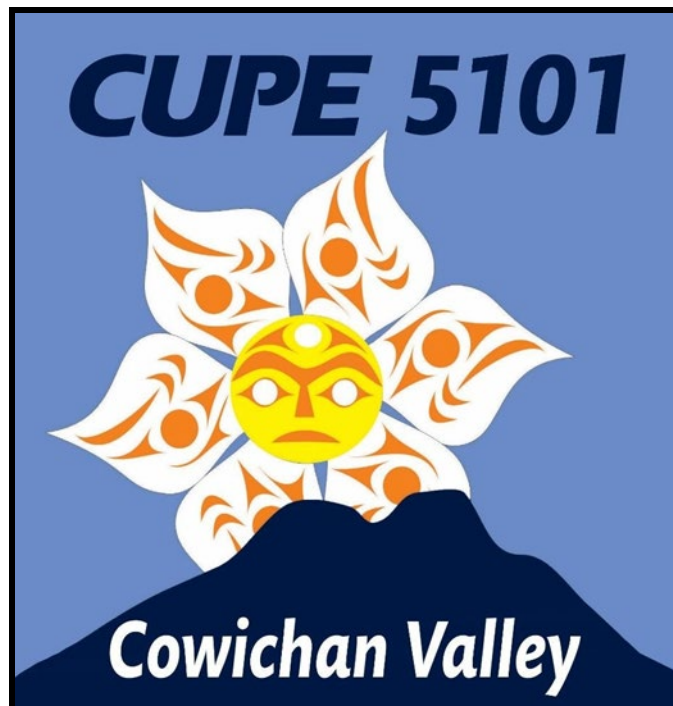

CUPE / Canadian Union
of Public Employees



BYLAWS

UPDATED: DECEMBER 2023

CUPE 5101 acknowledges, honours, and gives thanks, as we work, live, and play on the unceded traditional lands of the Hul'q'umi'num speaking peoples, specifically the lands of the Penelakut, Halalt, Lyackson, Stz'uminus, Malahat, and Quw'utsun peoples; and the Ts'uubaaasatx, Nuu-Chah-Nulth peoples whose territories we work, live, and play on. We dedicate this work to our First Nations, Inuit, and Metis, and all children in the Cowichan Valley School District.

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INTRODUCTION

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, their Local 5101 Cowichan Valley, of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed. The following by-laws are adopted by the Local pursuant to and to supplement, Appendix "B" of the CUPE National Constitution, to safeguard the rights of all members, to provide the responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

SECTION 1 – NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local 5101. (Cowichan Valley School District #79)

SECTION 2 – OBJECTIVES

The objectives of the Local are to:

- a) Secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- b) Support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- c) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism; and
- d) Encourage the settlement by negotiation, mediation, or traditional dispute resolution of all disputes between the members and their employer.

SECTION 3 – INTERPRETATIONS AND DEFINITIONS

- a) Masculine pronouns shall be understood to include the feminine gender.
- b) Numbers of articles at the end of sections or sub-sections refer to relevant articles of the CUPE National Constitution, which should be read in conjunction with these by-laws.

SECTION 4 – MEMBERSHIP MEETINGS – GENERAL AND SPECIAL

- a) General membership meetings shall be held at a time and place decided by Executive, normally three (3) times per year, e.g., September, December, and March, with a minimum of seven (7) days' notice.
- b) Annual General Membership meetings shall be held in June for the purpose of elections of officers.
- c) Special meetings may be ordered by the Executive Board or requested in writing by no fewer than 10% of the members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called, and notice given.
- d) The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be fifteen (15) members, including four (4) members of the Executive Board.
- e) The order of business at General Membership Meetings is as follows:

(Article B.6.1)

Call to Order
Territory Acknowledgement
Roll Call of Officers
Reading of the Equality Statement
Application for Membership and Approval
Additions and Approval of Agenda
Reading and Approval of Previous Meeting Minutes
Treasurer's Report
Executive Board Report
Grievance Report
Old Business
New Business
Reports of Committees and Delegates
Nominations, Elections, or Installations
Good of the Union
Adjournment

SECTION 5 – OFFICERS

The officers of Local 5101 shall be the President, Vice Presidents, Treasurer, Secretary, Membership Officer, Indigenous member, and Young member shall be elected by the membership at large of Local 5101.

An Indigenous member and Young member shall be members at large at the table.

Three (3) Trustees shall be elected on a 3-year rotating structure.

(Article B.2.1 and B.2.2)

SECTION 6 – EXECUTIVE BOARD

- a) The Executive Board shall be comprised of all officers, except Trustees.
(Article B.2.2)
- b) The Executive Board shall meet every five (5) weeks or more if needed.
(Article B.3.14)
- c) A majority of the Executive constitutes a quorum.
- d) The Executive Officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a general membership meeting and having it approved.
- e) The Executive shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE National Constitution.
(Articles B.11.1 to B.11.5)
- g) If an officer fails to attend three (3) consecutive membership meetings, or three (3) consecutive executive meetings, without good and sufficient reason, their office will be declared vacant and filled at the next meeting. (Article B.2.5)
- h) The Executive is empowered to send up to our allotted delegates to Convention/Conference and/or meetings where Local 5101 requires representation and that reports be brought forward to the next general membership meeting of the Local and posted on the local's website.
- i) The Executive is empowered to fund and send members to appropriate education courses/seminars/programs which are deemed financially feasible and of educational benefit to the Local. A report on these decisions to be brought to the next possible general membership meeting.

SECTION 7 – DUTIES OF OFFICERS AND STEWARDS

All signing officers of Local 5101 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.

It is the duty of all officers to preserve, in all cases where possible, and when warranted, confidentiality concerning names of grievors, and full details of the issues.

On conclusion of their term of office all officers and stewards will return all books, seals, and other properties of the Local back to the Local 5101 Union office.

(Article B 3.9)

President:

The office of the President shall be full-time seven (7) hours per day, based on a yearly approved budget and, on the need of the Executive and the membership. The term being three (3) calendar years. The President's wages and benefits are based on their current position and hourly wage in the School District Position they occupy, to a maximum of forty (40) hours.

The office of the President will be a 10-month position but will return two weeks prior to start up.

The President shall:

- a) Be a full-time officer of Local 5101, based on the need of the Executive and membership;
- b) Enforce the CUPE National Constitution and these By-laws;
- c) Preside at all General Membership and Executive Board meetings and preserve order;
- d) Decide all points of order and procedure (subject always to appeal to the membership);
- e) Have a vote on all matters (except appeals against the rulings) and in case of a tie vote in any matter, excluding elections, have the right to cast an additional vote to break the tie;
- f) Have the ability to fill any vacancy that should arise on any committee;
- g) Be a member, ex-officio, of each committee;
- h) Ensure that all officers perform their assigned duties;
- i) Introduce new members and conduct them through the initiation ceremony;
- j) Be a signing officer and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-laws, or vote of the membership;
- k) Be allowed to incur expenses on behalf of the Local supported by vouchers and/or receipts;

- l) Have first preference as a delegate to all conventions and conferences participated in by the Local; and
- m) Keep and maintain records of all grievances.

Vice President:

The Vice President shall:

- a) Take the place of the President if they are absent, or incapacitated;
- b) Take the office of President in an acting role if it should fall vacant, until a new President is elected;
- c) Render assistance to any member of the Executive Board as directed by the Executive; (Article B.3.2.)
- d) Be allowed to incur expenses on behalf of the Local supported by vouchers and/or receipts;
- e) Make regular reports to the Executive Board;
- f) Assist the President in representing members in matters of grievance;
- g) Assist in maintaining a record of all grievances and Grievance Settlement Board awards; and
- h) Coordinate, counsel, and assist in the training of all Union Stewards in grievance matters.

Secretary:

The Secretary shall:

- a) Keep full, accurate, and impartial account of the proceedings of all special membership, general membership, and Executive 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 Treasurer. (Article B.3.6)
- b) Keep a record of all Trustees' Reports. The Secretary performs other duties required by the Local Union, its By-laws, or this Constitution.
- c) Keep a correct record of all CUPE 5101 members.

Treasurer:

The Treasurer shall:

- a) 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;
- b) 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;
(Articles B.3.4 to B.3.8)
- c) Serve as Chairperson of the Budget Committee;
- d) Draft a yearly budget to be reviewed and approved by the Executive and membership of the Local;
- e) Keeps all financial records of the Local Union and a correct record of all its members;
- f) Abide to the following: A Treasurer and all other signing officers of a Local Union or other chartered organization must be bonded. The bond must be for an amount that meets the guidelines set by the National Secretary-Treasurer and sent to all chartered organizations every year. The National Secretary-Treasurer will approve the amount of the bond for any position as set out in Article 9.3(k). If the Treasurer does not qualify for a bond, the Treasurer is immediately removed from office and a replacement is elected;
(B.3.5 Bonding)
- g) Regularly make full Financial Reports to meetings of the Executive Board;
(B.3.6 Financial Reports)
- h) Make a written report to each regular membership meeting. The written report will contain details of all income and expenditures since the last report;
- i) Give all financial records, invoices, original bank statements and other supporting documents to the Trustees for an audit at least once in each calendar year;
(B.3.7 Information to Trustees)
- j) Provide a statement from each bank where the Local Union has an account setting out the monies on deposit;
- k) Respond in writing and within a reasonable time to any concerns or recommendations in the written report made by the Trustees as set out in Article B.3.12(a);
- l) Send all monies owed to the National Union for each month to the National Secretary-Treasurer no later than the last day of the next month.
The monies owed include the initiation fee of one dollar (\$1) for each person admitted to membership and per capita tax on all dues received by the Local Union; and
(B.3.8 Payments and Report to National Union)

- m) Send an official monthly report to the National Secretary-Treasurer on the form provided. The official monthly report will set out the number of members initiated, reinstated, suspended, and expelled and the number of members for whom per capita tax is paid.

Membership Officer:

The Membership Officer shall:

- a) Guard the inner door at General membership meetings and admit no one but members in good standing or officers and officials of CUPE, except on the order of the Chair and by consent of the members present;
- b) Maintain the record of membership attendance at meetings;
- c) Book venues, and provide refreshments as directed by the Executive Board; and
- d) Perform other such duties as may be assigned by the Executive from time to time.

Indigenous Member (1-year Term):

The Indigenous Member shall:

- a) Participate in all decision making at the Executive Board meetings;
- b) Assist officers where appropriate;
- c) Be responsible for distribution of information and meeting notes as per the Executive; and
- d) In consultation with the Executive, liaison, and support with other Indigenous members.

Young Member (1-year Term):

The Young Member shall:

- a) Be 30 years of age and under;
- b) Participate in all decision making at the Executive Board meetings;
- c) Assist officers where appropriate;
- d) Be responsible for distribution of information and meeting notes as per the Executive; and
- e) Promote youth activities for young workers.

Trustees:

The Trustees shall:

- a) 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.
- b) Make a written report of their findings to the first membership meeting following completion of each audit.
- c) Submit in writing to the President and Secretary-Treasurer any recommendation and/or concern they felt should have 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.
- d) Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- e) Ensure that proper financial reports have been given to the membership.
- f) Audit the record of attendance.
- g) Inspect at least once a year, any stocks, bonds, securities, office furniture, 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.
- h) Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - i. Completed Trustee Audit Program
 - ii. Completed Trustees' Report
 - iii. Secretary Treasurer Report to the Trustees
 - iv. Recommendations made to the President and Secretary Treasurer of the Local Union
 - v. Secretary-Treasurer's response to recommendations
 - vi. Concerns that have not been addressed by the Local Union Executive Board.

(Articles B.3.10 to (B.3.12)

Stewards:

Stewards must attend at least two (2) member meetings a year unless a valid reason acceptable to the Executive is given for non-attendance.

The Stewards shall:

- a) Ensure that the Collective Agreement is adhered to by both the employer and members;
- b) Ensure that grievances are investigated, researched, and forwarded to the President and/or Vice President for processing;

- c) Ensure that members are informed about their rights, Division policies, Union policies and objectives, labour legislation and legislative programs;
- d) Work for the welfare of the group; act promptly and decisively, develop teamwork and fight for what is right;
- e) Ensure notes are taken at all meetings and delivered to the Union office at the meeting conclusion. Including all pre-conversations leading up to the meeting; and
- f) Attend a training session for Stewards when notified by the Executive at large.

SECTION 8 – NOMINATION, ELECTION, AND INSTALLATION OF OFFICERS

Local Nominations

All elected positions will be three (3) year terms except for Indigenous Worker and Young Worker.

To be eligible for nomination a member shall have attended at least fifty percent (50%) of the membership meetings held in the previous twelve (12) months; or, in the period he/she was a member, if less than a year, unless a valid reason acceptable to the Local is given for non-attendance by the next membership meeting.

Local Elections

Effective for the June 2023 Annual General Meeting, Local Elections will follow the below cycle:

Year 1

- President,
- Secretary
- One (1) Trustee
- Indigenous Member
- Young Member

Year 2

- One (1) Trustee
- Indigenous Member
- Young Member

Year 3

- Vice President
- Treasurer
- Membership Officer
- One (1) Trustee
- Indigenous Member
- Young Member

In order to sustain the continuity of the Local the outgoing President shall be provided up to three (3) weeks to assist the newly elected President during their transition.

Election Protocol

1. The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available, in a reasonable period of time to the Returning Officer.
2. The Returning Officer and their delegate shall be appointed prior to the election(s) prior to the Annual General Meeting, subject to the memberships' approval.
3. The voting for the Local elections shall take place at the Annual General Membership meeting; voting shall be by secret ballot.
4. Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
5. A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall 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 shall be dropped.
6. Any member may request a recount of the votes for any elections, and the recount shall be conducted immediately. It can only be conducted if it is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting.
7. Any active member in good standing may appear and nominate for office any member present, provided he or she is in good standing.
8. Nominations shall be received no later than April 30th for position of President prior to the Annual General Membership meeting.
9. Nominations shall be received at the Annual General Meeting for all other Local positions.
10. 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.
11. Following three (3) calls – “Are there any further nominations?” by the presiding Officer, in the case of each position to be filled, he or she will declare nominations closed.

12. 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.
13. The presiding Officer will ask each nominee, commencing with the last one named and following the list in reverse, "If elected, are you willing to serve in their capacity?" Any nominee who answers "No" will have their or their name deleted from the list. Any nominee who answers "Yes" will have their or their name left on the list of candidates for the position.
14. In the event there is only one (1) candidate for office that person should be declared elected by acclamation.
15. Article B.2.2 of the National Constitution does not permit a member to hold more than one (1) elected position on the Executive Board but it does not prohibit a member from running for more than one Executive position.
16. A member may accept nomination for a position while holding office on any position. If successful in the election, their resignation from their current position will take effect at that time.
17. In the case of vacancies occurring, a by-election will be held at the earliest opportunity.
16. Candidates are permitted one (1) scrutineer each. Scrutineers are permitted to witness the counting of the ballots. However, they are not entitled to disrupt the process.
17. All nominees shall have the right to select their own scrutineer.
18. In the event of a tie vote, a second ballot will be taken, if necessary, until a candidate receives a majority of votes cast and can be declared elected.

Installation

All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for a three (3) year period or until such time a successor has been elected and installed provided; however, that no term of office, shall be longer than three (3) years.
(Article B.2.4)

The terms of office for Trustees shall be as laid down in Article B.2.4 of the CUPE National Constitution.

By-Elections

Should an office fall vacant pursuant to Section 6 g) of these By-laws or for any other reason the resulting byelection should be conducted as closely as possible in conformity with their Section.

SECTION 9 – 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 shall be directed to the Treasurer and shall be accompanied by an initiation fee of ten dollars (\$10) which shall be in addition to monthly dues.

If the application is rejected the fee shall be returned. (Articles B.4.1.& B.8.2.)

b) **Re-admittance Fee**

The re-admittance fee shall be ten dollars (\$10). (Articles B.4.1.)

c) **Monthly Dues**

- The dues shall be 1.29% of the gross pay above CUPE National per capita and assessments (calculated on bi-weekly periods);
- Payable every 2 weeks;
- All regular employees will pay no less than six dollars and fifty cents (\$6.50);
- Changes to the levels of the Initiation Fee, Re-Admittance Fee, or the dues can be effected only by following the procedures for amendment of these By-laws (see Section 16), with the additional provision that the vote shall be by secret ballot. (Article B.4.2.)

SECTION 10 – NON-PAYMENT OF DUES AND ASSESSMENTS

Any member in arrears for a period of three (3) months or more shall be automatically suspended.

The Executive Board will report all suspensions to the next membership meeting. Any member under suspension wishing to be reinstated will, upon application, pay the readmission fee plus any dues and assessments in arrears. This money will be returned if the application is rejected. 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.

SECTION 11 – VOTING OF FUNDS

Except for ordinary expenses and bills attributable to the operation of Local 5101, no sum over five hundred dollars (\$500) shall be voted for the purpose of a grant or contribution to a member or any cause outside of the Canadian Union of Public Employees, except by a notice of motion given in writing and dealt with at the following meeting, for example sympathy, charitable donations, thank-yous. Up to five hundred dollars (\$500) may be contributed to any cause within the Canadian Union of Public Employees.

SECTION 12 – OUT-OF-POCKET EXPENSES

- a) The following monthly expense allowances shall be as follows:

Executive Role	Amount	Communication Allowance	Total
President	\$200	\$ -	\$200
Vice President	\$175	\$25	\$200
Treasurer	\$150	\$25	\$175
Secretary	\$125	\$25	\$150
Membership Officer	\$100	\$25	\$125
Indigenous Worker	\$75	\$25	\$100
Young Worker	\$50	\$25	\$75
Stewards	\$25	\$ -	\$25

During the summer months out of pocket expenses will not be paid.

- b) Any Executive member doing approved work of the Local Union shall be reimbursed mileage according to the established CUPE BC Guidelines when the distance exceeds twenty-five (25) kms in one trip. An Expense Form must be approved and submitted for reimbursement.
- c) Executive members shall also be entitled to claim mileage when attending Executive meetings when the distance exceeds twenty-five (25) kms in one trip. An Expense Form must be approved and submitted for reimbursement.
- d) Any member shall also be entitled to claim mileage on a case by case basis. An Expense Form must be approved and submitted to the President, or designate, for reimbursement.
- e) All delegates attending affiliate meetings will be paid a per diem according to the established CUPE BC Guidelines.

The Budget Committee shall review any increases to these out-of-pocket expenses annually. The per diem expenses shall be established and maintained annually at the CUPE BC level. Mileage, wages, accommodation, dependent care, and transportation rates shall be maintained annually in accordance with CUPE BC's established guidelines and paid accordingly.

No CUPE Member shall incur regular scheduled wage loss in the performance of their duties on behalf of the Local.

SECTION 13 – DELEGATES TO CONFERENCES, CONVENTIONS, AND EDUCATIONALS

To be eligible for nomination a member shall have attended at least fifty percent (50%) of the membership meetings held in the previous twelve (12) months; or, in the period he/she was a member, if less than a year, unless a valid reason acceptable to the Local is given for non-attendance by the next membership meeting.

Delegates to all Provincial and National Conferences, Conventions, Seminars, and Educationals shall:

- a) Be elected at a regular Executive meeting. The President shall have first preference to attend followed by a draw of remaining Executive positions and Stewards until credentials are filled.
- b) Be paid transportation expenses, a per diem allowance in accordance with Section 12 and an amount equal to any loss of salary incurred by attendance at the convention.
- c) Be appointed by the Executive Board to attend the Vancouver Island District Council and NDDLC.
- d) Be Represented at education institutes and seminars on the recommendation of the Executive or their delegates. Expenses shall be paid in accordance with Section 12 – 'Out of Pocket Expenses.'

SECTION 14 – COMMITTEES

All correspondence and actions to be taken by committees will be communicated to the CUPE 5101 office to ensure continuity. The following are committees of Local 5101.

The Chairperson and committee members of each committee shall be appointed by the Executive Board or elected by the members at a membership meeting. The President or Vice President shall be a member, ex-officio, of each committee.

When possible, committee representatives shall be elected or appointed to reflect the diversity of roles within the Union.

Bargaining Committee

This shall be a special ad hoc committee prior to the expiry of the Collective Agreement and automatically disbanded when a new Collective Agreement has been signed. The function of each Committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The Committee shall all be elected at a membership meeting. The number of committee members will be determined by the Collective Agreement. The President or their designate shall be a member of the Bargaining Committee. The CUPE National Representative assigned to the Local shall be a non-voting member of the Committee.

Grievance Committee

This Committee shall process all grievances not settled at the initial stage and its reports shall be submitted first to the Executive Board, the National Representative and then to a membership meeting. Grievances must be in writing on the forms provided by the National office and be signed by the complainant or complainants, as provided for in the Collective Agreement. The Committee shall be comprised of the Executive of Local 5101 and other officers or members who may be selected to attend. The number of committee members will be determined by the Collective Agreement. All grievance reports will be forwarded to the National Representative.

Job Evaluation

This Committee shall attend all joint CUPE Job Evaluation meetings in order to enhance and ensure the continuity of the hierarchy of jobs within School District No. 79. Two (2) members plus an alternate attend meetings. One (1) member shall be from the Executive Board. The two (2) remaining can be appointed or elected from general membership if interest is shown.

Pro D

This Committee shall attend all joint CUPE Professional Development meetings with management to provide two (2) days per year of professional development. The number of Committee members will be determined by the Collective Agreement. One (1) member shall be from the Executive Board. The remaining can be appointed or elected from general membership if interest is shown.

District Health and Safety Committee

The number of Committee members will be determined by the Collective Agreement. One (1) member shall be from the Executive Board. The remaining can be appointed or elected from general membership if interest is shown.

- a) Must be of good standing in accordance with the Local's By-laws;
- b) Shall attend CUPE's Health & Safety Course within the first twelve (12) months of being elected/selected, if the term of election is greater than one (1) year;

- c) Shall be accountable to the membership through the co-chair of the Committee, the Local Executive, and comply with both the CUPE Constitution and those By-laws;
- d) The members elected/appointed must attend all meetings and inform employer when not able to.
- e) The members elected/appointed shall also ensure that the membership is well informed by presenting a written or verbal report at each membership meeting. Ensuring the minutes of each joint committee meetings are posted along with any WCB orders or reports, and ensure all related health and safety information is forwarded to the Local Union Executive;
- f) Ensure all the Local's issues are placed on the agenda;
- g) Ensure the minutes accurately reflect the intent and the discussion of each meeting and record any and all opposition;
- h) Ensure all Committee recommendations are forwarded to the Union Executive;
- i) Ensure worker representation during workplace inspections, investigation of accidents/incidents. Worker complaints, when a member uses their right to refuse unsafe work and when a WCB Representative is present in a workplace when requested;
- j) Be accountable to the Local Executive by coordinating the preparation of a report for Executive meetings, and when requested attend the meeting;
- k) Ensure a written or verbal report is given at each membership meeting;
- l) Ensure all members elected/appointed receive the required education, be it the CUPE's level one 30-hour course or the required annual education level under the OH&S.

Budget Committee:

It shall be the duty of the Executive to draw up an Operational Budget for CUPE Local 5101 prior to the Annual General Meeting.

Bylaw Committee:

It shall be the duty of this Committee to review the By-laws for CUPE Local 5101 when needed. This Committee will be appointed and will be no more than five (5) members.

Sunshine Committee (minimum of five (5) members):

The Sunshine Committee shall:

- a) Send some token of the Local's concern; and desire to help, whether the member has been at home or in a hospital ill for more than a week;
- b) Extend the Local's condolences in the event of a death of a member or one of their immediate family and make any other appropriate gesture in accordance with custom or the wishes of the family concerned;

- c) Extend congratulations to members on special occasions, such as marriages, births, retirements, etc.;
- d) Be reimbursed by Local 5101 for all reasonable expenses incurred in the performance of its duties; and
- e) Social and recreational events will be made by motion and approved annually by the membership through the approval of the Local's yearly Budget.

Bursary Committee (minimum of three (3) members):

This Committee shall:

- a) Communicate with schools to obtain applications;
- b) Meet 1-2 times per year to discuss;
- c) Announce successful applicants at a member meeting after they have been Awarded; and
- d) May present bursaries at awards evenings if required.

Ad Hoc Committee:

Special Ad Hoc Committees may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting or may be appointed by the President or the Executive Board.

SECTION 15 – RULES OF ORDER

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

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

SECTION 16 – AMENDMENTS

- a) These By-laws 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 By-laws and the CUPE National Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President. (Articles 9.2, 12.3 and B.6.1)
- b) These By-laws shall not be amended, added to, or suspended, except upon a two-thirds majority vote of those present and voting at a regular or special membership meeting following seven (7) days of notice at a previous meeting or sixty (60) days written notice. (Article B.6.12)
- c) No change in these By-laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President. (Articles 12.3 and B.6.1)

SECTION 17 – DISTRIBUTION OF BYLAWS

CUPE Local 5101 By-laws are available at the website www.5101.cupe.ca.

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

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 Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and 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 C

CODE OF CONDUCT

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally. CUPE is committed at all levels to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. CUPE needs to ensure that we provide a safe environment for members, staff and elected officers to carry out our work. CUPE's expectation is that mutual respect, understanding and co-operation will be the basis of all our interaction. The Code of Conduct sets out standards of behaviour for participants at national convention, national conferences, schools, meetings, and all other events organized by CUPE National. It is also applicable to structures of CUPE – locals, Provincial and Service Divisions, District Councils, Provincial Unions, Councils of Unions, Provincial Councils of Unions, and Provincial Sectoral Groups. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution. This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National and at events, meetings and activities by other parts of CUPE referenced above. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy. As CUPE members, staff, and elected officers, we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement
- Respect the views of others, even when we disagree
- Recognize and value individual differences
- Communicate openly
- Support and encourage each other
- Make sure that we do not harass or discriminate against each other
- Commit to not engaging in offensive comment or conduct
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating

Take responsibility for not engaging in inappropriate behaviour due to use of alcohol or other drugs while participating in union activities, including social events. Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being. A complaint regarding the Code of Conduct will be handled as follows:

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

This Code of Conduct is designed to create a safe, respectful, and supportive environment within all parts of CUPE. It is meant to enhance the rights and obligations outlined in the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them. All chartered organizations are subject to this Code of Conduct, to apply to conventions, conferences, schools, and meetings which they organize.

