

## **LOCAL 5269 BYLAW AMENDMENTS 2022**

### **INTRODUCTION**

Local 5269 of the Canadian Union of Public Employees has been formed to:

- Improve the social and economic well-being of all of its members;
- Promote equality for all members and to oppose all types of harassment and discrimination;
- Promote the efficiency of public services; and
- Express its belief in the unity of organized labour.

The following bylaws are adopted by Local 5269 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

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

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

### **SECTION 1 – NAME**

The name of this Local Union shall be Canadian Union of Public Employees, Local 5269

Local 5269 consists of the following bargaining units:

Children's Aid Society of Algoma

### **SECTION 2 – OBJECTIVES**

The objectives of Local 5269 are to:

- (a) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
- (b) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (c) Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;

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

### **SECTION 3 – REFERENCES**

Numbers of articles at the end of sections or sub-sections in this document refer to relevant articles

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Numbers of articles at the end of sections or sub-sections in this document refer to relevant articles of the CUPE National Constitution which should be read together with these bylaws.

### **SECTION 4 – MEMBERSHIP**

#### **(a) Membership**

An individual employed within the jurisdiction of Local 5269 can apply for membership in Local 5269 by signing an application and paying the initiation fee set out in Section 11(a) of these bylaws. (Article B.8.1)

#### **(b) Approval of Membership**

At the first membership meeting after the application has been submitted, the name(s) of the applicant(s) will be read out and unless a majority of members present at the meeting object, the applicant(s) will be accepted into membership. (Article B.8.2)

#### **(c) Oath of Membership**

New members will take this oath:

“I promise to support and comply with the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union.” (Article B.8.4)

#### **(d) Continuation of Membership**

Once accepted, a member continues as a member in good standing while employed within the jurisdiction of the Local Union unless the member loses good standing under the provisions of the CUPE National Constitution. (Article B.8.3)

(e) Member Obligations

Members are obligated to abide by the CUPE National Constitution and these bylaws as amended from time to time.

The member will advise the Membership Officer of any changes to their contact information. This information will be protected and used to communicate with members. Such communication will take the form of mail, e-mail blasts or telephone town halls.

In the case of a town hall, the telephone number and email address may be shared with a service provider under contract to the Local Union to provide the technical equipment to support such a virtual meeting.

Upon request, the Local Union will share the telephone and email contact information with CUPE National or CUPE Ontario. The purpose of sharing this telephone and email contact information with CUPE National or CUPE Ontario is so that the National Union or Provincial Division can conduct a town hall with members on important matters.

## **SECTION 5 – AFFILIATIONS**

In order to strengthen the labour movement and work toward common goals and objectives, Local 5269 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE Ontario Provincial Division
- The Sault Ste. Marie District CUPE Council
- Ontario Federation of Labour

## **SECTION 6 – MEMBERSHIP MEETINGS**

(a) General Membership Meetings

Regular membership meetings of Local 5269 shall be held on the 2<sup>nd</sup> Monday at 7:15pm in September, October, November, January, February, March, April, May and June. Members to be provided the opportunity to join meetings in person and/or virtually. (Article B.6.2)

Notice of each general membership meeting outlining the date, time and location shall be given to members at least seven days in advance of the meeting.

When a statutory holiday or a situation beyond the control of the Local Union arises, which causes the cancellation of a regular membership meeting, the Executive Board shall reschedule the regular membership meeting, and will give members seven days' notice of the date of the rescheduled regular membership meeting.

Members are required to sign in to the meeting by way of log book or virtually, by stating their name for the purpose of acknowledgement. The Membership Officer will add the name to the log book.

When motions are presented, they will be read during the membership meeting and spoken to. The outcome will be recorded in the minutes as well as documents on the written motion and placed in the motion binder. This will be recorded in the minutes.

All elections are held by electronic secret ballots.

(b) Special Membership Meetings

Special membership meetings of Local 5269 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than ten (10) members. The President shall immediately advise members when a special meeting is called, and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

(c) Quorum

The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be five (5) members, plus two (2) members of the Executive Board.

(d) Membership Meeting Agenda

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

1. Call the Meeting to Order
2. Acknowledgement of the Indigenous Territory
3. Roll call of officers
4. Reading of the Equality Statement
5. Voting on new members and initiation
6. Reading of the minutes
7. Matters arising from the minutes
8. Secretary-Treasurer's Report
9. Communications and Bills
10. Executive Committee Report
11. Reports of committees and delegates
12. Unfinished business
13. New business

- 15. Good of the Union
- 16. Adjournment (Article B.6.1)

## **SECTION 7 – OFFICERS**

The Officers of Local 5269 shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, Chief Steward, Membership Officer, and three (3) Trustees. (Articles B.2.1 and B.2.2)

## **SECTION 8 – EXECUTIVE BOARD**

- (a) The Executive Board shall include all Officers, except Trustees. (Article B.2.2)
- (b) The Executive Board shall meet at least eight (8) times per year. (Article B.3.14)
- (c) A majority of the Executive Board constitutes a quorum.
- (d) The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.
- (e) The Executive Board shall do the work delegated to it by the Local Union and shall be held responsible for the proper and effective functioning of all committees.
- (f) Should any Executive Board member fail to answer the roll call for three consecutive regular meetings or three consecutive regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant and shall be filled in accordance with the provisions of these bylaws.
- (g) Should any Officer, Steward, or Committee member take a job outside the scope of the bargaining unit for any period of time where the Officer, Steward, or committee member will be required to supervise members of a bargaining unit within the jurisdiction of the local Union for any period of time, the Officer, Steward, or committee Member shall be relieved of their Union responsibilities and the Secretary Treasurer shall be notified immediately. The position shall be filled in accordance with the provisions of these Bylaws. Upon accepting a supervisory position for a period not to exceed six (6) months, the Executive Board seat will be temporarily filled. Should the incumbent's vacancy exceed six (6) months, the member must resign from their elected office. The vacancy will be filled in accordance with the provisions in the bylaws.
- (h) The Executive Board shall have the power to pay bills during the months when no General Meeting is held and shall carry on all necessary Union business for these periods. Notwithstanding the above, all business so carried out will be ratified by the membership and the next General Meeting.
- (i) The Executive Board shall make a recommendation whether or not any grievance shall proceed to arbitration based on the grievance committee recommendation and the opinion of the CUPE National Staff Representative. A decision to not proceed to Arbitration may be appealed by the affected member(s), the member(s) have the capacity to request the appeal be heard outside of the General Membership Meeting with the Executive and National Servicing Representative where issues

of confidentiality or information is of such a personal nature it prevents the information from being openly discussed. (Article B.2.5)

## **SECTION 9 – DUTIES OF OFFICERS**

Each Officer of Local 5269 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of Office. (Article B.3.9)

All signing Officers of Local 5269 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority. (Article B.3.5)

### **(a) President**

The President shall:

- Enforce the CUPE National Constitution, these Local Union bylaws and the Equality Statement.
- Interpret these bylaws as required.
- Preside at all membership and Executive Board meetings and preserve order.
- Decide all points of order and procedure (subject always to appeal to the membership).
- Provide a written report of their activities for the Executive Board on a monthly basis.
- Have the same right to vote as other members. In the case of a tie vote, the President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated.
- Ensure that all Officers perform their assigned duties.
- Fill committee vacancies where elections are not provided for.
- Be a member ex-officio of all committees of the Local, whether standing or special.
- Introduce new members and conduct them through the initiation ceremony.
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership.
- Be allowed necessary and reasonable funds to reimburse the President or any Officers for expenses incurred on behalf of the Local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.
- Have first preference as a delegate to the CUPE National Convention, CUPE Ontario Convention and any other convention or Conferences. (Article B.3.1)

### **(b) Vice-President**

The Vice-President shall:

- If the President is absent or not eligible, perform all duties of the President.
- Preside over membership and Executive Board meetings in the absence of the President.

- If the office of the President falls vacant, be Acting President until a new President is elected through a by-election.
- Render assistance to any member of the Executive as directed by the Executive Board.
- Be a member ex-officio of all committees of the Local, whether standing or special.  
(Article B.3.2)

(c) Recording Secretary

The Recording Secretary shall:

- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary Treasurer. The record will also include Trustees' reports.
- Record all amendments and/or additions in the bylaws, and make certain that these are sent to the National President for approval prior to implementing.
- Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- Keep a record of all correspondence received and sent out.
- Prepare and distribute all notices to members.
- Have all records ready on reasonable notice for the Trustees or auditors.
- Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.
- Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union's funds.
- Performs other duties required by the Local Union, its bylaws or the National Constitution.
- Maintain an up to date inventory of office equipment.  
(Article B.3.3)

(d) Secretary-Treasurer

The Secretary-Treasurer shall:

- Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including \$2.00 of each initiation fee on all members admitted, no later than the last day of the following month. • Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.

- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
- Make a full financial report to meetings of the Local Union's Executive Board.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Be bonded through the master bond held by CUPE National. Any Secretary Treasurer who cannot qualify for the bond shall be disqualified from office.
- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated. • Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- Where required, not later than February 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 him during the preceding calendar year.
- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.
- Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.
- Prepare copies of motions and attached appropriate back up for such motions which the secretary treasurer is required to pay.
- Arrange for transportation/overnight accommodation when required and cover such costs. (Articles B.3.4 to B.3.8)

(e) Trustees

The Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the committees at least once every calendar year.
- Make a written report of their findings to the first membership meeting following the completion of each audit.
- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary Treasurer in an organized, correct, and proper manner.
- Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- Ensure that proper financial reports have been given to the membership.
- Audit the record of attendance.



- Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local Union, and report their findings to the membership.
- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
- Completed Trustee Audit Program ii. Completed Trustees' Report iii. Secretary-Treasurer Report to the Trustees iv. Recommendations made to the President and Secretary-Treasurer of the Local Union v. Secretary-Treasurer's response to recommendations vi. Concerns that have not been addressed by the Local Union Executive Board. (Articles B.3.10 to B.3.12)

(f) Membership Officer

The Membership Officer shall:

- Guard the inner door at membership meetings and admit no one but members in good standing or Officers and officials of CUPE, except on the order of the President and with consent of the members present.
- Maintain the record of membership.
- Maintain the record of attendance at meetings.
- Perform such other duties as may be assigned from time to time.

(g) Chief Steward

The Chief Steward shall:

- Introduce themselves to new members, provide them with a copy of the Collective Agreement, Bylaws and explain the role of the Union;
- Ensure accurate records of all grievances are completed with the use of grievance fact sheets and be responsible for ensuring that the grievance procedures are properly administered.
- Report on all grievances at general membership meetings either in person or through the President or his/her designate;
- Render assistance to any member as needed or assign a designate to attend to said matter;
- Be required to attend all levels of steward's courses as provided for by CUPE;
- Attend grievance hearings and act as an advocate when requested;
- Initiate action when the Collective Agreement has been violated even when there is no complaint;
- Shall be chair of the Grievance committee;
- Perform such other duties as may be assigned from time to time.

(h) Shop Steward

The Shop Steward shall:

- Defining, detecting, preparing and presenting grievances at the initial level;
- Generally knowing and policing the Collective Agreement and provincial or federal legislation affecting labour and a particular job;

- Providing communications and information from the members in the unit to the executive and from the executive to the members, including distribution of union literature and newspapers;
- Greet and sign new employees and encourage participation of all members of unit in Union activity;
- Maintain daily contact with members to provide ongoing Union awareness and education;
- Shall be authorized to attend, a maximum of two (2) meetings per fiscal year, for which loss of wages, if applicable, will be paid by the Local. All steward meetings will be at the call of the Chief Steward or Executive Board and General Membership meetings;

## **SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

### **(a) Nominations**

1. Nominations will be received at the regular membership meeting held in the month of February.
2. Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.
3. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing. (Articles B.8.1, B.8.2 and B.8.3)
4. A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.
5. No member will be eligible for nomination if they are in arrears of dues and/or assessments.
6. The candidate with the most votes (plurality) shall be declared the winner.

### **(b) Elections**

1. The President, the Recording Secretary and the Chief Steward are elected in odd years, commencing 2017. The Vice-President, the Secretary-Treasurer and the Membership Officer are elected in even years, commencing 2016.
2. At a membership meeting, at least one month prior to Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Chief Returning Officer and assistant(s). The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.
3. The Elections Committee will be provided the link for the electronic voting system to facilitate the voting procedure and secret ballot.
4. The Chief Returning Officer will be responsible for creating and distributing the electronic vote. The Chief Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
5. The voting will take place in the month of March prior to the General Membership Meeting. The Chief Returning Officer will provide details indicating the procedure for voting.

6. 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.
7. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary, until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
8. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled. (Article 11.4)
9. Any member may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as set out in Section 6(c).
10. All election complaints by members will be submitted in writing to the Chief Returning Officer as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven days after the election. The Chief Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling to the very next regular membership meeting.

(c) Installation of Officers

1. All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) year(s) or until a successor has been elected and installed, provided, however, that no term of office shall be less than one year and no longer than three years. (Article B.2.4)
2. The terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year, as laid down in Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one Trustee for a three year period. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed. Commencing 2022, the nominations for the Trustees will be accepted at the September meeting with voting to occur prior to the October meeting. Successful nominees will be installed at the October meeting.
3. The Oath of Office to be read by the newly-elected Officers is: "I, \_\_\_\_\_, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my term of office. As an Officer of the Union, I will always promote the harmony and dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term." (Article 11.6(b))

(d) By-elections

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

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

### **(a) Initiation Fee**

Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of two (\$2.00) 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. (Articles B.4.1 and B.8.2)

### **(b) Readmission Fee**

The readmission fee shall be two (\$2.00) dollars. (Article B.4.1)

### **(c) Monthly Dues**

The monthly dues shall be 1.5% of regular wages. (Article B.4.3)

Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these bylaws will be deemed to have been automatically amended to conform to the new CUPE minimal.

### **(d) Amending Monthly Dues**

The regular monthly dues may be amended at a special membership meeting. The vote must be conducted through secret ballot. (Article B.4.3)

### **(e) Assessments**

Assessments may be levied in accordance with the CUPE Constitution. Assessments do not mean or include regular monthly dues and are applied for a specific purpose or specific length of time. Membership approval is required, and the assessment will only be applied after the National President approves the assessment. (Article B.4.2)

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

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

A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears. (Article B.8.6)

## **SECTION 13 – EXPENDITURES**

### **(a) Payment of Local Union Funds**

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

- When the expenditure is authorized by a budget approved by a majority of members present and voting at a regular or special membership meeting;
- When these bylaws approve the expenditure; or
- Through a vote of the majority of members present and voting at a regular or special membership meeting. (Article B.4.4)

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

Authorization to pay per capita tax to CUPE National, to CUPE Ontario Provincial Division, Sault Ste. Marie and District CUPE Council, or any labour organization the Local Union is affiliated with, is not required.

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

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than fifty (\$50.00) dollars, a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven days after the meeting where notice of motion has been given.

### **(d) No Officer or member of Local 5269 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these bylaws.**

## **SECTION 14 –**

### **(a) Local Union Officers and committee members shall be provided honorariums as follows:**

- \$175.00 President
- \$125.00 Vice-President
- \$100 Secretary-Treasurer
- \$100.00 Recording Secretary,
- \$75.00 Chief Shop Steward
- \$75.00 Membership Officer

The honorariums are monthly and paid quarterly.

Executive Board members required to use their cell phone for Union Business shall be reimbursed up to fifty (50%) percent of their bill upon reception and completion of an expense voucher, to be paid quarterly in conjunction with out of pocket expenses.

Executive Board members shall be granted up to one (1) day per month with pay to perform the duties of their office.

Union Officers:

(b) All Union Officers including stewards required to travel to perform their duties shall be paid following:

Mileage is paid at the current rate established in the Collective Agreement.

Meal Allowance:

Breakfast: up to maximum of fifteen (\$15.00) dollars with receipt.

Lunch: up to maximum of fifteen (\$25.00) dollars with receipt

Dinner: up to maximum of thirty (\$40.00) with receipt

### **SECTION 15 – CHILD CARE, DEPENDENT CARE AND ELDER CARE**

Caring for children, dependents or the elderly are barriers to actively participating in the union or to attending membership meetings. Local 5269 is committed to removing barriers within its control so that all members have equal access to participation.

- (a) When it is practical and demand warrants, Local 5269 will provide on-site child care at all Local Union membership meetings. Where on-site child care is not provided, and in the case of dependent care or elder care, members will be reimbursed to a maximum of the living wage for the area for each hour of required care. Reimbursement will be provided upon proof of payment.
- (b) Any member who is on authorized Local 5269 business shall be eligible for child care, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed to a maximum of the living wage for the area for each hour of care required.
- (c) Claims will not be paid for a spouse, partner, or a family member who normally provides care without charges. Claims will not be paid for periods of time where a member would normally have paid for care such as during normal hours of work at their job.

### **SECTION 16 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS**

- (a) Except for the President's option [Section 9(a)], all delegates to conventions, conferences, and educationals shall be chosen by election at membership meetings. Attendance to conference and conventions, those candidates wishing to attend must have attended 50% of General Membership Meetings.
- (b) Delegates to the Sault Ste. Marie and District CUPE Council shall be elected annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall make a written report at each Local Union membership meeting on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages. While on conference and conventions, members shall receive ninety (\$90.00) dollars per day.

Breakfast (\$15.00)

Lunch (\$30.00)

Dinner (\$45.00)

- (c) Delegates to the Sault Ste. Marie and District Labour Council shall be elected annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall report at each Local Union membership on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages and a per diem allowance of ninety (\$90.00) dollars for meals and expenses.
- (d) All delegates attending conventions, conferences, or educationals held outside the town of Sault Ste. Marie shall be paid transportation expenses (at economy, tourist or coach rates) as determined by the Secretary-Treasurer, and a per diem allowance of ninety (\$90.00) dollars for meals and expenses. The Local Union will reimburse the member's employer for any loss of wages.
- (e) Delegates to conventions, conferences, and educationals held locally shall have no travel allowance unless working out of a district office and Section 14(b) shall apply. There shall be a per diem allowance of no more than (\$60.00) dollars per day - \$20.00 for Lunch, and \$40.00 for dinner. The Local Union will reimburse the member's employer for any loss of wages.
- (f) Local 5269 will provide members with their per diem allowance prior to their attending the convention, conference, or educational.
- (g) Local 5269 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educational.
- (h) Delegates to Conventions/Conferences or Educational Workshops where long distance is applicable shall be entitled to one phone call home per day at the Union's expense up to a maximum of ten (10) minutes.
- (i) Delegates who wish to use their vehicle instead of airline travel, shall be paid either mileage at the current negotiated rate as per the Collective Agreement or the equivalent of airfare, whichever is lesser.

#### General Information

All leave of Absence for any Union function must be approved by the President or Designated member of the Executive Board. The written leave of request submitted to the Employer shall be copied to the President and Vice-President.

All expense vouchers must be filled in and signed by the member submitting for expenses. The voucher must then be signed by the President and or his/her designate authorizing the expense. The expense voucher must be submitted within 45 days of the expense occurring.

## **SECTION 17 – COMMITTEES**

### **(a) Special Committees**

A special committee may be established for a specified purpose and a specified period of time by the membership at a meeting. The members shall be elected at a membership meeting, or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two (2) members of the Board may sit on any special committee as ex-officio members.

#### **1. Negotiating Committee**

This will be a special committee established at least six (6) months prior to the expiry of the Local Union's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of four (4) members, the President and three (3) elected members. The committees outlined in the bylaws will have no more than three (3) members. The President or Vice-President and two (2) elected positions. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

All members of Local 5269's negotiating committee shall attend Level 1 and Level 2 of CUPE's collective bargaining educationals.

### **(b) Permanent Committees**

The Chairperson of each permanent committee will be elected by the members at a membership meeting. Permanent committees will have a term of two years commencing 2021 with half of the committee member's positions being elected in even years and the other half in odd years. Commencing 2022, the nominations for committee members will be accepted at the September meeting with voting to occur prior to the October meeting. Successful nominees will be installed at the October meeting.

The Chairperson and the Executive Board may, with the approval of the membership, jointly appoint other members to serve on a committee. Committees will provide written reports and attend each regular membership meeting. The Vice-President shall be a member, ex-officio, of each committee.

There shall be permanent committees as follows:

#### **1. Grievance Committee**

This committee will:

- Oversee the handling of all local grievances.
- Receive copies of all grievances.
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative, and to the membership meeting.



- When a grievance is not settled in the initial steps provided for in the collective agreement, this committee will decide whether or not the grievance should proceed to arbitration.
- If the decision is to not proceed, the grievor(s) may appeal the decision to the Executive Board.

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

## 2. Education Committee

This committee will:

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

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

## 3. Women's Committee

This committee will:

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

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

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

This committee will:

- Advise and give guidance to Officers, committee members, and the general membership on all issues that affect all equity-seeking groups, including people of colour, Aboriginals, lesbian, gay, bi-sexual and transgendered workers in the workplace and the union movement.
- Promote leadership of equity-seeking workers at the Local Union level and in the broader labour movement.
- Increase and support the active participation of equity-seeking workers in the Local Union and the broader labour movement.
- Strive to eliminate racism and discrimination in the workplace, Local Union, broader labour movement, and society through education and participation in human rights and anti-racism activities both in and outside of the labour movement.

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

#### 5. Health and Safety Committee

This committee will:

- Work to educate members on the importance of workplace health and safety.
- Prepare and present reports to the regular membership meetings.
- Organize an April 28th Day of Mourning ceremony each year.
- Participate on the Joint Worksite Health and Safety Committees (JWH&SC) at their workplace.
- Ensure that the worker representatives on the JWH&SC meet separately from the employer to prepare for meetings with the employer.
- Promote safe work procedures and environments so as to prevent illness and injury as a result of workplace factors.
- Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members' illness or injury.
- Work to eliminate all workplace hazards, be they physical, environmental, or social.

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

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

#### 6. Bylaw Committee

This committee will:

- Review the bylaws annually and make recommendations to the Executive Board on proposed amendments.
- Review any proposed amendments received from the Executive Board or membership of the Local Union to ensure that the amendments will conform to the remainder of the bylaws and the CUPE National Constitution.

- Ensure that the Local Union’s bylaws are written in clear language, ensuring that clear language does not change the intent or meaning of the bylaws.

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

#### 7. Membership Support Committee

This committee will:

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

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

#### 8. Social Committee

This committee will:

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

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

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

#### 9. On Call Working Group

This committee will:

- Consist of four management and four unionized staff, two of whom shall be child protection workers.
- Develop a consistent practice and procedure for the implementation of on call duties in compliance with Ministry Standards while ensuring service delivery and child safety is not compromised within the different service departments.
- Bring forward and implement joint recommendations.
- Meet a minimum of four times per year to address ongoing issues which may arise with on call procedures.

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

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

See Appendix E

## **SECTION 19 – RULES OF ORDER**

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

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

## **SECTION 20 – AMENDMENTS**

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

These bylaws are always subordinate to the CUPE Constitution (including Appendix B) as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE Constitution. (Articles 9.2(c), 13.3 and B.5.1)

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

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

- (i) the amended or additional bylaws do not conflict with the CUPE Constitution;
- (ii) the amended or additional bylaws are approved by majority vote at a regular membership meeting or at a special membership meeting called for that purpose; and
- (iii) notice of the intention to propose the amended or additional bylaws was given at least seven days before at a previous membership meeting or 60 days before in writing. (Articles 13.3 and B.5.1)

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

The amended or additional bylaws do not come into effect until they have been approved in writing by the National President. The National President will decide whether to approve the amended or additional bylaws within 90 days of receiving them and will withhold approval only where they conflict with the CUPE Constitution. (Articles 13.3 and B.5.1)

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

Members will receive a copy of Local 5269 bylaws, either in paper format or via the Local Union website at [www.5269.cupe.ca](http://www.5269.cupe.ca). Members requesting a copy of these bylaws will be provided a copy in either French or English as requested. Members with special needs may request a copy of the bylaws in larger font.

### **Appendix A**

#### **CUPE NATIONAL EQUALITY STATEMENT**

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

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

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

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

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

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

### **Appendix B**

#### **CODE OF CONDUCT**

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.

This Code of Conduct sets out standards of behaviour for participants at national convention, conferences, schools, meetings, and any other union events organized by CUPE National, Local 5269 or any other CUPE chartered body. 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 and at events, meetings, and activities by other CUPE bodies. 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 5269 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. A complaint shall be brought to the attention of an ombudsperson when there is one available. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint
3. The ombudsperson or the person in charge will work to seek a resolution. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge. The person in charge has the authority to expel members from the event for serious or persistent offenses.
4. If the complaint involves a national staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another CUPE chartered organization, the complaint shall be referred to the person responsible for their employment.

5. If the person in charge is a party to the complaint, an alternate will be designated to assume the role.
6. In a case where a member has been expelled from a National event, the National President shall receive a report on the matter. For other events, the presiding officer shall receive a report on the matter.
7. 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. For other events, the presiding officer shall consult the National President.

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 5269, 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 at the membership meeting. In the absence of the President and Vice-President, the Recording Secretary will be the Chairperson at the membership meeting. In the absence of the President, VicePresident and Recording Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.
2. Members are not allowed to speak about an issue for more than five minutes. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.
3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to fifteen minutes. With the agreement of the members present, the fifteen minutes may be expanded.
4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: "Is the Local ready for the motion?" If no member rises to speak, the motion will be voted upon.
5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.
6. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.
7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.
8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.

9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.
10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.
11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.
13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.
14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.
15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
16. Religious discussion of any kind is not permitted.
17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.
18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.
20. The Chairperson will ask "Will the main question be now put?" where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.
21. A motion to adjourn is in order except when a member is speaking or when members are voting.
22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.
24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following



- immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
25. At a membership meeting where a question has been decided any two members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.
  26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
  27. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.

## **Appendix D**

### **ABORIGINAL GREETING**

At the beginning of this event CUPE 5269 meeting, we acknowledge that we are meeting on aboriginal land that has been inhabited by Indigenous peoples from the beginning. As settlers, we're grateful for the opportunity to meet here and we thank all the generations of people who have taken care of this land - for thousands of years. Long before today, as we gather here, there have been aboriginal peoples who have been the stewards of this place. In particular, we acknowledge that we are in Robinson Huron Treaty territory and that the land on which we are gathered is the traditional territory of the Anishnaabeg and Métis people .

We recognize and deeply appreciate their historic connection to this place. We also recognize the contributions of Métis, Inuit, and other Indigenous peoples have made, both in shaping and strengthening this community in particular, and our province and country as a whole. As settlers, this recognition of the contributions and historic importance of Indigenous peoples must also be clearly and overtly connected to our collective commitment to make the promise and the challenge of Truth and Reconciliation real in our communities, and in particular to bring justice for murdered and missing indigenous women and girls across our country.

**Appendix E**  
**Trial Procedure**

**TRIAL PROCEDURE**

**Purpose**

The purpose of the Trial Procedure is to provide members in good standing an internal process to have complaints against other members dealt with in a fair and impartial manner. The Trial Procedure is not to be used for political gain or to resolve interpersonal conflict which does not have a foundation in one of the enumerated offences outlined in Article F.1.

Members are expected to attempt to deal with issues prior to resorting to file a complaint. Concerns are best resolved when members discuss the issues amongst themselves and arrive at mutual solutions. This can be accomplished either through one on one conversation or through facilitated/mediated discussions.

The use of mediation can occur at any time once a complaint is filed including during a trial.

**F.1 Offences**

A member who does any of these acts is guilty of an offence against this Constitution:

- (a) violates any provision of this Constitution or the approved by-laws of any chartered organization.
- (b) becomes a member by dishonesty or misrepresentation.
- (c) brings or urges another member to bring an action in court against the National Union, the National Executive Board, any officer of the National Union, a Local Union or any member of a Local Union about any matter related to the National Union or any chartered organization without exhausting any remedy under this Constitution.
- (d) attempts or supports an attempt to remove any member, group of members or Local Union from the Union.
- (e) produces or distributes any false report about a member of the Union about any matter related to the National Union or any chartered organization, verbally or in any other manner.
- (f) helps any organization competing with the Union in a way that is harmful to the Union.
- (g) steals or dishonestly receives any property of the National Union or any chartered organization.
- (h) uses the name of the Union or any chartered organization to request monies or to advertise without proper authorization.

- (i) without proper authorization, gives a complete or partial list of the membership of the Union or any Local Union to anyone who is not an official entitled to this information.
- (j) wrongfully interferes with the performance of duties by any officer or employee of the National Union.
- (k) sends out information designed or intended to harm or weaken the Union.
- (l) fails to respect the Local Union's picket line, works for the employer during a legal strike or labour dispute or engages in any strike-breaking activity.
- (m) acts in a way that is harassment or discrimination on the basis of sex, sexual orientation, gender identity, gender expression, language, age, race, ethnicity, ancestry, colour, place of origin, creed, disability, family status, marital status or record of offences.

## **F.2 Making a Complaint**

- (a) A member in good standing of the Union (the complainant) may charge a member or officer of the Local Union (the respondent) with an offence by sending a written complaint to the Recording Secretary of the Local Union. The written complaint will set out:
  - (i) The specifics of the complaint, citing in detail the nature of the complaint, the members involved, the date and circumstances of the alleged offence, a list of confirmed witnesses and documents the complainant intends to rely upon; and
  - (ii) which parts of Article F.1 have been violated and the specific act or failure to act which constitutes the alleged violation.
  - (iii) The complaint will be sent within 60 days after the complainant became aware of the offence.
- (b) The Recording Secretary will countersign the complaint and deliver a countersigned copy of the complaint or send it to the respondent by registered mail or by email within ten days of receiving it.
- (c) The Recording Secretary will forward a copy of the complaint and documents to the National President.

## **F.3 Determining Whether Sufficient Evidence Exists to Establish an Offence**

- (a) The National President will appoint an Investigator to review the complaint and determine whether it meets the requirements set out in Article F.2, and if sufficient evidence exists to establish an offence. The Investigator will report their findings and recommendations to

the National President, the complainant and the respondent within 30 days of appointment.

- (b) The Investigator will meet with the complainant and respondent either in person or through teleconference.
- (c) The complainant may appeal a finding that there is not sufficient evidence to establish an offence case within 14 days of receipt. The National President upon receipt of an appeal will appoint three members of the National Executive Board within 14 days of receipt to hear the appeal and render a decision as soon as possible.

#### **F.4 Trial Panel and Trial Committee**

- (a) The National Executive Board, upon recommendation of the National President, will appoint members from each region to serve as Trial Panelists for their respective regions.
- (b) Where sufficient evidence exists to establish an offence, and the matter has not been settled through mediation, the National President will appoint three members of the Regional Trial Panel to serve as the Trial Committee. If the complainant or respondent objects with valid reasons to the appointment of a member to the Trial Committee, the National President may appoint another member.
- (c) Members who have a complaint alleging a violation of Article F.1(m) may opt to use an alternate process adopted by the National Executive Board.
- (d) If a complaint or complaints charge two or more accused with an offence or offences based on facts, issues or circumstances that are similar or related, as determined by the National President, one Trial Committee will be selected to hear and decide the complaint or complaints.
- (e) The National President will assign a National Representative to provide support, advice and guidance concerning procedural matters to the Trial Committee.

#### **F.5 Trial Committee**

- (a) Prior to the commencement of the private hearing the Trial Committee will convene a teleconference with the complainant and respondent and their respective representatives to deal with preliminary matters concerning the trial including procedural questions.
- (b) The Trial Committee will hold a private hearing into the complaint or complaints within 30 days of being selected. The Committee will give at least 14 days' written notice to the complainant and the respondent of the time and place of the hearing. The notice will be delivered in person or sent by registered mail or by email.

- (c) The Trial Committee decides its own procedure in accordance with the rules of natural justice. The Committee can accept any oral or written evidence that it considers proper, so long as every member receives a fair and impartial hearing. The Trial Committee can decide any preliminary objection to the complaint and can dismiss the complaint. The Trial Committee will make the necessary arrangements to have a record of the hearing. The Trial Committee must act with all three members.
- (d) The cost of conducting a trial will include lost wages and reasonable expenses for the Trial Committee, the cost of a hearing room and the cost of keeping a record of the trial. The cost of the trial will be borne by the Local Union where the complaint originates.
- (e) The Local Union is not responsible for the costs of either the complainant or the respondent. However, should the Local Union agree to pay the costs for one party to the complaint, then they are obligated to pay the costs for both the complainant and the respondent.
- (f) The complainant is required to prove that the respondent has committed an offence or offences.
- (g) The respondent and the complainant have the right to be present at the hearing, to call witnesses and to cross examine witnesses called by the other side. They may choose someone to represent them at the hearing or at any other time from when a complaint is filed to when the complaint is re- solved. The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.
- (h) If either the complainant or the respondent does not attend the hearing, the Trial Committee can dismiss the complaint, adjourn the hearing or hold the hearing and decide the complaint in their absence. The Committee can set terms that it considers appropriate for granting an adjournment. The Committee must consider the duty to accommodate when a request for an adjournment is made.
- (j) The Trial Committee decides whether the respondent is guilty of the offence or offences by a secret ballot vote. The respondent is guilty only if at least two members of the Committee vote guilty.

If the respondent is found guilty, the Trial Committee will decide any penalty and what, if anything, the respondent must do or not do. The decision may include:

(i) (ii) (iii)

(iv) (v)

(vi) (vii)

a reprimand;

a fine where permitted by law;

a suspension or expulsion from membership except where such suspension or expulsion from membership would lead to termination of employment;

a ban against holding membership or office;

an order to stop doing the act or acts complained of;

an order to correct the act or acts complained of; or

any other order that the Trial Committee finds appropriate in the circumstances.

(k) The Chairperson of the Trial Committee will report the Committee's decision to the respondent and the complainant and the National President.

The Chairperson of the Trial Committee when reporting to the National President will also provide the record of the hearing. The National President will report the decision to the Recording Secretary of the Local Union. The decision of the Trial Committee will be recorded in the minutes of the next general membership meeting.

## **F.6 Appeal**

(a) The respondent can appeal a finding of guilt and any penalty or order by sending a written appeal to the National President. The appeal must be made within 30 days of when the decision of the Trial Committee was reported to the respondent. The complainant cannot appeal the decision of the Trial Committee.

(b) The written appeal by the respondent will set out:

(i) the part or parts of the decision that are being appealed;

(ii) the date on which the decision was reported to the respondent;

(iii) the reasons for the appeal;

(iv) whether the respondent wants a hearing or wants to make submissions in writing;

(v) the desired location, if a hearing is requested; and

(vi) the remedy requested by the respondent.

The respondent will send the appeal to the National President by registered mail or by email and will send a copy of the appeal to the complainant and to the Recording Secretary of the Local Union.

- (c) On receiving a copy of the appeal, the National President will send a copy of the record of the Trial Committee to the complainant and the respondent.
- (d) On receiving the appeal, the National President will appoint three members of the National Executive Board to be the Appeal Panel. The Appeal Panel cannot include any member of the National Executive Board who has heard an appeal in the case under Article F.3(c). The Appeal Panel will hear and decide the appeal. The Appeal Panel will determine its own procedure and will give the parties a full opportunity to present their case and make submissions on the issues in the appeal.
- (e) If the respondent requests a hearing, the Appeal Panel will send notice to the complainant and the respondent of the time and place of the hearing. The notice will be sent by registered mail or by email at least one month before the hearing.
- (f) The respondent and the complainant have the right to be represented at the appeal hearing.

The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.

- (g) The Appeal Panel can confirm or set aside the finding of guilt and can confirm, change or set aside any penalty or order made by the Trial Committee.

The Appeal Panel will make its decision within 90 days of the completion of the hearing or written submissions. The decision of the Appeal Panel is final and binding.

- (h) The penalty or order of the Trial Committee will not be enforced until:
  - (i) the Appeal Panel has made its decision;
  - (ii) the respondent gives up the right to appeal; or
  - (iii) the respondent fails to appeal the decision of the Trial Committee as set out in Article F.6 (a) and (b).
- (i) If the appeal is upheld in whole or in part, the Local Union will pay the travel and accommodation expenses of the respondent for attending the hearing before the Appeal Panel. Travel and accommodation will be paid at

the rate outlined in the Local Union bylaws. If the appeal is dismissed, the respondent will pay their own expenses.

- (j) The Appeal Panel will report its decision to the complainant, respondent, the National President and the Recording Secretary of the Local Union. The decision of the Appeal Panel will be reported to the next membership meeting and recorded in the minutes of the meeting.