, and can plan their participation.

**6** The number should be large enough to prevent frivolous requests but not so large to make this safeguard unworkable.



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special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

(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 **7** \_\_\_\_\_ members, plus \_\_\_\_\_ **(at least two)** members of the Executive Board.

(d) **Membership Meeting Agenda**

The order of business at regular membership meetings is as follows: **8**

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

**(Article B.6.1)**

**7** The minimum number of members required to do business at a meeting is known as a quorum. Quorums do not typically follow a set of rigid rules, however a common practice is to set the level at between 10% and 20% of the membership.

**8** Local Unions may consider early on in their agenda, either before roll call of Officers or right after roll call of Officers, to have a First Nations, Inuit, or Métis Elder bring greetings and welcome to the territory, or conduct a traditional spiritual ceremony. The presence of the Elder will provide guidance and offer support to the members.

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(e) **Bargaining Unit Meetings**

Bargaining Unit meetings may be called 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 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 \_\_\_\_\_ bargaining unit members plus \_\_\_\_\_ **(at least two)** 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 **9**

The Officers of Local \_\_\_\_\_ shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, Membership Officer, three (3) Trustees **10** , and **11** \_\_\_\_\_.

(Articles B.2.1 and B.2.2)

- 9** The CUPE Constitution requires that each Local Union must have a President, Vice-President, Secretary-Treasurer, Recording Secretary, and three (3) Trustees as a minimum. Although not constitutionally mandated, we have included a Membership Officer here to underscore the importance of such a position or equivalent position.
- 10** Local Unions with an average annual membership of 20 or less members, who are unable to comply with the provisions of Article B.2.4 with respect to the election of Trustees, may by majority vote of the membership, appoint one of the elected Executive Board members who does not have signing authority on behalf of the Local Union, to act as Trustee and to fulfil all of the constitutional obligations of the Trustees as required under the CUPE Constitution. In exercising this provision, qualified Local Unions will be deemed to be in compliance with the provisions of Articles B.2.1 and B.2.2.
- 11** Local Unions should consider additional executive positions to ensure a more representative executive, and that the voices of all members are heard. Additional Officer positions can ensure gender, equity-seeking representation, work classification, bargaining unit, site or region representation, or part-time workers are all equally represented. When a Local Union represents more than one bargaining unit, it is recommended that each bargaining unit have at least one member who is an Officer that serves on the Executive Board.

## Section 8

### Executive Board

- (a) The Executive Board shall include all Officers, except Trustees. **12** (Article B.2.2)
- (b) The Executive Board shall meet at least eight (8) times per year. **13** (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 **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. (Article B.2.5)

**12** Local Union Trustees must at all times remain impartial. This is why they cannot serve as members of the Executive Board (with the exception of when the Local Union has less than 20 members).

**13** While the CUPE Constitution requires that the Executive Board meet at least eight times yearly, Local Unions should ensure that their Executive Board meet as often as necessary to carry out the business of the Local Union and ensure good governance.

## Section 9

### Duties of Officers <sup>14</sup>

Each Officer of 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 Union to their successors at the end of their term of Office. **(Article B.3.9)**

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

**(Article B.3.5)**

(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.

**14** This section should clearly set out the roles and responsibilities of each Officer. The CUPE National Constitution helps to define the roles and responsibilities in order to ensure that the main areas of responsibility are covered for the good functioning of a Local Union. Local Unions are free to add other roles and responsibilities to each position.

**15** The right to cast a deciding vote is purely at the discretion of the presiding Officer and should be exercised only after understanding both sides of the debate. Fundamental to democracy is the right for members to elect their representatives and that right should not be determined by one member with an extraordinary power. In Section 10 we are simply suggesting a mechanism for breaking a tie in an election. (see page 14)

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- 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. **15**
  - 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.

**(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. **16**
- Render assistance to any member of the Executive as directed by the Executive Board.

**(Article B.3.2)**

**16** Where a Local Union has more than one Vice-President, it will need to consider a process to determine which Vice-President will serve as Acting President if the office of the President falls vacant until a by-election can be held.

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(c) **Recording Secretary**

The **Recording Secretary** **17** 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.

**(Article B.3.3)**

**17** **Dependant on the size of a Local Union, the Local Union may split the duties of Recording Secretary between the Recording Secretary and a Corresponding Secretary.**

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(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.
- 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.



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- Make all books available for inspection by the Trustees and/or auditors **18** 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.

**(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.

**18** Local Unions may hire a qualified accountant or accounting firm to audit the Local Union's books. Trustees are still expected to exercise general supervision over the Local Union's books, and make written reports as set out in Article B.3.12(a), (b) and (c) of the CUPE National Constitution. (Article B.3.13)

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- 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.

**(Articles B.3.10 to B.3.12)**

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(f) **Membership Officer**

The **Membership Officer** **19** shall:

- 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.
- Perform such other duties as may be assigned by the Executive Board from time to time.

(g) **Additional Officer Positions**

Additional Officer positions and responsibilities:

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**19** Only include this position if it is listed under Section 7 – Officers. This position was referred to as Sergeant-at-arms in the past.

## Section 10

# Nomination, Election and Installation of Officers

### (a) Nominations

1. Nominations will be received at the regular membership meeting held in the month of \_\_\_\_\_.
2. Nominations will be accepted from members 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.
3. To be eligible for nomination **20**, 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)**
4. 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.
5. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

**20** It should be no more difficult to run for office in a Local Union than it is to run for a National Officer position. By eliminating unnecessary criteria to stand for office, democracy flourishes and all members have the same rights.

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(b) **Elections** **21**

1. The President and Recording Secretary are elected in \_\_\_\_\_ **(odd or even)** years. The Vice-President, Secretary-Treasurer and Membership Officer are elected in \_\_\_\_\_ **(odd or even)** years. **22**
2. At a membership meeting, at least one month prior to Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee **23** consisting of a Chief Returning Officer and assistant(s). 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.
3. The Elections Committee will determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Chief Returning Officer.

**21** The election methods are provided for in Article B.2.3 of the CUPE National Constitution. In this guide, it is assumed that the Local Union will conduct the elections at a general meeting. However, we strongly encourage Local Unions to select the election process that will provide the most opportunity for the membership to vote. In doing so, the Local Union should consider mail-in ballots, referendum style voting, or providing site voting stations. These are various approaches that can be considered to maximize participation.

**22** In order to preserve continuity of leadership, and to allow for mentoring, Local Unions are urged not to hold elections for all Officer positions in the same year.

**23** Some Local Unions are not of sufficient size to have an Elections Committee and in such circumstances the Local Union should consult with the assigned CUPE National Representative for assistance.

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4. The Chief Returning Officer will be responsible for issuing, collecting, and counting ballots. The Chief Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
  5. The voting will take place at the regular membership meeting in \_\_\_\_\_ **24**. The vote will be by secret ballot.
  6. Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
  7. A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped.
  8. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.

**24** In some Local Unions, the nominations and elections are held at the same meeting. In others, the date entered here is a month or more after the month mentioned in Section 10(a). Where elections are not held annually, this section should say that the elections take place every two years in the month of \_\_\_\_\_ beginning in 20\_\_\_\_. In some Local Unions, elections do not occur at membership meetings. In some cases, elections are carried out in the workplace or through a mail-in ballot and these elections are known as a “referendum style”. In referendum style elections, a candidate will be declared elected with a plurality of the votes. A plurality simply means that the candidate receiving the most votes wins. A local union considering referendum style elections should consult with the National President’s Office prior to placing bylaw amendments in front of their membership.

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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. **(Article 11.4)**
  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 6(c).
  11. All election complaints by members will be submitted in writing to the Chief 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 Chief 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) **Bargaining Unit Elections** **25**

Nominations and elections for bargaining unit positions will take place after the elections outlined in Section 10(b). Bargaining unit nominations and elections will be conducted for the following positions:

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**25** Wherever there is more than one bargaining unit in a Local Union, there should be at least one unit member who is an Officer of the Local Union, and sits on the Executive Board. Typically, these Officers should be nominated and elected by the members they represent – the unit. There is no set format for bargaining unit nominations and elections, however they should reflect as closely as possible the nominations and elections for other Officer positions that are elected by all of the Local Union members. Care needs to be taken that all members entitled to vote are given every opportunity to cast a ballot.

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The voting will take place at a bargaining unit membership meeting by secret ballot. A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped.

(d) **Installation of Officers**

1. All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for \_\_\_\_\_ 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 years.

**(Article B.2.4)**

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

3. 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))**



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(e) **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 \_\_\_\_\_ dollars 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. **26**

(Articles B.4.1 and B.8.2)

### (b) Readmission Fee

The readmission fee shall be \_\_\_\_\_.

(Article B.4.1)

### (c) Monthly Dues

The monthly dues shall be \_\_\_\_\_% of regular wages. **27**

(Article B.4.3)

**26** The payment of initiation fee is mandatory as provided for under Article B.4.1 and only the level of the initiation fee is discretionary.

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(d) **Amending Monthly Dues**

The regular monthly dues may be amended at a regular or special membership meeting or by referendum vote. **28** The vote must be by secret ballot. Notice of at least seven days at a previous meeting or 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)**

**27** The dues of Local Unions chartered after January 1, 1982 must be set as a percentage of wages. Per capita tax to CUPE National is paid on average regular monthly wages. Regular wages are all earnings of a regular wage and will include holiday pay, vacation pay in lieu of work, sick leave pay in lieu of work, other paid leaves in lieu of work, union leave with pay, WCB payments received directly from an employer, employer paid WCB top-ups, employer paid parental/maternity leave or employer top-up, retroactivity and replacement pay.

Regular wages do not include leaves without pay, sick pay directly paid by an insurance company or third party, shift premiums, allowance (tool, vehicle, meal, etc.), premium in lieu of benefits, severance pay, vacation bonus, or other types of extra pay, allowances, or bonuses.

At a minimum, Local Unions should set their dues at a level that will allow the Local Union to pay per capita tax, affiliation fees, operating costs, arbitration and negotiation costs, attendance at conferences and conventions, and put money aside for difficult times.

(see page 26)

**28** The National Constitution allows for two methods of voting to amend the dues level. However, Local Unions will need to establish and include in the bylaws one of the methods – either the regular dues will be amended at a regular or special membership meeting or by referendum.

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## Section 12

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# 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.

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 **29** 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.

**(Article B.4.4)**

**29** All expenditures of a Local Union are subject to Article B.4.4 of the CUPE National Constitution which states that funds may only be used for valid Local Union purposes. The issue of what constitutes a valid Local Union expenditure has been the topic of much discussion and the interpretation of this provision has been consistently applied by successive National Presidents. Gifts of any kind, including money, are inappropriate expenditures of the Local Union funds. A small token, such as a golf shirt, t-shirt or jacket that assists in building membership branding or solidarity or is part of an on-going campaign would be an appropriate expenditure. Payment of wages or monies to a member for the performance of union business on their day off from regular work is an inappropriate expenditure of Local Union funds. This practice is also illegal and runs afoul of the Income Tax Act. Local Unions should attempt to negotiate provisions with employers that provide for paid release time from work or at the very least allow for continuation of salary and benefits with the Local Union reimbursing the employer. This is not always possible and where such an arrangement cannot be agreed to, then any payment of lost time to members must take into consideration the deduction of legal obligations such as income tax, EI and CPP.

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

Authorization to pay per capita tax to CUPE National, to CUPE \_\_\_\_\_ **(insert province)** 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** **30**

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than \$100, a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven days after the meeting where notice of motion has been given.

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

**30** Local Unions are required to pay per capita tax, affiliation fees and the costs of representing and defending members' rights through negotiations, grievances, arbitrations and other such avenues. Therefore care must be given to properly review the purpose of any expenditure. Grants or contributions to members should be given only in the rarest of circumstances such as catastrophic events; the amount to any one member should be kept to a minimal amount and paid only when the finances of the Local Union permit. Loans to members are not permissible under any circumstances.

## Section 14

# Out-of-pocket Expenses **31**

Local Union Officers and committee members shall be provided an out-of-pocket expense allowance as follows: **32**

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**31** Out-of-pocket expenses are normally paid only to Officers listed in Section 7. Some Local Unions, however, do pay out-of-pocket expenses to committee members dependent upon the nature of the committee's work.

**32** The amount of out-of-pocket expense allowances for Officers and/or committee members, if any, depends on the size of the Local Union and the amount of business the Officers transact on behalf of the membership. These out-of-pocket expenses are meant to be in recognition of the services of these Officers and/or committee members, and are to recompense them in part for un-receipted expenses spent in the service of the Local Union.

However, they should not be regarded as a form of salary and should therefore be nominal amounts. As an example only, a Local Union with 100 members might set an out-of-pocket expense allowance of \$75 to \$150 per year for the President and lesser or equal amounts for other Officers, depending on the responsibilities they carry. (According to federal tax laws, the Local Union must report as taxable income any out-of-pocket expenses which amount to remuneration over \$500 to the Canada Revenue Agency. For current information, check with your district taxation office.)

## Section 15

# Child Care, Dependent Care and Elder Care

Caring for children, dependents or the elderly are barriers to actively participating in the union or to attending membership meetings. Local \_\_\_\_\_ is committed to removing barriers within its control so that all members have equal access to participation.

- (a) When it is practical and demand warrants, Local \_\_\_\_\_ will provide on-site child care at all Local Union membership meetings. Where on-site child care is not provided, and in the case of dependent care or elder care, members will be reimbursed to a maximum of the living wage **33** for the area for each hour of required care. Reimbursement will be provided upon proof of payment.
- (b) Any member who is on authorized Local \_\_\_\_\_ business shall be eligible for child care, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed to a maximum of the living wage for the area for each hour of care required.
- (c) Claims will not be paid for a spouse, partner, or a family member who normally provides care without charges. Claims will not be paid for periods of time where a member would normally have paid for care such as during normal hours of work at their job.

**33** Living wage is not to be confused with minimum wage. A living wage is the amount of income needed to meet basic needs, to maintain a safe, decent standard of living in their communities, and to save for future needs and goals. The figure is typically based on the Statistics Canada pre-tax Low Income Cut-Off (LICO). The living wage for your area can be acquired by contacting a municipal or provincial social service agency.



## Section 16

# 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.
- (b) Delegates to the \_\_\_\_\_ 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) Delegates to the \_\_\_\_\_ CLC District Labour 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 report at each Local Union membership on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.
- (d) All delegates attending conventions, conferences, or educationals held outside the town of \_\_\_\_\_ shall be paid transportation expenses **(at economy, tourist or coach rates)** as determined by the Secretary-Treasurer, and a per diem allowance of \_\_\_\_\_ dollars for meals and expenses. The Local Union will reimburse the member's employer for any loss of wages.
- (e) Delegates to conventions, conferences, and educationals held locally shall have no travel allowance. There shall be a per diem allowance of \_\_\_\_\_ dollars 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.

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- (f) Local \_\_\_\_\_ will provide members with their per diem allowance prior to their attending the convention, conference, or educational.
- (g) Local \_\_\_\_\_ encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals. **34**

**34** Local Unions may want to consider bylaw provisions that will ensure participation at conventions, conferences, and educationals that is reflective of the diversity of their membership. Local Unions may also want to consider bylaw provisions that will ensure participation of young workers at conventions, conferences, and educationals. These provisions could set aside a certain percentage of delegates to come from such groups.

## Section 17

# Committees **35**

### (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 Committee**

This will be a special committee established at least \_\_\_\_\_ months prior to the expiry of the Local Union'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 \_\_\_\_\_ members, all elected at a membership meeting. The National Representative assigned to the Local Union 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.

**35** Local Unions must always strive to ensure that the membership on committees is reflective of the diversity of the members in their Local Union.

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All members of Local \_\_\_\_\_'s negotiating committee shall attend Level 1 and Level 2 of CUPE's collective bargaining educationals.

(b) **Permanent Committees** **36**

The Chairperson of each permanent committee will be elected by the members at a membership meeting. Permanent committees will have a term of two years. The Chairperson and the Executive Board 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 \_\_\_\_\_ permanent committees as follows:

1. **Grievance Committee**

This committee will:

- Oversee the handling of all local grievances.
- Receive copies of all grievances.
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative, and to the membership meeting.
- When a grievance is not settled in the initial steps provided for in the collective agreement, this committee will decide whether or not the grievance should proceed to arbitration.

**36** The committees listed are a partial representation of committees that a Local Union may have. Other committees could be Communications or Newsletter.

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- If the decision is to not proceed, the grievor(s) may appeal the decision to the Executive Board. **37**

The committee members will be the elected chairperson and \_\_\_\_\_ stewards. The committee shall appoint its secretary from among its members. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

## 2. **Education Committee**

This committee will:

- Gather information about appropriate courses, the availability of courses, and make recommendations to the Local Union on whether or not members should be attending.
- Assist delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports.
- Cooperate with the National Union Development Department and Communications Branch of CUPE, and with the regional Education Representative, in implementing both the Local Union's and CUPE's policies in these fields.

The committee members will be the elected chairperson and \_\_\_\_\_ members. The committee shall appoint its secretary from among its members.

**37** The decision to proceed to arbitration is one that must be based on the facts in the particular situation. Asking members to vote on an issue when, due to confidentiality they cannot be given all of the information, can do harm to a Local Union and the grievor(s). Labour legislation requires that unions make representation decisions in an impartial way, having considered all the facts. This is why we strongly recommend that the decisions to proceed or not to arbitration remain with those duly elected to the Executive in the Local Union to ensure that all facts are considered in each situation.

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### 3. **Women’s Committee**

This committee will:

- Advise and give guidance to Officers, committee members and the general membership on all issues that affect women in the workplace and the union movement.
- Promote leadership of women at the Local Union level and in the broader labour movement.
- Increase and support the active participation of women in the Local Union and the broader labour movement.
- Strive to eliminate gender discrimination in the workplace, Local Union, broader labour movement, and society through education and participation in human rights activities both in and outside of the labour movement.

The committee members will be the elected chairperson and \_\_\_\_\_ members.  
The committee shall appoint its secretary from among its members.

### 4. **Committee Against Racism and Discrimination (CARD)** **38**

This committee will:

- Advise and give guidance to Officers, committee members, and the general membership on all issues that affect all equity-seeking groups, including people of colour, Aboriginals, lesbian, gay, bi-sexual and transgendered workers in the workplace and the union movement.

**38** Where a Local Union’s membership is diverse and there is sufficient interest, the Local Union can consider further committees such as an Aboriginal Council, or a Lesbian, Gay, Bi-Sexual and Transgendered Committee. The elimination of racism and discrimination against all equity-seeking groups in our union is a priority and at a minimum, each Local Union should have a CARD Committee.

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- Promote leadership of equity-seeking workers at the Local Union level and in the broader labour movement.
  - Increase and support the active participation of equity-seeking workers in the Local Union and the broader labour movement.
  - Strive to eliminate racism and discrimination in the workplace, Local Union, broader labour movement, and society through education and participation in human rights and anti-racism activities both in and outside of the labour movement.

The committee members will be the elected chairperson and \_\_\_\_\_ members.  
The committee shall appoint its secretary from among its members.

#### 5. **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).

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The committee members will be the elected chairperson and \_\_\_\_\_ members.  
The committee shall appoint its secretary from among its members.

## 6. **Bylaw Committee**

This committee will:

- Review the bylaws annually and make recommendations to the Executive Board on proposed amendments.
- Review any proposed amendments received from the Executive Board or membership of the Local Union to ensure that the amendments will conform to the remainder of the bylaws and the CUPE National Constitution.
- Ensure that the Local Union's bylaws are written in clear language, ensuring that clear language does not change the intent or meaning of the bylaws.

The committee members will be the elected chairperson and \_\_\_\_\_ members.  
The committee shall appoint its secretary from among its members. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted during the review process.

## 7. **Membership Support Committee**

This committee will:

- Visit members who are ill.
- If a member is ill for more than a week, arrange some token of the Local Union's concern and desire to help, whether the member is at home or in hospital.
- Extend the Local Union's condolences in the event of the death of a member or one of their immediate family, and make other appropriate gestures in accordance with custom or the wishes of the family concerned.

The committee members will be the elected chairperson and \_\_\_\_\_ members.  
The committee shall appoint its secretary from among its members.



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8. **Social Committee**

This committee will:

- Arrange and conduct all social, cultural, and recreational activities of the Local Union, either on the committee's own initiative or as a result of decisions taken at membership meetings. The committee shall submit reports and proposals to the Executive Board or to the membership as required.

A budget for the committee will be fixed annually by the membership but, other than that, all social, cultural, and recreational events and activities shall be self-supporting.

The committee members will be the chairperson and \_\_\_\_\_ members, and may appoint a secretary-treasurer from among its members.

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## 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)**

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## 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 days before at a previous membership meeting or 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 90 days of receiving them and will withhold approval only where they conflict with the CUPE Constitution.

**(Articles 13.3 and B.5.1)**

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## Section 21

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# Printing and Distribution of Bylaws

Members will receive a copy of Local \_\_\_\_\_ bylaws, either in paper format or via the Local Union website at \_\_\_\_\_. Members requesting a copy of these bylaws will be provided a copy in either French or English as requested. Members with special needs may request a copy of the bylaws in larger font.

# CUPE National Equality Statement

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

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

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

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

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

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

This was amended as per the 2015 National Constitution.

# Code of Conduct

Local \_\_\_\_\_ is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

Local \_\_\_\_\_ strives to promote 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.

Local \_\_\_\_\_ is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local \_\_\_\_\_ needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local \_\_\_\_\_ expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local \_\_\_\_\_ sets out standards of behaviour for members at meetings, and all other events organized by Local \_\_\_\_\_. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. 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 members of Local \_\_\_\_\_ 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;

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- 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; and
  - Take responsibility for not engaging in inappropriate behaviour due to abuse 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 this 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 the person 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. Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.
3. If this fails to resolve the matter, the designated Officer of the Local Union 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.

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 Bylaws of Local \_\_\_\_\_, 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 of the CUPE National Constitution.



# 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.

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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.

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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 motions shall have precedence in the order indicated. Motions 1 through 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.

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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. **39**
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 majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.

**39** Division requires that the original motion be put to a vote a second time. Members who are in favour of the motion stand and the Recording Secretary records the names of the members. Members who are opposed to the motion then stand and the Recording Secretary records the names of the members.

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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. **40**
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.

**40** Where members are voting in an election at a membership meeting, the doors are tiled during the voting process. This is known as "tiling the doors" and refers to the closing of doors so that no one can leave the room or enter the room while ballots are being cast. This ensures a fair voting process.