

# 2023 CUPE National Convention Adopted Constitutional Amendments

## CONSTITUTIONAL AMENDMENTS

C2

CUPE WILL:

Amend the National Constitution to abolish the National Executive Committee and have the General Vice-Presidents and/or the NEB take on its roles and responsibilities:

1. Amend Article 4.2 to read:

### 4.2 District Councils

(a) The National Union may charter a District Council for an area in a province at the request of at least five chartered Local Unions in the area. The National Executive Committee Board will decide the area of jurisdiction for each District Council. Only chartered Local Unions in the area can join a District Council.

2. Amend Article 5.1 to read:

### 5.1 Structure

The government and structure of the Union is:

- (a) Convention
- (b) National Executive Board
- ~~(c) National Executive Committee~~
- (dc)** National Officers
- (ed)** Provincial Divisions
- (fe)** District Councils
- (gf)** Service Divisions
- (hg)** Provincial Unions
- (ih)** Local Unions

3. Amend Articles 6.9 and 6.10 to read:

### 6.9 Credentials Committee

The National Executive ~~Committee~~ **Board** will appoint a Credentials Committee of at least three members before the start of Convention. Only members who have submitted credentials can be appointed to the Committee. The Committee will meet before Convention to decide if credential forms received by the National Secretary-Treasurer are valid. The Committee will register delegates with valid credentials. The Committee will report to Convention on the first day and when necessary. Any decision of the Committee may be appealed to ~~the National Executive Committee and/or~~ the National Executive Board and to Convention.

### 6.10 Convention Committees

The National Executive ~~Committee~~ **Board** will appoint committees needed for Convention. The National ~~Executive Committee~~ **Officers** may request any committee to meet before Convention to perform its role.

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(cont'd)

4. Amend Articles 7.8 (b), (c) and (e) to read:

### **7.8 Administration**

- (b) The National Executive ~~Committee~~ **Board** will review the decision to place the chartered organization under administration within ~~14~~ **21** days. The ~~Committee~~ **Board** can approve or overturn the decision. If the decision is approved, the administrator will continue to exercise authority over the chartered organization and its affairs. If the decision is overturned, the administrator will stop exercising authority over the chartered organization and its affairs within two days. The decision of the ~~Committee~~ **Board** will be communicated to the President and Secretary-Treasurer of the chartered organization.
- (c) The National Executive Board will review the ~~action of the National President and the decision of the National Executive Committee~~ **decision to place the chartered organization under administration** at its next meeting. At least seven days' notice of the time and place of the meeting will be given to the chartered organization. Any officer or member of the executive of the chartered organization can ask to speak at the Board meeting and will be given every reasonable opportunity to do so. **The Board can decide to continue or to lift the administration. The decision of the Board will be communicated to the President and Secretary-Treasurer of the chartered organization.**
- (e) All decisions to place a chartered organization under administration and the decisions of the ~~National Executive Committee~~ and National Executive Board will be reported to the next regular Convention.

5. Amend Article 9.2 (a) to read:

### **9.2 National President**

- (a) The National President is the chief executive officer of the National Union. The National President exercises supervision over the affairs of the Union, signs all official documents and presides at Convention and all meetings of the National Executive Board ~~and the National Executive Committee~~.

6. Amend Articles 9.3 (d), (e) and (j) to read:

### **9.3 National Secretary-Treasurer**

- (d) The National Secretary-Treasurer will prepare a budget of expected expenses of the National Union for the next fiscal year. The National Secretary-Treasurer will submit the budget to ~~the National Executive Committee~~. ~~The National Executive Committee will submit the budget to the National Executive Board~~ before the start of the fiscal year. The National Executive Board can amend the budget and must approve a budget no later than 30 days after the start of the fiscal year.
- (e) The National Secretary-Treasurer is responsible for the books, documents, files and property of the National Union. The National President, ~~the National Executive Committee~~ and the National Executive Board can inspect the books, documents, files and property of the National Union at any time.

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C2 (cont'd)	<p>(j) The National Secretary-Treasurer will send out the Convention call and act as secretary at Convention. The National Secretary-Treasurer will ensure that the proceedings of Convention and meetings of the National Executive Board and <del>National Executive Committee</del> are recorded. A report on Convention will be sent to all chartered organizations within a reasonable time after the end of Convention.</p> <p>7. Amend Articles 9.5 (d) and (f) to read:</p> <p><b>9.5 Employing Staff</b></p> <p>(d) The National Officers appoint Assistant Regional Directors, with the approval of the National Executive <del>Committee</del> <b>Board</b>.</p> <p>(f) The National Officers appoint Assistant Branch Directors, with the approval of the National Executive <del>Committee</del> <b>Board</b>.</p> <p>8. Amend Article 11.12 to read:</p> <p><b>11.12 Bonding of Officers and Employees</b></p> <p>The National Executive <del>Committee</del> <b>Officers</b> decides which officers or employees of the National Union will be bonded. The <del>Committee</del> <b>Officers</b> decides the amount of the bond and approves the bonding company. The bond is effective when the officer or employee takes office. The National President has custody of the bond and the cost of the bond is paid by the National Union.</p> <p>9. Delete Article VIII and renumber the remaining articles.</p>
C20	<p>CUPE WILL:</p> <p>Fix a discrepancy between the French and English versions of the National Constitution by amending Article 11.3 (d) in the French version as follows:</p> <p>11.3 [Tenue des élections] (...) (d) [Toutes les élections <b>en plénière</b> au congrès se tiennent par vote électronique.]</p>
C22	<p>CUPE WILL:</p> <p>Amend Articles 11.7 (a) and (b) as follows:</p> <p>11.7 Oath of Nomination and Office</p> <p>(a) A candidate who accepts nomination for election must clearly <del>and audibly take</del> communicate or affirm this oath: 21 “I promise to support and comply with the Constitution, goals, principles and policies of the Canadian Union of Public Employees.”</p> <p>(b) A candidate who is elected to office must come forward to the podium and clearly <del>and audibly take</del> communicate or affirm this oath:</p>

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C23	<p>CUPE WILL:</p> <p>Amend 14.1 of the National Constitution to delete (f):</p> <p>14.1 Revenue</p> <p>The revenue of the National Union is:</p> <ol style="list-style-type: none"> <li>a) Each Provincial Division will pay \$25 per fiscal year.</li> <li>b) Each District Council will pay \$5 per fiscal year.</li> <li>c) Each Service Division will pay \$10 per fiscal year.</li> <li>d) Each Local or Provincial Union will pay a monthly per capita tax on behalf of all workers, including Rand formula payees, of .85% of the Local or Provincial Union's average regular monthly wages. The per capita tax will be paid no later than the last day of the following month.</li> <li>e) If the National Strike Fund falls below \$15 million, each Local or Provincial Union will pay an additional monthly per capita tax of .04% of the Local or Provincial Union's average regular monthly wages until the National Strike Fund reaches \$25 million.</li> <li>f) <del>Each Local and Provincial Union will pay \$1 for each application for membership.</del></li> </ol>
C27	<p>CUPE WILL:</p> <ol style="list-style-type: none"> <li>1. Amend Appendix A Rules of Order of the CUPE National Constitution as follows:             <ol style="list-style-type: none"> <li>A.5 The mover of a motion can speak for five minutes. All other speeches are limited to three minutes. <b><u>Debate shall alternate between pro and con speakers, where appropriate.</u></b></li> </ol> </li> </ol>
C30	<p>CUPE WILL:</p> <p>Eliminate the requirement for initiation fees by amending the National Constitution as follows.</p> <ol style="list-style-type: none"> <li>1. Amend Article B.3.8 to read:             <p><b>B.3.8 Payments and Report to National Union</b></p> <p>The Secretary-Treasurer will send all monies owed to the National Union for each month to the National Secretary-Treasurer no later than the last day of the next month. The monies owed include the <del>initiation fee of \$1 for each person admitted to membership and</del> per capita tax on all dues received by the Local Union. The Secretary-Treasurer will also send an official monthly report to the National Secretary-Treasurer on the form provided.</p> <p>The official monthly report will set out <del>the number of members initiated, reinstated, suspended and expelled and</del> the number of members for whom per capita tax is paid.</p> </li> <li>2. Amend Article B.4.1 to read:             <p><b>B.4.1 Initiation and Readmission Fees</b></p> <p>A Local Union <del>will</del> <b>may</b> charge an initiation and readmission fee of between \$1 and \$10. If a Service Division has the authority to decide the amount of initiation or readmission fees for its Local Unions, it will follow the procedure set out in the bylaws of the Service Division.</p> </li> </ol>

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C30 (cont'd)	<p>3. Amend Article B.8.1 to read:</p> <p><b>B.8.1 Application for Membership</b></p> <p>Any employee who works in the jurisdiction of a Local Union or a full-time representative of the National Union can apply for membership by filling out and signing an application for membership and paying <del>an the</del> initiation fee set by the Local Union or set by the National Union during organizing. An employee who works in the jurisdiction of a Local Union or a full-time representative of the National Union who becomes a full-time officer or official of a central labour body can also apply for membership in the same way.</p>
C36	<p>CUPE WILL:</p> <p>1. Amend Article F.3:</p> <ol style="list-style-type: none"> <li>a. to update how the initial review of complaints will proceed.</li> <li>b. to state that the review will be conducted by an “Assessor” rather than an “Investigator”. In French, the proposed terms are “Personne qui évalue la recevabilité”.</li> <li>c. to state that the F.3 reconsideration is conducted by a second assessor assigned by the National President</li> </ol> <p>as follows:</p> <p>F.3 Determining Whether Sufficient Evidence Exists to Establish an Offence</p> <ol style="list-style-type: none"> <li>(a) The National President will appoint an <b>Assessor</b> <del>Investigator</del> to review the complaint, <del>and</del> determine whether it meets the requirements set out in Article F.2, and if sufficient evidence exists to establish an offence. The <b>Assessor</b> <del>Investigator</del> will report their findings and recommendations to the National President, <del>the complainant and the respondent</del> within 30 days of appointment. <b>Upon request by the Assessor, the National President may extend the reporting deadline as required in the circumstances.</b></li> <li>(b) <del>The Investigator will meet with the complainant and respondent either in person or through teleconference.</del> <b>If the complaint is incomplete, the Assessor will advise the complainant in writing to request the missing information or documentation. The complainant will have 10 days from receipt of the Assessor’s correspondence to provide the required materials. A complaint will not proceed until it is complete, and during this time, the Assessor’s reporting deadline is suspended.</b></li> <li>(c) <b>The Assessor may meet with the complainant and respondent either in person or through teleconference. When meeting with the parties, the Assessor will review the Appendix F process.</b></li> <li>(d) <b>The National President will report the decision of the Assessor to the complainant, respondent and Recording Secretary of the Local Union.</b></li> <li>(<del>e</del>) <b>The complainant may request reconsideration of the Assessor’s decision to the National President</b> <del>appeal a finding that there is not sufficient evidence to establish an offence case within 14 days of receipt. The National President upon receipt of an appeal will appoint three members of the National Executive Board within 14 days of receipt to hear the appeal and render a decision as soon as possible.</del> <b>Upon receipt of a request, the National President will assign a different Assessor to review the decision as soon as possible.</b></li> </ol>

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C36 (cont'd)	<p><b>(f) A request for reconsideration of the Assessor’s decision is not an opportunity for a complainant to re-argue their case a second time. The reconsideration will only be granted in the following limited circumstances:</b></p> <ul style="list-style-type: none"><li><b>i) new facts that the complainant could not have brought to the attention of the Assessor and which would likely have caused the Assessor to arrive at a different conclusion;</b></li><li><b>ii) an error of fact or law that casts serious doubt on the interpretation of the Constitution; or</b></li><li><b>iii) a failure to respect the principles of natural justice.</b></li></ul> <p><b>(g) The decision on the request for reconsideration is final and binding.</b></p> <p><b>(h) The National President will report the final decision to the complainant, respondent and Recording Secretary of the Local Union.</b></p>
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