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# Bylaws

## Local Union 4168

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**CUPE** / *Canadian Union  
of Public Employees*

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## **INTRODUCTION**

Local 4168 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 4168 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

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

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

## **SECTION 1 – NAME**

The name of this Local Union shall be Canadian Union of Public Employees, Local 4168.

(Education Workers of the St Clair Catholic District School Board # 39)

Local 4168 consists of the following single bargaining unit:

**Clerical, Custodial, Maintenance/Trades, EAs, ECEs, Library & Computer Technicians**

## **SECTION 2 – OBJECTIVES**

The objectives of Local 4168 are to:

- a) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
- b) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;

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

### **SECTION 3 – REFERENCES**

Numbers of articles at the end of sections or subsections 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 4168 can apply for membership in Local 4168 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]

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 or designate with their current address, phone number and, where available, a personal 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, text messages, 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 Ontario School Boards Council of Unions (OSBCU). The purpose of sharing this telephone contact information with CUPE National or OSBCU is so that the National Union or Provincial Bargaining Agent can conduct a telephone town hall with members on important matters. *Should CUPE Ontario Division request this information, the Membership will vote to approve it or not.*

## **SECTION 5 – AFFILIATIONS**

In order to strengthen the labour movement and work toward common goals and objectives, Local 4168 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE Ontario Provincial Division
- The Ontario School Boards Council of Unions (OSBCU)

Local 4168 may affiliate to and pay per capita tax to the following organization(s):

- The Ontario Federation of Labour
- The Chatham-Kent CLC Labour Council
- The Sarnia-Lambton CLC Labour Council
- The Chatham-Kent CUPE Council
- The Sarnia-Lambton CUPE Council

**Should the local choose to affiliate with the above, it shall be approved by the Executive, and voted by the membership annually.**

## **SECTION 6 – MEMBERSHIP MEETINGS**

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

Regular membership meetings of Local 4168 shall be held 5 times per year in the 3rd week of the month at a time available to all members. 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 4168 may be required, and shall be called by the Executive Board or may be requested in writing by no fewer than ten (10) members. The President shall immediately advise members when a special meeting is called, and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

### **c) Quorum**

The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be ten (10) members, plus at least three (3) members of the Executive Board.

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

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

1. Roll call of officers
2. Indigenous Land Acknowledgement
3. Reading of the Equality Statement
4. Adoption of the Agenda
5. Voting on new members and initiation
6. Reading of the minutes
7. Matters arising from the minutes
8. Secretary-Treasurer's Report
9. Communications and bills

10. Executive Board Report
11. Reports of committees and delegates
12. Nominations, elections, or installations
13. Unfinished business
14. New business
15. Good of the Union
16. Adjournment

[Article B.6.1]

## **SECTION 7 – OFFICERS**

The Officers of Local 4168 shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, Membership Officer, three (3) Trustees, and four (4) Stewards (two for the South & two for the North).

[Articles B.2.1 and B.2.2]

## **SECTION 8 – EXECUTIVE BOARD**

- a) The Executive Board shall include all Officers, except Trustees.

[Article B.2.2]

- b) The Executive Board shall meet at least eight (8) times per year.

[Article B.3.14]

- c) A majority (5 or more of the 9 positions listed in Section 7 above) 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]

- g) All decisions of the Executive will be brought to the next General Membership Meeting for adoption.

## **SECTION 9 – DUTIES OF OFFICERS**

Each Officer of Local 4168 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, passwords, 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 4168 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.
- Decide all points of order and procedure (subject always to appeal to the membership).
- Have the same right to vote as other members, but may not vote regarding appeals against their rulings.
- 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.
- Have signing authority with the bank or credit union for all cheques (except those that are payable to the President), 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, be in keeping with budgetary allocations, and with supporting receipt(s) attached.

- Have first preference as a delegate to Conferences, Conventions, and Educationals, including the CUPE National Convention, CUPE Ontario Division Convention, and OSBCU Convention
- Be ex-officio to all committees.

[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.
- Oversee all Stewards, and handle all grievances.
- Be a member of the Negotiating Committee.
- Have signing authority with the bank or credit union for all cheques (except those that are payable to the Vice-President), 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.
- Render assistance to any member of the Executive as directed by the Executive Board.

[Article B.3.2]

**c) Recording Secretary**

The Recording Secretary shall:

- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial

report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports.

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

[Article B.3.3]

**d) Secretary-Treasurer**

The Secretary-Treasurer shall:

- Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- Have signing authority with the bank or credit union for all cheques (except those that are payable to the Secretary-Treasurer) 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 any two (2) of the Signing Authorities for the bank or credit union. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time. Respond in writing to any recommendations and concerns raised by the Trustees.
- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- Where required, not later than February 28<sup>th</sup> each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax-deductible dues the member paid 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.
- Submit in writing to the Local Executive 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]

**f) Membership Officer**

The Membership Officer 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.

- Maintain the Membership List (including record of Seniority, Contact Information, Tenure, Job Titles & Positions, etc.).
- Perform such other duties as may be assigned by the Executive Board from time to time.

## **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 May.
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, 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.

### **b) Elections**

1. The President, Recording Secretary, and one (1) North Steward, and one (1) South Steward are elected in even years. The Vice-President, Secretary-Treasurer, Membership Officer, one (1) North Steward, and one (1) South Steward are elected in odd years.
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 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.
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. Each candidate will be allowed to appoint a scrutineer to oversee the counting of the ballots.
5. The voting will take place at the regular membership meeting in June. The vote will be by secret ballot. The vote may be held electronically.
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.
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) Installation of Officers**

1. All duly elected Officers shall be installed and take office on the first of the month following the election, and shall continue in office for two (2) 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)]

4. At the first opportunity following installation, Elected Officers will be required to attend training appropriate to their office.

**d) By-elections**

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

**SECTION 11 – FEES, DUES AND ASSESSMENTS**

**a) Initiation Fee**

Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of one (1) dollar which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

[Articles B.4.1 and B.8.2]

b) **Readmission Fee**

The readmission fee shall be one (1) dollar.

[Article B.4.1]

c) **Monthly Dues**

The monthly dues shall be 2.0% of regular wages.

[Article B.4.3]

d) **Amending Monthly Dues**

The regular monthly dues may be amended at a regular or special membership meeting. The vote must be by secret ballot. Notice of at least seven (7) days at a previous meeting or sixty (60) days in writing must be given.

[Article B.4.3]

e) **Assessments**

Assessments may be levied in accordance with the CUPE Constitution. Assessments do not mean or include regular monthly dues and are applied for a specific purpose or specific length of time. Membership approval is required and the assessment will only be applied after the National President approves the assessment.

[Article B.4.2]

## **SECTION 12 – NON PAYMENT OF DUES AND ASSESSMENTS**

A member who fails to pay dues and assessments for three months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying a readmission fee and any other penalty set by the Local Union. The readmission fee cannot be less than the initiation fee of the Local Union.

A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears.

[Article B.8.6]

## **SECTION 13 – EXPENDITURES**

a) **Payment of Local Union Funds**

Funds can only be spent for valid purposes of the Local Union under the following circumstances:

- When the expenditure is authorized by a budget approved by a majority of members present and voting at a 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]

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

Member authorization to pay per capita tax to CUPE National, to CUPE Ontario Provincial Division, to the Ontario School Boards Council of Unions (OSBCU), or any labour organization the Local Union is affiliated with, is not required.

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

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than \$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 (7) days after the meeting where notice of motion has been given.

- d) No Officer or member of Local 4168 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these bylaws.

**SECTION 14 – OUT-OF-POCKET EXPENSES**

- a) Local Union Officers shall be provided a monthly Honorarium allowance as follows:

- President: \$175;
- Vice-President (and Chief Steward): \$166.67;
- Secretary-Treasurer: \$150;
- Recording-Secretary: \$100;
- Membership Officer: \$100;
- Stewards: \$100.

- b) Trustees shall receive an Honorarium of \$100 per audit.

- c) Meal Allowance (Local)

- Members working through meal times, on behalf of the Local Union, shall be provided a reimbursement for the cost of meals, and shall be required to submit an itemized receipt. Reimbursement will be at the following rates:
  - Breakfast - \$15.00
  - Lunch - \$20.00
  - Dinner - \$40.00
- for clarity, the Local Union will not reimburse for Alcohol.

- d) Mileage

- Mileage shall be paid to members for their actual kilometers travelled on behalf of the Local Union, at the rate provided in the Collective Agreement, when

submitted on a CUPE Expense Form. Mileage shall not be applicable for travel to Membership Meetings. Members should choose the most economical mode of travel, including carpooling.

### **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 4168 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 4168 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 for the area, for each hour of required care. Reimbursement will be provided upon proof of payment.

The Living Wage used shall be the most recent wage calculated by the Ontario Living Wage Network (<https://www.ontariolivingwage.ca/rates>) for the “Southwest” region.

- b) Any member who is on authorized Local 4168 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.

### **SECTION 16 – DELEGATES TO COUNCILS, 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 or executive meetings. Following the event, delegates shall report back to the membership.
- b) Delegates to a **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 a **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 geographic boundary of CUPE Local 4168 shall be subject to the following:
1. Wages & Benefits
    - i. The Local Union will reimburse the member's employer for any loss of wages and benefits resulting from approved attendance.
  2. Per Diem
    - i. A Per Diem of seventy-five dollars (\$75) per day will be paid for attendance (including travel time) greater than 3 hours in one day.
    - ii. The rates above will be reduced, as follows, when meals are provided:
      1. When all 3 meals are provided, there will be no per diem.
      2. Breakfast provided - deduct \$15.00
      3. Lunch provided - deduct \$20.00
      4. Dinner provided - deduct \$40.00
  3. Travel
    - i. When travel is required, attendees should use the most economical combined methods of travel, in consultation with the President, Vice-President, and Secretary-Treasurer. Methods and items to consider when determining economy include, but are not limited to:
      1. Carpooling / Travel in personal vehicle / Mileage Cost
      2. Rental Car
      3. Air
      4. Train
      5. Bus
      6. Taxi
      7. RideShare Service (such as Uber)
      8. Parking fees
      9. Tolls
    - ii. When driving in a personal vehicle:

1. Mileage shall be paid to delegates for their actual kilometers travelled, at the rate provided in the Collective Agreement, when submitted on a CUPE Expense Form.
  2. Parking will be reimbursed, when supported by original receipts.
  3. Use of tolls roads (such as Highway 407) will be considered where it is more economical, or in exceptional circumstances. Receipts with documented trips are required to be submitted. Transponder or Non-Transponder fees are the responsibility of the member.
- iii. When travelling by Air, Train, or Bus:
1. The Local Union will only pay for Economy/Coach/Tourist class fares.

4. Accommodation

- i. When the delegate lives more than 100km from the event location, the Local Union will pay for one (1) Standard Rate hotel room per delegate.
- ii. where the event provides rooms at a group rate, the Local Union and/or delegate should make every effort to secure that group rate.
- iii. the Local Union will not pay for:
  1. hotel room upgrades
  2. room service
  3. valet parking
  4. in-room entertainment.
- iv. the Local Union will pay for:
  1. basic in-room Internet access
  2. telephone charges for one (1) personal call per day.
- v. The President, Vice-President (and Chief Steward) or Secretary-Treasurer may consider additional accommodation nights:
  1. to avoid members travelling in inclement weather
  2. in response to late event end times
  3. for other exceptional circumstances

b) Delegates to **conventions, conferences, and educationals held locally** shall be subject to the following:

1. Wages & Benefits

- i. The Local Union will reimburse the member's employer for any loss of wages and benefits resulting from approved attendance.

2. Meal Allowance

- i. Members working through meal times, on behalf of the Local Union, shall be provided a reimbursement for the cost of meals, and shall be required to submit an itemized receipt. Reimbursement will be at the following rates:

1. Breakfast - \$15.00
  2. Lunch - \$20.00
  3. Dinner - \$25.00
- ii. for clarity, the Local Union will not reimburse for Alcohol.
3. Mileage
- i. Mileage shall be paid to members for their actual kilometers travelled on behalf of the Local Union, at the rate provided in the Collective Agreement, when submitted on a CUPE Expense Form. Members should choose the most economical mode of travel, including carpooling.
- c) Local 4168 will provide members with their per diem allowance prior to their attending the convention, conference, or educational.
- d) If a delegate chooses to use a less economical method of travel which would result in an increased cost to the local, this cost will not be approved for reimbursement.
- e) Local 4168 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.

## **SECTION 17 – COMMITTEES**

### **a) Special Committees**

A special committee may be established for a specified purpose and a specified period of time by the membership at a meeting. The members shall be elected at a membership meeting, or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two (2) 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 six (6) months prior to the expiry of the Local Union's collective agreement and automatically disbanded when a new collective agreement has been implemented. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of six (6) members: the Vice-President, and five (5) 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.

All members of Local 4168's negotiating committee shall attend Level 1 and Level 2 of CUPE's collective bargaining educationals.

b) **Permanent Committees**

The Chairperson of each permanent committee will be elected by the members at a membership meeting. Permanent committees will have a term of two (2) 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.
- 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.
- If the decision is to not proceed, the grievor(s) may appeal the decision to the Executive Board.

The committee members will be the Vice-President, and two (2) stewards. The committee shall elect its chairperson, and 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, educationals, conventions, 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 two (2) members. The committee shall appoint its secretary from among its members.

### 3. Committee Against Racism and Discrimination (CARD)

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.
- 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 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.
- 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 two (2) members. The committee shall appoint its secretary from among its members.

### 4. 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 Health and Safety Committees (JHSC) at their workplace.
- Ensure that the worker representatives on the JHSC meet separately from the employer to prepare for meetings with the employer.
- Promote safe work procedures and environments so as to prevent illness and injury as a result of workplace factors.
- Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members' illness or injury.
- Work to eliminate all workplace hazards, be they physical, environmental, or social.

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

The committee members will be the elected chairperson and three (3) members. The committee shall appoint its secretary from among its members.

#### 5. 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 two (2) members. The committee shall elect its chairperson, and 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.



## 6. Membership Support Committee

This committee will:

- If a member is ill for more than a week, arrange some token of the Local Union's concern, 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 two (2) members (one (1) for the North, and one (1) for the South). The committee shall appoint its secretary from among its members.

## 7. 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 two (2) members, and may appoint a secretary-treasurer from among its members.

## 8. Joint Liaison Committee

This committee will:

- Liaise with the Employer, for the purpose of an interchange of ideas and information on matters of interest and concern to the parties, with the exception of grievances.
- Prepare and present reports to the regular membership meetings.

The committee members will be the Vice-President and up to two (2) stewards. The committee shall elect its chairperson, and appoint its secretary, from among its

members. The National Representative assigned to the Local Union may be a non-voting member of the committee and may be consulted at all stages.

### **SECTION 18 – COMPLAINTS AND TRIALS**

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

[Articles B.11.1 to B.11.5]

### **SECTION 19 – RULES OF ORDER**

All meetings of the Local Union will be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix C. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

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

### **SECTION 20 – AMENDMENTS**

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

These bylaws are always subordinate to the CUPE Constitution (including Appendix B) as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE Constitution.

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

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

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

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

[Articles 13.3 and B.5.1]

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

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

[Articles 13.3 and B.5.1]

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

Members will receive a copy of Local 4168's bylaws, either in paper format or via the Local Union website at <https://4168.cupe.ca/resources/bylaws/>. 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 an alternate size or format.

## **Appendix A**

### **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.

## **Appendix B**

### **CODE OF CONDUCT**

APPLICABLE TO ALL EVENTS ORGANIZED BY CUPE NATIONAL AND ALL BODIES OF CUPE AS PER ARTICLES 3 AND 4 OF THIS CONSTITUTION CODE OF CONDUCT

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

CUPE is committed at all levels to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. CUPE needs to ensure that we provide a safe environment for members, staff and elected officers to carry out our work. CUPE's expectation is that mutual respect, understanding and co-operation will be the basis of all our interaction.

The Code of Conduct sets out standards of behaviour for participants at national convention, national conferences, schools, meetings, and all other events organized by CUPE National. It is also applicable to structures of CUPE – locals, Provincial and Service Divisions, District Councils, Provincial Unions, Councils of Unions, Provincial Councils of Unions, and Provincial Sectoral Groups. It is consistent with the 2021 CUPE Constitution 77 78 2021 CUPE Constitution expectations outlined in the Equality Statement and the CUPE National Constitution.

This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National and at events, meetings and activities by other parts of CUPE referenced above. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As CUPE members, staff, and elected officers, we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement.
- Respect the views of others, even when we disagree.
- Recognize and value individual differences.
- Communicate openly.
- Support and encourage each other.

- Make sure that we do not harass or discriminate against each other.
- Commit to not engaging in offensive comment or conduct.
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating.
- Take responsibility for not engaging in inappropriate behaviour due to use of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding the Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking them to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. At national convention, national conferences, schools, meetings, and all other events organized by CUPE National, a complaint shall be brought to the attention of an ombudsperson. 2021 CUPE Constitution 79 80 2021 CUPE Constitution.
3. At a meeting, event, or activity held by a structure of CUPE, should an ombudsperson be available, the same process would be used. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
4. If the complaint involves a national staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another part of CUPE, the person responsible for their employment will be the one to whom a complaint is referred and the relevant collective agreement, should it exist, would be applicable.
5. Once a complaint is received where an ombudsperson is being used, the ombudsperson will work to seek a resolution.
6. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.

7. At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint. Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses. The same process is to be used for other parts of CUPE where an ombudsperson is not available.
8. For National events, if the person in charge is a party to the complaint, the director or designate shall assume that role. For all other parts of CUPE, an alternate will be designated to assume the role.
9. In a case where a member has been expelled from a National event, the National President shall receive a report on the matter. For all other structures of CUPE, the presiding officer shall receive a report on the matter. 2021 CUPE Constitution 81 82 2021 CUPE Constitution.
10. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. A similar process may be applicable to the other parts of CUPE, done in consultation with the National President.

This Code of Conduct is designed to create a safe, respectful, and supportive environment within all parts of CUPE. It is meant to enhance the rights and obligations outlined in the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

All chartered organizations are subject to this Code of Conduct, to apply to conventions, conferences, schools, and meetings which they organize.

## Appendix C

### **RULES OF ORDER**

1. The President will be the Chairperson at all membership meetings. In the absence of the President, the Vice-President will be the Chairperson at the membership meeting. In the absence of the President and Vice-President, the Recording Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and Recording Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.
2. Members are not allowed to speak about an issue for more than five minutes. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.
3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to fifteen minutes. With the agreement of the members present, the fifteen minutes may be expanded.
4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: "Is the Local ready for the motion?" If no member rises to speak, the motion will be voted upon.
5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.
6. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.
7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.
8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.
9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.



10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.
11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.
13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.
14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.
15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
16. Religious discussion of any kind is not permitted.
17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.
18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six 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.
23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.
24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
25. At a membership meeting where a question has been decided any two members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
27. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.