



BY-LAWS

Canadian Union Of Public

Employees, Local 1004

Approved by CUPE National

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BY-LAWS

CANADIAN UNION OF PUBLIC EMPLOYEES

LOCAL 1004

PREAMBLE

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local of the Canadian Union of Public Employees (hereinafter referred to as CUPE, Local 1004) has been formed. In the interests of safeguarding the rights of all members, of providing for responsible administration of the Local, and of involving as many members as possible through the sharing of duties and responsibilities; and in accordance with the By-Law provisions of the CUPE Constitution; the following By-Laws are adopted by the Local:

Local 1004 respects and applies the CUPE National Equality Statement to all of the local's activities. The CUPE National Equality Statement can be found in Appendix A to these bylaws.

Local 1004 has adopted a Local Union Code of Conduct that shall apply to membership meetings and other functions organized by the Local. The Local Union Code of Conduct can be found in Appendix B to these bylaws.

(WHERE THESE BY-LAWS ARE SILENT, LOCAL 1004 SHALL FOLLOW THE CUPE NATIONAL CONSTITUTION).

ARTICLE 1 **NAME AND STATUS**

The name of the Local shall be: Canadian Union of Public Employees, Local 1004 (Vancouver Civic Employees), or CUPE 1004.

- (a) This Union was chartered by the Trades and Labour Congress of Canada May 15, 1917 and by the Canadian Union of Public Employees on August 12, 1966.
- (b) This Union is affiliated to the Canadian Union of Public Employees, CUPE B.C., Metropolitan Vancouver District Council (CUPE), the Vancouver and District Labour Council and the B.C. Federation of Labour.
- (c) The office of this Union shall be in Vancouver, British Columbia.

ARTICLE 2 **OBJECTIVES**

The Union has as its objectives:

- (a) The organization of workers generally, and in particular, all workers in the public service in the City of Vancouver.
- (b) The advancement of the social, economic, and general welfare of all workers.
- (c) The objectives of the Union are to be accomplished through the following methods:
 - (i) Negotiating fair wages and conditions on behalf of the members.
 - (ii) Promoting required desirable legislation.

ARTICLE 3 **JURISDICTION**

The jurisdiction of Local 1004 shall be as follows:

- (a) That group of manual employees generally known as “Outside Workers” employed in the Engineering Department of the City of Vancouver.
- (b) The related employees of the Vancouver Board of Parks and Recreation.
- (c) The related employees of the cemetery operated by the City of Vancouver Community Services Group.
- (d) The employees of the Pacific National Exhibition and Playland.
- (e) The employees of the Parking Corporation of Vancouver.
- (f) The employees of the Federation of Post-Secondary Educators’ of British Columbia
- (g) The employees of Co-Development Canada and Café Etico.
- (h) The employees of the PHS Community Services Society.
- (i) The employees of Vancouver Native Housing Society
- (j) The employees of SUCCESS Housing Society
- (k) The employees of Capilano Student Union
- (l) The employees of BCIT Staff and Faculty Association
- (m) The employees of Douglas College Faculty Association
- (n) The employees of Camosun College Faculty Association
- (o) The employees of Vancouver Island University Faculty Association

- (p) The employees of New Caledonia Faculty Association
- (q) The employees of Langara College Faculty Association
- (r) The employees of Kwantlen College Faculty Association
- (s) The employees of University of Fraser Valley Faculty Association
- (t) Such other municipal or public employees who may choose to be represented by Local 1004.

ARTICLE 4 **INTERPRETATION AND DEFINITION**

- (a) Where the masculine gender or nouns of pronouns are used it shall be understood to include the feminine gender.
- (b) A “Unit” is the employees of one specific Employer for whom the Local Union is the certified bargaining agent.
- (c) “Policy Manual” refers to a set of standing policies that the Local Union shall adopt or amend.

ARTICLE 5 **MEMBERSHIP**

- (a) All members of the Vancouver Civic Employees Union as of August 12, 1966, on which date this Local Union became a chartered Local of the Canadian Union of Public Employees, shall be members of Local 1004 for as long as they are eligible and maintain themselves in good standing.
- (b) Eligible workers employed within the jurisdiction of Local 1004 shall be admitted to membership in the Union upon signing an application form and oath as required by the Union and paying the fees and/or dues as may be determined by the Union,
- (c) All members in good standing shall have the right to full participation in the affairs of the Local and will continue 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.
- (d) Members are obligated to abide by the CUPE National Constitution and these bylaws as amended from time to time.
- (e) Members will provide the Union with their current address, personal phone contact number and where available, a personal e-mail address. The member will advise the

Union of any changes to their contact information. This information will be protected and used to communicate with members as required.

The local may utilize the services of a second party to facilitate communications, in which case contact information may be shared with a service provider under contract to the Local Union to provide the technical services to support such communications.

Upon request, the Local Union will share the contact information with CUPE National or CUPE BC. The purpose of sharing this contact information with CUPE National or CUPE BC is so that the National Union or Provincial Division can communicate with members on important matters.

- (f) New members shall be obliged to take the following obligation:

"I solemnly promise and declare that I will support and obey the Constitution and By-Laws of the Union; that I will strive to improve economic and social conditions for my fellow members and for working people generally; that I will defend and strive to extend the democratic rights and liberties of all working people; that I will not purposely or knowingly wrong, or assist others in wronging a member of the Union".

- (g) If a member is laid off they shall remain a member in good standing for as long as they have recall rights.

ARTICLE 6 **UNION DUES AND ASSESSMENTS**

- (a) All members shall pay the regular Union dues and assessments as determined by the membership.
- (b) Notice of motion to change the Union dues must be as per Article 11 (i) of these bylaws.
- (c) A simple majority of the members present and voting at a special meeting or Annual General Membership meeting is required to change the Union dues.
- (d) Each member shall pay dues regularly in the amount of two (2%) percent of gross earnings.
- (e) Applications for membership or readmissions in the Local Union will be accompanied by an initiation or readmission fee of \$5.00 dollars which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

ARTICLE 7

EXECUTIVE BOARD

(a) The Executive Board shall consist of the following officers:

President, Communications Officer, Secretary-Treasurer, Vice-President and Eleven (11) Unit Chairs.

The Unit Chairs shall be representatives from the following work units:

- 1 - City (Equipment Services and Cemetery)
- 1 - City (Sanitation & Landfill)
- 1 - City (Sewers)
- 1 - City (Streets)
- 1 - City (Waterworks)
- 1 - Parks & (Horticulture & Urban Forestry)
- 1 - Parks (Maintenance & Property Management, Golf Courses, Railroad and Lifeguards)
- 1 - PNE
- 1 - PHS
- 1 - EasyPark
- 1 - Small Units (including members of SUCCESS Housing, Native Housing, CoDev, Café Etico, FPSE, Capilano Student Society and Faculty Associations)

(b) The term of office for each elected officer shall be two (2) years on a rotating basis, elected as follows:

Odd Years

President
Secretary-Treasurer
1 - City (EQS & Cemetery)
1 - City (Sewers)
1 - City (Waterworks)
1 - Parks (Horticulture, etc.)
1 - PHS
1 - Small Units

Even Years

Vice President
Communications Officer
1 - City (Sanitation & Landfill)
1 - City (Streets)
1 - Parks (Maintenance, etc.)
1 - PNE
1 - EasyPark

(c) Table Officers of this Union shall be:

President, Communications Officer, Secretary-Treasurer, Vice-President.

(d) Full-Time paid President - The President will be a full-time, paid Officer of CUPE Local 1004, booked off their job for the term of office either at their regular rate of pay, or the equivalent of the City of Vancouver Class No. 2210 - Pay Code GR380, whichever is greater.

ARTICLE 8

DUTIES OF OFFICERS

- (a) THE EXECUTIVE BOARD shall be the governing body of the Local Union between membership meetings, subject to the National Constitution, the Bylaws of this Local and policies and decisions established by the membership.
- (b) THE TABLE OFFICERS shall be responsible for preparing all agendas for membership and Executive Board meetings. They shall serve as the Administrative Committee between meetings of the Executive Board, subject to the direction and control of the Board.
- (c) During the temporary absence of any member of the Board, the president, subject to concurrence by the Executive Board, as a whole, may appoint a substitute.
- (d) Should any Officer fail to attend three consecutive membership meetings or three (3) consecutive monthly meetings of the Executive Board without good reason acceptable to the Executive Board that office shall be declared vacant and shall be filled as set out in Article 10.
- (e) The Executive Board is authorized to pass motions to make expenditures in accordance with the annual budget passed by the members. They may also make expenditures outside of the annual budget to a maximum amount of \$500 by motion provided they are reported to the next membership meeting.
- (f) Officers shall hand over properties, assets, funds and all records of the Local Union to their successors at the end of their term of Office.
- (g) The President, Vice-President, Communications Officer and Secretary-Treasurer shall be signing officers. Any two (2) of these four (4) may sign on behalf of the Local Union, one of which must be the Secretary-Treasurer, unless the Secretary-Treasurer is on leave or otherwise unable to act on behalf of the Local Union.
- (h) Signing Officers of Local 1004 shall be bonded through the master bond held by CUPE National. Any signing Officer who cannot qualify for the bond shall be disqualified from holding that signing authority position. Bonding amounts will conform to the minimum guidelines as established by the National Secretary Treasurer and distributed to all chartered organizations annually.
- (i) THE PRESIDENT shall:
 - (i) enforce the CUPE National Constitution and these Local Union Bylaws and the Equality Statement and the Code of Conduct;
 - (ii) interpret these bylaws as required;

- (iii) generally oversee the operation of the Union and shall serve as the Chief Executive Officer of the Union. They shall sign all official documents of the Union, and preside at all meetings of the Local Union and preserve order;
- (iv) decide all points of order and procedure (subject always to appeal to the membership);
- (v) have a vote on all matters (except appeals against their rulings). In the case of a tie vote, the President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated;
- (vi) ensure that all Officers perform their assigned duties;
- (vii) appoint members to fill vacant positions on committees where such vacant positions are not filled by election. Such appointments shall be subject to approval by the Executive Board;
- (viii) ensure that the Local's funds be used only as authorized or directed by the CUPE Constitution, Local Bylaws, or vote of the membership;
- (ix) be allowed necessary and reasonable funds to reimburse the President or any Officers for expenses incurred on behalf of the Local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached;
- (x) serve as ex-officio member of all committees of the Local, including Bargaining Committees;
- (xi) attend as a delegate to the CUPE National, British Columbia Division and other affiliated labour organization conventions. If the President is unable to attend then an alternate will attend;
- (xii) function as the Chief Executive Officer of the Local, and shall exercise supervision over the affairs and employees of the Local;
- (xiii) be the primary spokesperson for the Local for the purpose of communicating with the media;
- (xiv) appoint Sergeant-at-Arms as required;
- (xv) provide a monthly activity report to members and prepare, in conjunction with the Communications Officer, a monthly Member's Update;
- (xvi) may sit at all Occupational Health & Safety meetings for all Bargaining Units;
- (xvii) may sit at all Labour Management meetings for all Bargaining Units.

(j) VICE-PRESIDENT

The Vice-President shall:

- (i) In the absence of the President, perform all the duties of the President and shall be accorded all rights, privileges and responsibilities of the President;
- (ii) Preside over membership and executive meetings in the absence of the President;
- (iii) If the office of the President falls vacant, be Acting President until a new President is elected through a by-election;
- (iv) Render assistance to any member of the Executive as directed by the Executive Board;
- (v) Shall be members of their bargaining unit Labour-Management Committee ex officio.
- (vi) Attend as a delegate to the CUPE National, British Columbia Division and other affiliated labour organization conventions. If the Vice-President is unable to attend then an alternate will attend.

(k) COMMUNICATIONS OFFICER

The Communications Officer shall:

- (i) Ensure the local's communications are kept regular and up to date, whether it be electronic or hard copy;
- (ii) Prepare, in conjunction with the President, a monthly Member's Update;
- (iii) Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings, recording all motions and their disposition as well as all other items of business dealt with by the meeting. 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;
- (iv) 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;
- (v) Answer correspondence and fulfill other administrative duties as directed by the Executive Board;
- (vi) Keep a record of all correspondence received and sent out;
- (vii) Prepare and distribute all notices to members, electronically and otherwise;
- (viii) Shall be members of their bargaining unit Labour-Management Committee ex officio
- (ix) Have all records ready on reasonable notice for the Trustees or auditors;

- (x) Preside over membership and Executive Board meetings in the absence of both the President and Vice-President;
- (xi) Be empowered, with the approval of the Executive Board, to employ administrative assistance to be paid for out of the Local Union's funds;
- (xii) Shall act as the Privacy Officer to insure the Local's adherence to provincial and federal privacy and freedom of information statutes.
- (xiii) Perform other duties required by the Local Union, its bylaws or the National Constitution;
- (xiv) Attend as a delegate to the CUPE National, British Columbia Division and other affiliated labour organization conventions. If the Communication's Officer is unable to attend then an alternate will attend.

(I) SECRETARY - TREASURER

The Secretary-Treasurer shall:

- (i) Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a credit union;
- (ii) Sign all cheques, unless on leave or unable to act on behalf of the Local Union, 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;
- (iii) 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;
- (iv) 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;
- (v) Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices;
- (vi) Make a full financial report to meetings of the Local Union's Executive Board;
- (vii) Make a written financial report to the membership every month, detailing all income and expenditures for the period;
- (viii) Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated;

- (ix) 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;
- (x) Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National;
- (xi) Where required, not later than February 28th each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax-deductible dues paid by them during the preceding calendar year;
- (xii) Be empowered, with the approval of the Executive Board, to employ necessary administrative assistance to be paid for out of the Local Union's funds;
- (xiii) Shall be members of their bargaining unit Labour-Management Committee ex officio.
- (xiv) Attend as a delegate to the CUPE National, British Columbia Division and other affiliated labour organization conventions. If the Secretary-Treasurer is unable to attend then an alternate will attend.

(m) UNIT CHAIRS

The Unit Chairs shall:

- (i) Ensure that work unit meetings are held at least once every other month in all major work units and report back to the Executive Board with any recommendations decided at the unit meetings;
- (ii) Report back Executive Board decisions and other Union business to their members;
- (iii) Participate in work unit meetings;
- (iv) Attend Executive Board meetings;
- (v) Represent their unit on the Executive Board;
- (vi) Support the Steward(s) in their unit and ensure that steward vacancies are filled;
- (vii) Meet with unit Stewards on a regular basis;
- (viii) Ensure Stewards acquaint new members with the Union;
- (ix) Attend classes in union education wherever possible;
- (x) Shall be members of their bargaining unit Labour-Management Committee ex officio.

ARTICLE 9

TRUSTEES

- (a) There shall be three (3) Trustees and they shall audit the books of the Secretary-Treasurer and shall exercise general supervision over the assets and property of the Local Union. They shall first 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. Thereafter, all trustees shall be elected for three (3) year terms. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one (1) full term of office has elapsed.
- (b) The Trustees shall:
- (i) Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Communications Officer, and the committees at least once every calendar year;
 - (ii) Make a written report of their findings to the first membership meeting following the completion of each audit;
 - (iii) Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner;
 - (iv) Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization;
 - (v) Ensure that proper financial reports have been given to the membership;
 - (vi) 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;
 - (vii) Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - (a) Completed Trustee Audit Program
 - (b) Completed Trustees' Report
 - (c) Secretary-Treasurer Report to the Trustees
 - (d) Recommendations made to the President and Secretary-Treasurer of the Local Union
 - (e) Secretary-Treasurer's response to recommendations
 - (f) Concerns that have not been addressed by the Local Union Executive Board.

ARTICLE 10

NOMINATION, ELECTION, and INSTALLATIONS

- (a) When an election is held, the Executive shall appoint an Election Committee. The Election Committee shall designate one of the members as the Chief Returning Officer. The Election Committee shall conduct the election, count the ballots cast and declare the elected candidate(s) in each contest who receive the greatest number of votes. When more than one candidate is to be elected to an office, the member voting shall be required to vote for the full number of candidates to be elected or else the ballot will be declared spoiled. The report of the Election Committee shall be signed by all members of the Committee and shall be reported at the next membership meeting by the Chief Returning Officer. Those declared elected shall take the oath of office as set out in Article 11.6(b) of the National Constitution and their term of office shall commence upon adjournment of the following membership meeting.
- (b) Nominations for Executive Board positions and Trustees shall be received at the January membership meeting and the names of all candidates qualified and accepting nomination shall be circulated to the membership at least seven (7) days prior to the opening of the polls. No nomination shall be accepted unless the member is in good standing; is in attendance at the meeting and accepts nomination, or has filed his consent in writing with a member of the Union who presents it to the meeting.
- (c) To be eligible for election to the Executive Board, on the date of being nominated a member must:
 - (i) be a member in good standing;
 - (ii) have not less than twelve (12) months continuous membership in the Local Union;
 - (iii) have attended not less than fifty percent (50%) of the last regular membership meetings held in the twelve (12) months prior to the meeting at which the member is nominated;
 - (iv) be present at the meeting to accept nomination or have previously filed with the Union a written acceptance contingent upon being nominated.
- (d) No permanent employee of CUPE Local 1004 shall be eligible to run for election to any Executive Board position.
- (e) A member may accept nomination for one office only.
- (f) In the event that there is only one (1) nominee for any position the presiding officer shall order that a ballot be cast for that nominee and that person shall be declared elected by acclamation.
- (g) Election shall be conducted electronically by secret ballot. The Executive Board shall arrange for one or more voting stations including a Union Hall, and polls shall be open at least five (5) working days. The online polls will open at least seven days prior to the Annual General Meeting and remain open until midnight on the day preceding the

Annual General Meeting. The Executive shall arrange adequate notice to the membership at least seven (7) days prior to the voting day, with all pertinent information pertaining to the election.

- (h) The results, including notice for runoff votes (if any) shall be announced at the AGM, posted on the Local union's website, and sent via email to all members who have provided email addresses. 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.
- (i) In the event runoff votes are required the online polls will reopen at 12:01 a.m. on the Monday following the AGM and remain open until 10:00 a.m. the following Friday. The results will then be posted on the union's website, and sent via email to all members who have provided email addresses. Should subsequent run off votes be required, the online polls will reopen the following Monday(s) at 12:01 a.m. and remain open until 10:00 a.m. of the following Friday(s). 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.
- (j) The President, Vice-President, Communications Officer, Secretary-Treasurer and Trustees shall be voted for by the entire membership.
- (k) Candidates for the position of Unit Chair are only eligible to run for the unit in which they are employed in. If, after elected to office, the member relocates to a new unit for more than three months, their position will be considered vacant. Only members of a unit as defined in Section 7 may vote for the Unit Chair from the same unit.
- (l) The Chief Returning Officer shall have authority to investigate and rule upon any election complaints. Should a candidate request a recount of the results of the Election, the Chief Returning Officer shall conduct this process with the presence of the CUPE National Representative or a CUPE designate.
- (m) Those declared elected shall take the oath of office as follows:

"I, _____, promise to perform the duties of my office, as set out in the Constitution and bylaws 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."
- (n) When a vacancy occurs on the Executive Board or for a Trustee, a replacement shall be elected to complete the unexpired term provided that the unexpired term is greater than two (2) months at the time of the election. Nominations shall take place at a regular membership meeting after due notice to the membership and the election shall be in accordance with the applicable parts of these bylaws.

- (o) Officers of the local who are absent from three consecutive membership meetings or three consecutive regular Executive meetings without a legitimate excuse, or absent for a period exceeding four (4) months, may be subject to having their office declared vacant by the Executive Board.
- (p) Any officer who accepts temporary employment outside of their current bargaining unit for any period less than four (4) months will be relieved of their duties, responsibilities and rights as an Officer for the period of employment. Any officer who accepts employment outside of their current bargaining unit for a period exceeding four (4) months will have their office declared vacant.

ARTICLE 11 **MEMBERSHIP MEETINGS**

- (a) Regular membership meetings shall be held on the second (2nd) Tuesday of each month, commencing at 5:00 p.m. If the business before the meeting is not completed by 7:00 p.m., a motion to extend the time of the meeting shall be in order. The March membership meeting shall be the Annual General Membership Meeting.
- (b) A quorum shall be twenty-five (25) members (including six (6) Executive Board members) in good standing.
- (c) In the event a quorum is not attained, the Executive Board shall pay all bills and shall carry out the regular business of the Union until the next meeting.
- (d) All decisions of the Executive Board which have been acted upon shall be reported to the members at the next regular membership meeting. A motion to endorse the actions of the Executive shall be put forward at that meeting.
- (e) At the opening of the Annual General Membership or a regular membership meeting the presiding officer shall take the chair and conduct the business in the following order:
 - 1. Roll Call of Officers
 - 2. Recognition of Traditional Territories
 - 3. Reading of Equality Statement
 - 4. Voting on New members and Initiation
 - 5. Adoption of the Minutes
 - 6. Business arising from the Minutes
 - 7. Financial Report
 - 8. Communications
 - 9. Executive Board Report
 - 10. Staff Reports
 - 11. Reports of Committees and Delegates
 - 12. Nominations, Elections and Installations
 - 13. Unfinished Business
 - 14. New Business
 - 15. Good of the Union
 - 16. Adjournment

- (f) In order to provide information to members working on various shifts, up to two stewards per unit may be granted by the President a leave of absence to attend a membership meeting if their regular working hours would otherwise prevent them from attending.
- (g) Minutes of all regular and special membership meetings shall be written up in an impersonal and factual manner; debates shall not be recorded. At each regular membership meeting the minutes of the previous membership meeting and the minutes of any subsequent special membership meeting shall be presented. If no errors, omissions or corrections are raised, the presiding officer shall declare the minutes adopted as presented. Any errors, omissions or corrections shall be noted by the presiding officer and they shall instruct the Communications Officer to make any changes to the minutes deemed necessary. No debate shall be permitted on the acceptance of the minutes and the ruling of the presiding officer shall be final.
- (h) If a public holiday falls on a membership meeting date, the Executive shall set an alternative day.
- (i) Notices of Motion must be provided to the membership at least sixty (60) days in advance in writing or at least seven (7) days in advance at a membership meeting.
- (j) In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE Local 1004 greater than \$1000, a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven days after the meeting where notice of motion has been given.

ARTICLE 12 **UNIT MEETINGS**

- (a) Unit Chairs and/or Stewards shall arrange regular unit meetings (no less than once every other month) within their unit and shall notify the members of the unit. Unit Chairs or Stewards from a unit may chair the unit meetings. Where no shop steward or unit chair is available the executive may appoint a unit chair or steward to conduct the meeting.
- (b) Unit meetings may not make decisions that affect the Local Union as a whole or another bargaining unit.
- (c) Unit Chairs and/or Stewards may be provided with necessary book-off to hold unit meetings in their unit if required. In the event that more meetings are required, the Unit Chair will be authorized to hold those meetings.
- (d) Members of the Executive Board shall be permitted to attend the meetings and the Unit Chair shall report to the Executive Board on the issues raised by the meeting.

- (e) A summary of action items may be forwarded to the Executive Board. Any actions taken by the Executive will be reported back to the unit by the Unit Chair or Steward.

ARTICLE 13 **EXECUTIVE BOARD MEETINGS**

- (a) The Executive Board shall meet at least ten (10) times per year.
- (b) A majority of the Executive Board, including at least two (2) Table Officers constitutes a quorum.
- (c) 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.
- (d) 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.

ARTICLE 14 **SPECIAL MEETINGS**

- (a) A special meeting shall be called by the President upon receipt of a written request for the special meeting. The written request will spell out the matters to be discussed and shall be signed by at least fifty (50) members. The special meeting shall be held within fifteen (15) days of the request being received by the President. No other business shall be transacted at this meeting.
- (b) A quorum at a special meeting shall be twenty-five (25) members (including four (4) Executive Board members) in good standing. If quorum is not met, another meeting can be rescheduled.
- (c) Special meetings of the membership may be called by the President as they deem necessary.

ARTICLE 15 **MEMBERSHIP CARDS**

Membership Cards shall be sent to each new member upon the member attending a regular membership meeting and being sworn in.

ARTICLE 16 **WITHDRAWAL CARDS**

- (a) Upon request the Local shall issue a withdrawal card to members when being laid off and their recall rights have elapsed.
- (b) Upon request the Local shall issue a withdrawal card to a member leaving the employ of the Employer covered by the certification of the Union to take up employment

elsewhere within the certification of another Union affiliated to or chartered by a central labour body recognized and approved by the CUPE National Executive Board.

- (c) The withdrawal card shall state that the holder was in good standing when they left the employment under jurisdiction of the Local and shall entitle them to re-establish their membership in the Local without the payment of another initiation fee if they again work within the certification of the Local.

ARTICLE 17 **TRANSFER CARDS**

The Local shall issue a transfer card to a member in good standing who transfers his membership to another CUPE Local.

ARTICLE 18 **DELEGATES**

- (a) Delegates to organizations to which this Union is affiliated shall be appointed on an annual basis the month following elections of officers.
- (b) The Table Officers are entitled as delegates to Conventions.
- (c) Except as above, the Executive Board shall appoint delegates to Conventions, conferences and educationals who will be chosen from active members, i.e. committee members, stewards, etc. All such appointments will be open to any member in good standing.
- (d) The Local Union encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.
- (e) All delegates to conventions and conferences must adhere to the Local 1004 delegate policy statement.

ARTICLE 19 **SUPERVISORY STATUS**

- (a) A member who is posted to a regular full-time position outside of Local 1004's jurisdiction shall lose all membership rights in this Local Union.
- (b) Members who work in an acting capacity as managers or in excluded positions will not be allowed to be members of the committee while they perform management or excluded position duties at any time for any duration while the committee exists.

ARTICLE 20

COMMITTEES

(a) Negotiating Committee

- (i) This will be a special committee established at least six (6) months prior to the expiry of the applicable collective agreement and automatically disbanded when a new collective agreement has been signed.
- (ii) The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement.
- (iii) The committee's members will be elected by electronic ballot.
- (iv) Temporary vacancies and vacancies filled by alternates will be filled by election as soon as feasible.
- (v) The Local President or designate will sit ex-officio on negotiating committees.
- (vi) 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.
- (vii) All members of a negotiating committee shall make every effort to attend collective bargaining training as required by the Executive Board.

(b) Grievance Committee

- (i) The Grievance Committee shall be composed of a Table Officer (not the President), the Unit Chair from the relevant unit and three Stewards (who are not members of the Executive) to be elected by their fellow stewards in November of the odd year at a Steward's meeting. Two alternates will also be elected at this time.
- (ii) The committee shall have the duty to hear on behalf of the membership all cases properly referred to it. It shall hear all cases with impartiality.
- (iii) The committee shall sit when a member wishes to appeal the recommendation of the business agent not to proceed to the next step in the grievance process.
- (iv) The grievor and the grievor's Steward shall be invited to provide information as requested by the committee and to address the committee should they so choose.
- (v) The committee shall have access to a legal opinion on the case in question if they feel that it is necessary.
- (vi) All decisions of the committee shall be by a simple majority vote.
- (vii) The National Representative assigned to the Local Union and the relevant Business Agent shall be non-voting members of the committee and shall be consulted at all stages.

(c) Bylaw Committee

(i) This committee will:

- Review the bylaws annually, or as required, and make recommendations to the Executive Board on proposed amendments to be brought to the Membership to be voted on;
- 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.

(ii) The committee members will consist of at least one (1) Table Officer who shall be the chairperson and four (4) members. The committee shall appoint its Secretary from among its members. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted during the review process.

ARTICLE 21 **PER DIEMS, HONORARIUMS, EXPENSES**

- (a) Per diems, honorariums, and expenses shall be as specified in the Local 1004 Policy Manual. Such information shall be made available to any member at the office of the Local Union and at all membership meetings.
- (b) Where requested, the Local Union will provide members with their per diem allowance prior to their attending the convention, conference, or educational.

ARTICLE 22 **TRIALS**

If a charge is brought against any member of this Union then such charge shall be in writing and the conduct of any investigation, action or trial shall be according to the Trial Procedures in the National Constitution.

ARTICLE 23 **JOB STEWARDS**

- (a) Job Stewards are official representatives of CUPE Local 1004 and are authorized to speak and act on behalf of CUPE Local 1004 while acting as an advocate for a member or as an officially designated representative to a committee or attend Labour-Management meetings, subject always to:

- (i) support of a majority of fellow members of their work unit;
- (ii) membership in good standing; and
- (iii) compliance with the Local Union's bylaws and policy and the CUPE National Constitution.

Job Stewards who are not in compliance with one or more of the above may be removed by a two-thirds vote of the Executive Board or the work unit they represent.

- (b) Stewards shall serve for a two year term.
- (c) Where there are not Job Stewards, the President, in consultation with the relevant Unit Chair, is authorized to appoint one or more willing member(s) as Job Stewards until elections are held.
- (d) It shall be the duty of the job Steward to know their unit's collective agreement and the Local Union's Constitution and By-Laws thoroughly and work for their enforcement on the job.
- (e) No member with less than six (6) months membership shall serve as a Job Steward.
- (f) Job Stewards shall meet at such intervals as deemed necessary by the Executive Board, but no less than four (4) times per year. Such meetings shall be chaired by the Local President or designate.

ARTICLE 24 **CIVIL COURTS**

Any member appealing to civil courts to decide a controversy within this Local Union, without first exhausting all the provisions of the Constitution and By-Laws shall forfeit membership in this Local Union.

ARTICLE 25 **PUBLIC STATEMENTS**

- (a) No member shall make public statements or give information to the press or other news media in respect to what transpires at meetings of this Local Union.
- (b) The Executive Board may from time to time authorize a member or other person to act in a public relations capacity, to issue press releases and/or make appropriate public statements.

ARTICLE 26 **CHANGES IN WAGES AND CONDITIONS**

- (a) All proposed changes in the Collective Agreement covering wages or working conditions, arising out of contract negotiations, must be given at least seven (7) days notice in

writing and it shall require a majority to adopt. All voting on wage schedules shall be by secret ballot and shall be conducted electronically. A decision to conduct a strike vote may be adopted by a simple majority of the members voting.

- (b) A meeting to discuss changes to the Collective Agreements shall be held at such times as may be deemed advisable by the Executive Board, for the purpose of making recommendations to a general membership meeting for the reopening of the Collective Agreements. All members of the Executive Board, assigned Representatives and all recognized Job Stewards shall be notified to attend. In addition, the Executive Board may lay down conditions for such other representation as from the branch, occupational groups and the jobs in the jurisdiction of the Union.

ARTICLE 27 **STRIKE PROCEDURES**

- (a) Before a strike vote can be taken, widespread publicity must be given of the time and place of meeting and/or voting. A strike vote shall require a two-thirds (2/3) majority for adoption.
- (b) Members on strike shall perform picket duties or such other duties as may be assigned to them.
- (c) No emergency work in our jurisdiction shall be performed during a strike except by authorization of this Local Union and on the terms and conditions laid down by the Union.
- (d) Strike pay shall be issued according to the decision of the membership. Members on strike who are unable to perform strike duties shall receive no strike pay except by special decision of a membership meeting in which they are specifically named. Strike pay from the National Union is governed by the National Constitution and the National Strike Fund Regulations.
- (e) Members on strike who are permitted by the Union to perform emergency services shall pay into the Union treasury such portion of their emergency pay as may be decided by a membership meeting; no notice of motion shall be required. When the Union arranges to collect such money through payroll deduction, the said deduction shall be obligatory for all members concerned.

ARTICLE 28 **EMPLOYMENT OF STAFF**

The Local Union may employ such staff as it considers necessary. The terms and conditions of employment pertaining to each person proposed for employment shall be fully and clearly stated in a resolution adopted by an executive board meeting. Table Officers shall not serve as Business Agents more than three (3) weeks per calendar year.

ARTICLE 29**AMENDING BYLAWS****(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.

(b) Additional Bylaws

- (i) The Local Union may amend these bylaws and/or enact additional bylaws provided that they do not conflict with the National Constitution. New bylaws shall not be valid or become effective until approved by the National President of CUPE; validity shall date from receipt of the letter of approval from the National President.
- (ii) Amended or additional bylaws shall be approved by majority vote at the Annual General Membership meeting or at a special meeting called for that purpose.
- (iii) Notice of the intention to propose the amended or additional bylaws shall be provided to the membership at least seven (7) days before at a previous membership meeting or sixty (60) days before in writing. It shall state the time and place of the meeting; and, it shall state the proposed changes and/or additions to the existing bylaws.
- (iv) All changes to the bylaws shall require a simple fifty percent plus one (50% + 1) majority vote to adopt.

ARTICLE 30**SUPPLYING CONSTITUTIONS AND BYLAWS**

Copies of the CUPE National Constitution and the bylaws of this Local, containing the most recent amendments, shall be made available to all members at the office of the Local Union and electronically.

ARTICLE 31**RULES OF ORDER**

- (a) 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.

- (b) 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.

ARTICLE 32 **AUTHORIZED EXPENSES**

Members shall be fully compensated by the Union for loss of wages and for any other expenses properly incurred on behalf of the Local Union.

ARTICLE 33 **POLICY MANUAL**

- (a) The Executive Board shall develop a Policy Manual to be followed by the officers and staff of this Union. It shall show the Administrative Procedures to be followed, including the authorization of expenditures, paying of bills, staffing levels, and such other policies which the Union may adopt from time to time.
- (b) Changes in the Policy Manual shall be by majority vote of the Membership meeting or at a special meeting called for that purpose on the recommendation of the Executive Board. All proposed changes shall be provided through notice of motion as per Article 11 (i).

ARTICLE 34 **RECALL OF OFFICERS**

- (a) Members may recall any Officer of CUPE Local 1004 in the following manner:
 - (i) The recall process for Table Officer and/or Trustee is initiated by the submission of a petition signed by at least 1000 members, or 40% of the membership, whichever is less.

The recall process for individual Unit Chairs is initiated by the submission of a petition signed by 40% of the members in the unit represented by that Unit Chair.
 - (ii) Each page of the petition must indicate the reasons for recall and a statement that indicates the members who have signed it are in agreement with the recall proposal and the reasons for it. All signatories must be members in good standing.
 - (iii) The petition for recall must contain the member's printed name, signature, work site, and bargaining unit.
 - (iv) The petition must be delivered to the Secretary Treasurer within 14 days. If the Secretary Treasurer is cited in the recall petition, the petition will be delivered to the President. If the President and the Secretary Treasurer are cited in the recall

petition, the petition may be delivered to any Officer of CUPE Local 1004 not cited for recall in the petition.

- (v) Within seven days of receipt of the recall petition, the officer(s) cited for recall will be notified in writing, with a copy of the petition.
 - (vi) Notification of the proposed recall of an officer or officers will be communicated to members through Unit Meetings and website immediately following the termination of the seven day notice period,
 - (vii) The recall procedure will incorporate the procedure for nomination and election to fill vacancies, except that the officer or officers being recalled will not be required to vacate their office until the election has concluded.
 - (viii) Recall of Table Officers and/or Trustees will be invoked if supported by a vote of two-thirds of the members voting electronically.
 - (ix) Recall of Unit Chair(s) will be invoked if supported by a vote of two-thirds of the members of the sector voting electronically.
- (b) Recalled Officers will be prohibited from running for office for the remainder of the term of office from which they had been recalled.

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 sisters and brothers deserve dignity, equality, and respect.

Appendix B

CODE OF CONDUCT

Local 1004 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

Local 1004 strives to promote core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

Local 1004 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 1004 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 1004 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 1004 sets out standards of behaviour for members at meetings, and all other events organized by Local 1004. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As members of Local 1004 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; and
- Take responsibility for not engaging in inappropriate behaviour due to abuse of alcohol or other drugs while participating in union activities, including social events.

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

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

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking the person to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.
3. If this fails to resolve the matter, the designated Officer of the Local Union shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of Local 1004, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

This Code of Conduct does not replace a member's right to access the trial provisions of the CUPE National Constitution.

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. In the absence of the President and Vice-President, the Communications Officer will be the Chairperson. In the absence of the President, Vice-President and Communications Officer, the Secretary Treasurer will be the Chairperson. Quorum rules must be met.
2. Members are not allowed to speak about an issue for more than five (5) minutes. Members can only speak again to an issue once all those wishing to speak for the first time 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 five (5) minutes. With the agreement of the members present, the time may be expanded.
4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion.
5. A motion must be moved and seconded. The mover and seconder must 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 (2) 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 (6) 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 (15) 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 standing vote. A standing vote will be taken and the Communications Officer 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 (2) 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 (2/3) majority of members who vote. If two-thirds (2/3) majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.

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.