



# **CUPE Local 932 By-Laws**

**Amended September 2022**

**CUPE 932 By-Law Committee**

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## Preamble

To improve the social and economic welfare of its members, without regard to gender, age, race, creed, colour, national origin, religious affiliation, sexual orientation, marital status, or family status; and to promote its belief in the value of the unity of organized labour, this Local #932 of the Canadian Union of Public Employees (hereinafter referred to as “the Local”) is formed.

The membership directs the business of the Local through its regular meetings and such special meetings as may be called from time to time. Emergency situations are dealt with in Sub-section 5.1 – Regular Membership and Special Meetings, paragraph e. The Executive Committee (hereinafter referred to as the “Executive”) directs the business of the Local between General Membership Meetings and reports to the membership.

Sections of these By-laws are to be read in conjunction with Articles of the CUPE Constitution. The following is adopted by the Local pursuant to, and to supplement, *Appendix B*, of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

## By-Law Committee Members

Mandy Bullard, chair  
Melanie Cummings  
Paul Davis  
Diana Haefele  
Jennie Hamilton  
Lisa Hunt  
Alex Miller  
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## Section 1 - Name

The name of this local shall be: Canadian Union of Public Employees, Local 932.

## Section 2 - Objectives

The objectives of this Local are to:

- secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and all workers;
- support CUPE in reaching the goals set out in the CUPE Constitution (Articles 2.1 & 2.2);
- provide an opportunity for its members to influence and shape their future through free, democratic trade unionism;
- encourage the settlement by negotiation and mediation of all disputes between members and the employer.

## Section 3 - Interpretation, Amendments and Definitions

- a) The Canadian Union of Public Employees shall hereinafter be referred to as “CUPE”. (Articles 9.2 (c), 13.3, and B.5.1)
- b) These By-laws are always subordinate to the CUPE Constitution (including the By-laws set out in *Appendix B* of the Constitution) as it now exists or in any future amended form, and in the event of any conflict between these By-laws and the CUPE Constitution, the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President. (Articles 13.3 and B.5.1)
- e) The by-laws can be amended or added to after approval by a majority vote at a regular membership meeting or at a special membership meeting called for that purpose and notice of the intention to propose the amended or the additional by-laws was given at least seven (7) days before a previous membership meeting or sixty (60) days before in writing. (B.5.1)
- d) No change in these By-laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President. (Articles 13.3 and B.5.1)
- e) The by-laws have been reviewed to ensure compliance with CUPE National Constitution.
- f) When a member becomes unemployed or is on leave they shall retain full membership rights without paying dues in accordance with the lay-off and leave provisions in the Collective Agreement. A member ceases to be a member when they are no longer considered an employee of the Hamilton Public Library.
- g) Except where otherwise defined, *quorum* is ten (10) members, including at least three (3) members of the Executive.
- h) The term “part-time member” shall mean a member who is not currently in a full-time position.
- i) In the event of a dispute in the interpretation of the by-law language, the President will determine the final interpretation of said by-law language.

## Section 4 - Membership

- a) The Local shall be composed of one (1) unit representing all members, except those positions specifically excluded according to the collective agreement.
- b) Membership shall be open to:
  - i. all full-time employees of the Hamilton Public Library, except those positions specifically excluded according to the Collective Agreement;
  - ii. all part-time employees of the Hamilton Public Library, except those positions specifically excluded according to the Collective Agreement.

## Section 5 - Membership Meetings

### 5.1 – Regular Membership and Special Meetings

- a) The Executive shall decide the scheduling of regular membership meetings.
- b) Regular membership meetings shall be held monthly, with the exception of July and August.
- c) The Executive shall distribute a list of the chosen dates to all members within 1 month of determining the dates for the year.
- d) So that each member has a chance to attend at least some regular membership meetings, the scheduling of these meetings should not be limited to a specific day of the week.
- e) Special membership meetings may be held at any time by the call of the Executive, by petition of no fewer than ten (10) members, or by a majority decision at a regular membership meeting. The President shall immediately call a special meeting when so ordered or requested, and shall see that all members receive at least twenty-four (24) hours notice of the special meeting, and of the subjects to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
- f) The *quorum* for business at any regular or special membership meeting shall be ten (10) members, including at least three (3) members of the Executive.
- g) Between meetings, and when there is no *quorum* at the meeting, the Executive shall be empowered to transact necessary business on behalf of the Local, especially concerning conferences, conventions, educational seminars and workshops, and strike support. Any decision made at this meeting will be reported back for ratification at the next membership meeting.

h) The order of business at a regular membership meeting is suggested as follows, but not limited to:

1. ROLL CALL OF OFFICERS
2. SHARED READING OF THE EQUALITY STATEMENT AND LAND ACKNOWLEDGEMENT OF TRADITIONAL INDIGENOUS TERRITORIES
3. VOTING ON NEW MEMBERS & INITIATION
4. CONFIRMATION & ADOPTION OF THE AGENDA
5. APPROVAL & ADOPTION OF PAST MINUTES
6. BUSINESS ARISING (Follow-up from the minutes)
7. TREASURER'S REPORT
8. CORRESPONDENCE
9. EXECUTIVE COMMITTEE REPORT
10. COMMITTEE & DELEGATE REPORTS
11. NOMINATION, ELECTIONS & INSTALLATIONS
12. UNFINISHED BUSINESS
13. NEW BUSINESS
14. GOOD OF THE UNION
15. ADJOURNMENT

## **5.2 – Executive and Standing Committee Meetings**

a) The Executive shall meet at least once a month except during the summer hiatus (July-August), at the call of the President, or of any four (4) members of the Executive. The *quorum* for business at any Executive Committee meeting shall be a majority of Executive members.

b) The order of business at Executive Committee meetings shall be:

1. ROLL CALL OF OFFICERS
2. CONFIRMATION & ADOPTION OF THE AGENDA
3. APPROVAL & ADOPTION OF PAST MINUTES
4. BUSINESS ARISING (Follow-up from the minutes)
5. CORRESPONDENCE
6. OFFICERS REPORTS
7. COMMITTEE REPORTS
8. UNFINISHED BUSINESS
9. NEW BUSINESS
10. ADJOURNMENT

c) Meetings of committees shall be at the call of the Chairperson of the committee, the President, or any three (3) members of the committee concerned. The *quorum* for business of any committee shall be a majority of committee members.

- d) Any member in good standing shall have the right to attend any committee meeting, with the exception of joint labour/ management committee meetings, on their own time, in which case the member shall have a voice at the discretion of the Chairperson, but no vote. The exception to this right to attend shall be during *in camera* discussions and those discussions of a confidential nature concerning individual members (e.g. personal grievances), and/or situations where there is a personal conflict of interest.

## Section 6 - Voting of Funds

Any expenses of over five hundred dollars (\$500.00) for the purpose of a grant, contribution to an individual member, group of members, or any cause outside CUPE, shall be voted on during a membership meeting.

## Section 7 - Rules of Order

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure (i.e. Bourninot's Rules of Order). Some of the more important rules to ensure free and fair debates are appended to these By-laws as *Appendix A – Rules of Order*. These rules shall be considered as an integral part of these By-laws, and may be amended only by the same procedure used to amend the By-laws.

## Section 8 - Officers

- a) The Officers of the Local shall be the President, First Vice-President, Second Vice-President, Third Vice President, Secretary-Treasurer, Recording Secretary, Chief Steward, and Trustees (3). (Article B.2.1)
- b) At least one (1) but no more than two (2) of the Vice-Presidents must be a part-time staff member.
- c) All Officers except Trustees shall be elected by the membership in ~~the month of~~ November for a three (3) year term.
- d) No member may hold more than one (1) elected position on the Local Executive. (Article B.2.4)
- e) If the office of the President falls vacant, the First Vice-President will serve as an interim President until a new President can be elected as described in 13.5 – By-Elections.
- f) At the first election of Officers of the Local, the Trustees shall be elected so that one shall serve for a period of three (3) years, one for two (2) years, and one for one (1) year. Each year thereafter the Local shall elect one (1) Trustee for a three (3) year period, or, in the case of vacancies occurring, elect Trustees to fill only the unexpired terms in order to preserve overlapping terms of office. (Article B.2.4)
- g) All charges against the members or Officers must be made in writing, and must be dealt with in accordance with the provisions set forth in the CUPE Constitution.
- h) On termination of their office, an Officer shall surrender all funds, books, records and other properties of the Local to their successor. Failing the existence of a successor these materials shall be surrendered to the Local Executive.



- i) All Union members in temporary positions outside of the bargaining unit will be required to resign any Executive or representational Committee positions. They will not be able to participate in Union activities, attend Union meetings, or cast votes during this period. Exceptions will be made to temporary positions (i.e. Sunday Supervisor position), still outside of the bargaining unit, that are no more than ten (10) hours during a regular work week and the hours are considered additional hours. If there is an expectation or potential to discipline another Union member, this exception does not apply.

## **Section 9 - Duties of Officers**

All signing officers of CUPE Local 932 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.

- a) The President shall:
- enforce the CUPE Constitution and these By-laws;
  - preside at all membership and Executive meetings and preserve order;
  - decide all points of order and procedure (subject to appeal to the membership);
  - have a vote on all matters except appeals against their rulings, which shall be presided over by another Officer of the Local, and in case of a tie vote in any matter, including elections, have the right to cast an additional vote to break the tie;
  - be a member ex-officio of all Committees, with the exception of the joint labour/ management Health & Safety Committee;
  - ensure that all Officers perform their assigned duties;
  - transact such other business as necessary for the operation of the Local
  - introduce new members at regular membership meetings;
  - ensure that the Local's funds are used only as authorized or directed by the CUPE Constitution, By-laws, or vote of the membership;
  - be allowed necessary funds, not to exceed one hundred dollars (\$100.00) monthly, to reimburse themselves or any Officers for expenses, supported by vouchers, incurred on behalf of the Local;
  - be given first preference as a delegate to the CUPE National Convention;
  - Interpret by-law language in the event of a dispute in interpretation.

(Article B 3.1)

- b) The First Vice-President shall:
- perform the duties of the President in the absence of that Office, and, in case of the vacancy of the President's position, shall perform the duties until such vacancy is filled;
  - preside when called upon by the President and at time when the President may be temporarily unable to discharge their duties
  - assume those responsibilities assigned to them by the Executive;
  - act as liaison between membership and the Executive;

- aside from the duties outlined for each Vice President, the Vice presidents will be assigned to work the President and Chief Steward, Treasurer and Recording Secretary to assist with their duties. The Executive Committee will be decided in an Executive Committee meeting on which Vice President will be assigned to which officer/s.

(Article B 3.2)

c) The Second Vice-President shall:

- perform the duties of the President in the absence of the First Vice-President and President;
- preside when called upon by the President or Second Vice-President when those Officers may be temporarily unable to discharge their duties;
- aside from the duties outlined for each Vice President, the Vice presidents will be assigned to work the President and Chief Steward, Treasurer and Recording Secretary to assist with their duties. The Executive Committee will be decided in an Executive Committee meeting on which Vice President will be assigned to which officer/s.

(Article B 3.2)

d) The Third Vice-President shall:

- perform the duties of the President in the absence of the First and Second Vice Presidents and President;
- preside when called upon by the President, First Vice-President or Second Vice-President when those Officers may be temporarily unable to discharge their duties;
- aside from the duties outlined for each Vice President, the Vice presidents will be assigned to work the President and Chief Steward, Treasurer and Recording Secretary to assist with their duties. The Executive Committee will be decided in an Executive Committee meeting on which Vice President will be assigned to which officer/s.

(Article B 3.2)

e) The Secretary-Treasurer shall:

- receive and report monthly to the membership, all revenue, initiation fees, dues, and assessments, keep a record of each member's payments, and deposit promptly all money with a credit union;
- prepare all CUPE National per capita tax forms and remit payment by the 15th of each month monthly to the National Office all financial obligations owing to the National Union;
- record all financial transactions in a manner acceptable to the Executive and in accordance with good accounting practices;
- be bonded for no less than five hundred dollars (\$500.00) (or any greater sum as may be decided at a membership meeting, taking into account the assets of the Local and the amount of cash and cheques handled by the Secretary-Treasurer) through the master bond held by the National Office;
- pay no money, unless supported by a voucher duly signed by one (1) of the two (2) designated members of the Executive, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated or for which an invoice has been remitted.
- 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 they may need to complete the audit report forms supplied by CUPE;
- deliver a financial report for the current year to the membership and present the budget for the following year during the November membership meeting.
- sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union by-laws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- 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.
- make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.

(Articles B.3.4 through B.3.8)

f) The Chief Steward shall:

- work in close partnership with the President;
- chair the Grievance Committee;
- meet with Human Resources and Administration staff either alone or with the President on Union related matters;
- ensure confidentiality on sensitive Union matters;
- ensure accessibility to the membership;
- act as a liaison between the membership and the Executive and management;
- advise the Executive on issues related to grievances;
- consult with CUPE rep and the Local's lawyer when need arises;
- advise the Executive on issues related to grievances, contract language and By-laws;
- be responsible for overseeing and coordinating the training and education of stewards;
- act as liaison between the Stewards and the Executive.

g) The Recording Secretary shall:

- keep full, accurate, and impartial account of the proceedings of all regular and special membership meetings and Executive Committee meetings. These records must also include a copy of the full financial report (Executive Committee meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustee reports;
- ensure the production and distribution of Executive Committee meeting minutes and regular membership meeting minutes;
- record all alterations in the By-laws;
- answer correspondence and fulfill other secretarial duties as directed by the Executive;
- file a copy of all letters sent out and keep a file of all Local communications;
- preside over membership meetings in the absence of the President and Vice-Presidents;
- circulate notices of meetings and special events to the membership through the Stewards body;
- arrange rooms for membership meetings and other events;

- update and maintain the CUPE 932 website.

(Article B.3.3)

The Trustees shall:

- not be a member of the Local Executive;
- 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 Standing Committees at least once every calendar year;
- make a written report of their findings to the first membership meeting following the completion of each audit;
- submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local's funds, records
  - and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner;
- ensure that monies are paid with proper constitutional or membership authorization;
- ensure that proper financial reports are made to the membership; x audit the record of membership meeting 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, and report their findings to the membership;
- send a copy of the following to the National Secretary-Treasurer of the CUPE, with a copy to the assigned servicing representative:
  - the completed audit report on the prescribed form provided by the National Secretary-Treasurer;
  - their report to the Local membership;
  - and their recommendations and/or concerns to the President and Secretary-Treasurer along with the Secretary-Treasurer's response.

(Articles B.2.2, B.3.10 through B.3.13)

## Section 10 - Committees

### 10.1 – Executive Committee

The Executive Committee shall:

- be comprised of all Officers except the Trustees (Article B.2.2);
- direct the affairs of the Local between regular membership meetings and meet at least once per month except during the summer hiatus (July-August). The Executive shall report through the President to the membership and take direction from the membership at special and regular membership meetings (Article B.3.14);
- take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the membership. The Local Executive shall ensure the Local's funds are used only as authorized or directed by the Constitution, By-laws, or vote of the membership. The Local Executive Committee shall also be responsible for the administration of the affairs and activities of the Local, and for developing policies and programs;
- a majority of the Executive constitutes a *quorum*;

- should any Local Executive member fail to attend three (3) consecutive regular membership meetings or three (3) consecutive regular Local Executive meetings without having submitted in writing good and sufficient cause acceptable to the Local Executive their office shall be declared vacant and be filled by an election at the following membership meeting (Article B.2.5);
- In the case of a vacancy of a Committee Chairperson, the President or Acting Chairperson shall report the Committee's activities to the membership and Executive Committee;
- The Executive shall do the work delegated to it by the Local, and the "necessary business" referred to in 5.1 – Regular Membership and Special Meetings, paragraph g, and shall be held responsible for the proper and effective functioning of all committees;
- In the event of any vacancy in any Standing Committees, Joint Labour/Management Committees, Special/Ad Hoc Committee or any other committees wherein representation for CUPE Local 932 is needed, reserve the right to appoint members who are deemed suitable for the committee. The Executive will document and announce in a membership meeting the reason for the member's appointment to the vacant position, listing relevant experience useful in the fulfillment of the vacant position. In the event there is no membership meeting for that month, an announcement will be sent to the membership about the appointment. This right will be exercised when no member meets the requirements for nomination or when there is an urgent need to fill the vacancy.

## **10.2 – Standing Committees**

### **10.2.1 – Negotiating Committee**

The Committee shall consist of seven (7) members: the President, the Chief Steward, the Vice President (part-time); three (3) other members who shall be elected from the membership; and

(1) CUPE representative. The CUPE representative assigned to the local 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.

### **10.2.2 – Grievance Committee**

The Grievance Committee shall consist of four (4) members: The Chief Steward, President or designate, one (1) part-time member and one (1) other member who shall be elected from the membership. The Grievance Committee shall convene when there are grievances that are related to termination, loss of seniority, has the potential to be referred to arbitration or by the decision of the Executive Committee. The Grievance Committee shall prepare a report regarding this grievance and submit it to the Executive Committee, the CUPE representative, and the to the membership meeting.

### **10.2.3 – By-law Committee**

The By-law Committee shall consist of five (5) members. Three (3) members shall be elected from the membership at large. The Executive shall appoint two (2) of its members as the fourth and fifth members. The members of the Committee shall appoint a chairperson.

The By-law Committee shall review the Local's By-laws at least once during a three (3) year period. The Local Executive Committee shall review amendments proposed by the Local By-Laws Committee before submitting them to the membership for approval.

## **10.3 – Joint Labour/Management Committees**

### **10.3.1 – General**

The Collective Agreement Between CUPE 932 and the Hamilton Public Library Board determines the number of members on joint labour/ management committees.

### **10.3.2 – Job Evaluation Committee**

The Union component of the Job Evaluation Committee shall consist of five (5) members (3 active, 2 alternates). Three (3) members shall be elected from the membership to serve two (2) two-year terms. The Executive shall appoint two (2) alternates to the fourth and fifth position. The Executive will recommend members and alternates to ensure a balanced representation of employment categories.

### **10.3.3 – Health and Safety Committee**

- a) The *Occupational Health and Safety Act* determines the number of members on this Committee.
- b) The Health and Safety Committee shall be elected from the membership to deal with issues related to health and safety of the membership. The Union component of the Health and Safety Committee shall consist of five (5) members. Four (4) members shall be elected from the membership at large. The Executive shall appoint one (1) of its members as the fifth member. The Union members of the Committee shall appoint a Chairperson.

### **10.3.4 – Labour/Management Committee**

The Union component of the Joint Labour/Management Committee shall consist of the President, Chief Steward, and a minimum of two Vice Presidents.

## **10.4 --- Special Committees**

### **10.4.1 – General**

- a) A special ad hoc committee may be established for a specified purpose and period by the Executive or by the membership at a meeting.
- b) The membership or the Executive may appoint the members of special ad hoc committees.
- c) Any Executive decision to establish a sub-committee will be reported at the next membership meeting and this must be ratified by a majority vote of those members present. Special ad hoc committees shall report their activities to the membership and Executive.

### **10.4.2 – Elections Committee**

The Elections Committee shall consist of a Returning Officer and no less than two (2) assistants. The Committee shall include members of the Local who are neither Officers, nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information, submitted to it in connection with its responsibilities, as confidential.

## Section 11 - Financials

### 11.1 – General

All requests for payment of monies owed are to be itemized on approved vouchers with receipts attached. No payments will be made without proper receipts with the exception for the following: The Secretary-Treasurer will issue a cheque prior to the event when a member is representing the Local at a convention, conference, seminar, etc., to cover the *per diem*, hotel and traveling expenses.

### 11.2 – Honoraria

- a) An *honorarium* in the amount of \$2,250.00 shall be paid to the President, First Vice-President, Second Vice-President, Third Vice President, Secretary-Treasurer, Recording Secretary and Chief Steward as partial recompense for the time and personal resources spent in the service of the Local. These *honoraria* will be paid to the recipients in three installments in April, August, and December.
- b) An *honorarium* in the amount of \$150.00 shall be paid to each Trustee as partial recompense for the time and personal resources spent in the service of the Local. These *honoraria* will be paid to the recipients upon completion of their work as stipulated in Section 9(h) of these By-laws.
- c) Any Executive Officer who fails to attend two (2) consecutive regular membership meetings and/or three (3) regular Executive Committee meetings without just cause, shall forfeit their *honorarium*.

### 11.3 – Reimbursements for Conferences, Conventions and Training Courses

- a) The Local shall pay salary and benefits, accommodation and transportation expenses for delegates and alternates to conferences, conventions, educational seminars, and workshops.
- b) The *per diem* allowance for out-of-town conferences, conventions and training courses and other educational seminars shall be \$75.00. The *per diem* allowance for in-town conferences, conventions and training courses and other educational seminars shall be \$37.50 unless the event goes over more than one (1) meal period, in which case the out-of-town rate shall apply.
- c) The Local shall pay transportation expenses for work completed on the Union's behalf that requires travel, including but not limited to, travelling to other working locations for union duties, delivery of union goods and materials (contracts, financial documents), etc.
- d) The transportation expenses for personal vehicle travel will be reimbursed at the same rate that is currently set by CUPE Ontario at \$0.54 per kilometer (as of May 2022), with a maximum of 500 kilometers per event.

## **Section 12 - Fees, Dues, and Assessments**

### **12.1 – General**

- a) Changes to the Initiation Fee or the Monthly Dues can be affected only by following the procedure for amendment of these By-Laws as per Section 3 – Interpretation, Amendments and Definitions, paragraph c, with the additional provision that the vote must be by secret ballot. (Article B.4.3)
- b) Notwithstanding the above provisions, if the CUPE Convention raises the minimum fees and/or dues above the level herein established, these By-Laws will be deemed to have been automatically amended to conform to the new CUPE minimum.
- c) Special assessments may be levied in accordance with Article B 4.2 of the CUPE Constitution.

### **12.2 – 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 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.

### **12.3 – Re-admittance Fee**

The re-admittance fee shall be one (1) dollar.

### **12.4 – Monthly Dues**

The monthly dues shall be 1.5% of a member's gross pay, deducted each pay period.

### **12.5 – Assessments**

- a) No assessment of any kind can be made by the Local unless voted by a majority of the members present at a regular general meeting, following appropriate notice to all members of the proposed assessment, or at a special general meeting called for that purpose and of which all members have received adequate notice (which shall be not less than seven (7) days) or by a majority voting in a referendum of all members. The vote shall be by secret ballot, if so ordered by the members. (Article B.4.2(a))
- b) An assessment can be levied only for a specific purpose and for a specific period, and a continuing assessment, unless adopted by referendum, must be reviewed at a general meeting at least every six (6) months. Any assessment voted in by the membership must be approved by the National President in advance of being levied. (Article B.4.2(b))



## **Section 13 - Nominations, Election, and Installation of Officers**

### **13.1 – Nominations**

- a) The membership will be notified of the opening of nominations for Executive offices and all other eligible Union Committees and positions during the regular membership meeting held in September.
- b) Nominations for Executive offices and all other Union Committees and positions shall be received at the regular membership meeting held in October. Nominations will be closed at the end of the same October membership meeting. If an election is called, the procedure outline in Section 13.2 Elections will be followed.
- c) To be eligible for nomination for any Executive Committee position, the member needs to be in good standing (Articles B.2.1 and B.8.3) and shall have attended at least thirty (30) percent of the regular membership meetings held in the previous twelve (12) months, or in the period they have been a member if less than a year, unless a valid reason acceptable to the Local has been given for non-attendance.
- d) No nomination shall be accepted unless the member is in attendance at the meeting; has allowed to be filed at the meeting with their consent in writing, submitted to the Executive and duly witnessed by another member, or has notified the Executive Committee via email that they would like to be nominated.
- e) The results of the first and subsequent nomination meeting, as well as “Candidate Statements” will be posted on the CUPE 932 website, and emailed to members to inform the Local’s membership.

### **13.2 – Elections**

- a) At the membership meeting when nominations are closed and it is determined an election is needed, the President shall, subject to the approval of the members present, appoint an Election Committee as specified in Sub-section 10.4.2 – Elections Committee.
- b) CUPE 932 elections will be held via online voting. The Executive Committee determines which software will be used to hold the vote. Access to the software, including training and other related orientation, will be provided in good time to the Elections Committee.
- c) The Returning Officer is responsible for overseeing the administration of the online voting. The Returning Office must be fair and impartial and see that all arrangements are unquestionably democratic.
- d) The voting date will be scheduled no less than one (1) week after nominations are closed and an election is deemed necessary. The link to electronic voting will be sent to the membership on the day of the election. Electronic voting will remain open for twenty-four (24) hours.
- e) The Elections Committee will take responsibility for any issues related to the online vote on the day of the election. This may include, but not limited to, addition of names to the registered voter’s list, technical troubleshooting, etc.
- f) The Returning Officer is responsible for forwarding the results to the Executive Committee within twenty-four (24) hours of the online voting close. The results must be viewed and approved as correct and true by all members of the Elections Committee.

- g) A majority of electronic votes cast shall be required before any candidate can be declared elected, and second and subsequent electronic votes shall be taken, if necessary, at the next regular membership meeting, to obtain a majority. On the second and subsequent electronic votes, the candidate receiving the lowest number of votes in the previous electronic voting shall be dropped.
- h) In the event of a tie vote, a second and subsequent electronic votes 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 electronic votes may be deferred to the next membership meeting.
- i) During second and subsequent electronic votes, voting to fill one (1) office shall be conducted and completed and recounts dealt with, before electronic voting may begin to fill another office.
- j) Any member may request a recount of the votes for any election, and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the *quorum* for a regular membership meeting as stipulated in Sub-section 5.1 – Regular Membership and Special Meetings, paragraph f.

### **13.3 – Installation**

All duly elected Officers shall be installed at the next regular membership meeting after the meeting at which elections are held, and shall continue in office for three (3) years, beginning December 1<sup>st</sup> and ending November 30<sup>th</sup>, or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three (3) years.

### **13.4 – Oath of Office**

Upon completion of the election and as part of their installation, the newly elected Officers and Executive Board Members shall clearly and audibly speak the following lines to the assembled delegates:

“I, \_\_\_\_\_, do most sincerely promise, that I will truly and faithfully, to the best of my ability, perform the duties of my office for the ensuing term as prescribed in the Constitution and laws of the Canadian Union of Public Employees, and as an Officer of this Union will at all times endeavor, both by counsel and example, to promote the harmony and preserve the dignity of its sessions.

I further promise, that at the close of my official term, I will promptly deliver all monies, books, papers, or other property of this Union in my possession to my duly elected successor in office.” (Article 11.7 (b))

### **13.5 – 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.

## Section 14 - Delegations

- a) Preference for attendance at CUPE conventions, education institutions and seminars and conferences shall be given to a member of the Executive Committee. When space and finances allow, opportunities will be opened to the Membership.
- b) Except for the President having first preference as a delegate to the CUPE National Convention, delegates to conventions shall be chosen by election at general membership meetings, or, failing *quorum*, at Executive meetings.
- c) All delegates elected to conventions, educational institutions and seminars and conferences held outside the City of Hamilton shall be reimbursed in accordance with the guidelines stated in 11.3 – Reimbursements for Conferences, Conventions and Training Courses.
- d) Delegates attending educational institutions and seminars shall be elected by the membership during a general membership meeting, or, by the Executive in the event of no *quorum*.
- e) To be elected as a delegate to a convention, conference or out-of-town educational seminar and workshop, a member must have attended at least two (2) out of the past ten (10) general membership meetings.

## **Appendix A - Rules of Order**

1. The President or, in their absence, one (1) of the Vice Presidents, shall take the chair at all membership meetings. In the absence of the President and all Vice Presidents, the Recording Secretary shall act as Chairperson.
2. No member, except the Chairperson of a Committee making a report or the mover of a resolution, shall speak for more than five (5) minutes, or more than once on the same question, without the consent of the meeting, or until all who wish to speak have had an opportunity. Chairpersons and movers of resolutions shall be limited to fifteen (15) minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local. The President shall ask "Are you ready for the question?" before allowing debate thereon, and again immediately before putting it to a vote.
4. A motion, to be entertained, must be moved and seconded; the Chairperson must recognize both mover and seconder.
5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended, by a two-thirds (2/3) vote of those present, to deal with any urgent business.
7. All resolutions and motions, other than those named in Rule 16 or those to accept or adopt the report of a Committee, shall, if requested by the presiding Officer, be presented in writing before being put to the Local.
8. At the request of any member, and upon a majority vote of those present, all questions may be divided when warranted.
9. Any member having made a motion can withdraw it, with the consent of the seconder, except than any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or make a motion, except to state that they rise to a point of order or on a question of privilege, they shall not proceed until recognized by the Chairperson.
11. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or any member thereof.
12. If a member, while speaking, is called to order, they shall cease speaking until the point is determined; if it is decided that they are in order, they may proceed again.
13. No religious or sectarian discussion shall be permitted.
14. The President shall take no part in debate while presiding, but may yield the chair to one of the Vice-Presidents, in order to speak on any question before the Local, or to introduce a new question.
15. The presiding Officer shall have the same rights as other members to vote on any question. In the case of a tie, they may, in addition, cast the deciding vote, or, if they choose, refrain from breaking the tie, in which case the motion is lost.

16. When a motion is before the Local, no other motion shall be in order, except:
  - to adjourn;
  - to put the previous question;
  - to lay on the table;
  - to postpone for a definite time;
  - to refer;
  - to divide or amend, which motions shall have precedence in the order named. The first three (3) shall be decided without debate.
17. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question now be put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment, or an amendment to an amendment, is adopted, then the original resolution, as amended, shall be put to the Local.
18. A motion to adjourn is in order except:
  - a) when a member has the floor;
  - b) when members are voting.
19. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen (15) minutes have elapsed.
20. Questions may be decided by a show of hands, or a standing vote, on the basis of one (1) vote per member. After the Presiding Officer declares a vote on a question, and before the Local proceeds to another order of business, any members may ask for a division. A standing vote shall then be taken and the Recording Secretary shall count same.
21. If any member wishes to challenge (appeal) a decision of the Chairperson, they must do so at the time the decision is made. If the challenge is seconded, the member shall state briefly the basis for their challenge. The Chairperson may then briefly state the basis for their decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the Chair be sustained?" A majority vote shall decide, except that, in the event of a tie, the chair is sustained.

## **Appendix B - 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, language 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 C - CUPE Code of Conduct

<https://cupe.ca/cupe-code-conduct>

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

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

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

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

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

- Abide by the provisions of the Equality Statement.
- Respect the views of others, even when we disagree.
- Recognize and value individual differences.
- Communicate openly.
- Support and encourage each other.
- Make sure that we do not harass or discriminate against each other.
- Commit to not engaging in offensive comment or conduct.
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating.
- Take responsibility for not engaging in inappropriate behaviour due to use of alcohol or other drugs while participating in union activities, including social events.
- Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

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

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking them to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. At national convention, national conferences, schools, meetings, and all other events organized by CUPE National, a complaint shall be brought to the attention of an ombudsperson.
3. At a meeting, event, or activity held by a structure of CUPE, should an ombudsperson be available, the same process would be used. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
4. If the complaint involves a staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another part of CUPE, the person responsible for their employment will be the one to whom a complaint is referred and the relevant collective agreement, should it exist, would be applicable.
5. Once a complaint is received where an ombudsperson is being used, the ombudsperson will work to seek a resolution.
6. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.
7. At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint. Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses. The same process is to be used for other parts of CUPE where an ombudsperson is not available.
8. For National events, if the person in charge is a party to the complaint, the director or designate shall assume that role. For all other parts of CUPE, an alternate will be designated to assume the role.
9. In a case where a member has been expelled from an event, the National President shall receive a report on the matter. For all other structures of CUPE, the presiding officer shall receive a report on the matter.
10. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. A similar process may be applicable to the other parts of CUPE, done in consultation with the National President.

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

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

The above Code of Conduct arises from the National Women's Task Force (NWTF) report, and Resolution 209 adopted at the 2007 National Convention.