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CANADIAN  
UNION OF  
PUBLIC  
EMPLOYEES

# CONSTITUTION

# 2003



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UNION OF  
PUBLIC  
EMPLOYEES

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REVISED  
OCTOBER 2003

# CONSTITUTION

# 2003





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The Canadian Union of Public Employees is Canada's largest union. CUPE represents more than a half million workers in a wide range of occupations from coast to coast.

CUPE is a democratic union in which the members make the decisions and set the policies. At all levels, it is the rank-and-file members who determine by majority vote what the Union does.

The CUPE Constitution came into existence at the Founding Convention in 1963 when the National Union of Public Employees (NUPE) and the National Union of Public Service Employees (NUPSE) merged to form the Canadian Union of Public Employees. Changes to the Constitution can only be made by the delegates at the Union's Biennial Convention.

The CUPE Constitution accordingly belongs to the members of CUPE. It determines the Union's objectives and how the Union operates. It forms the basis for the functioning of the more than 2,200 CUPE local unions across Canada.

A handwritten signature in black ink that reads "Paul Moist".

**PAUL MOIST**  
National President

A handwritten signature in black ink that reads "Claude G  n  reux".

**CLAUDE G  N  REUX**  
National Secretary-Treasurer

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## **Article I**

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### **NAME AND HEADQUARTERS**

- 1.1** This Union shall be known in the English language as the “Canadian Union of Public Employees” and in the French language as “Syndicat canadien de la fonction publique”.
- 1.2** The National Headquarters shall be located in the City of Ottawa, Ontario, Canada.

## **Article II**

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### **OBJECTIVES**

- 2.1** The Union has as its objectives:
- (a) The organization of workers generally, and in particular all workers in the public service of Canada.
  - (b) The advancement of the social, economic and general welfare of active and retired employees.
  - (c) The defence and extension of the civil rights and liberties of public employees and the preservation of free democratic trade unionism.
  - (d) The improvement of the wages, working conditions, hours of work, job security and other conditions affecting all employees including retirees’ pension benefits.
  - (e) The promotion of efficiency in public service generally.

- (f) The promotion of peace and freedom in the world, and the cooperation with free and democratic labour movements throughout the world.
- (g) The utilization of our world's natural and human resources for the good of all the world's people while promoting the respect and conservation of the environment and the creation of sustainable communities and jobs.
- (h) The elimination of 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 to discrimination of same wherever it occurs or appears.
- (i) The establishment of strong working relationships with the public we serve and the communities in which we work and live.

**2.2** The objectives of the Union are to be accomplished through the following methods:

- (a) Establishing cooperative relations between employers and employees.
- (b) Promoting required desirable legislation.
- (c) Conducting an educational program designed to enlighten the general public with respect to the problems of public employees.



- (d) Organizing and supporting central and provincial bodies of public employees for dealing with matters peculiar to a particular area or province and for assisting in the organizational efforts of this Union.
- (e) Cooperating with the Canadian Labour Congress, its chartered federations and labour councils, its affiliates and its departments in furthering the general well-being of the whole labour movement.
- (f) Cooperating with the Public Services International and the International Confederation of Free Trade Unions in their work.

## **Article III**

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### **JURISDICTION AND MEMBERSHIP**

- 3.1** Any group of the following employees shall be eligible for membership as a chartered Local Union:
- (a) Employees of any federal, provincial or municipal government of local authority or any subdivision thereof.
  - (b) Employees of any public board or commission established by or related to the municipal authority.
  - (c) Employees of any public board, commission or authority of the federal or any provincial government.
  - (d) Employees of any hospital, social or welfare agency established to serve a community.
  - (e) Employees of any public utility.

- (f) Employees of any sector of the Canadian air transportation industry including any airline based or operating in Canada.
  - (g) Employees of any employer who desire to be represented by and belong to the Canadian Union of Public Employees.
- 3.2** The Canadian Union of Public Employees may issue charters to any group of employees wishing to join the Canadian Union of Public Employees.
- 3.3** Local union charters may be revoked only by a majority roll call vote of the Convention.
- 3.4** The National Executive Board shall have the power to investigate and suspend Locals in accordance with the procedures specified in Article 7.7 of the Constitution.
- 3.5**
- (a) A permanent Committee on Jurisdiction shall be appointed by the National Executive Board. All jurisdictional disputes within the Canadian Union of Public Employees shall be referred to this Committee.
  - (b) The Committee on Jurisdiction shall investigate all cases referred to it, and make its recommendations to the National Executive Board.
  - (c) The decision of the National Executive Board shall be final and binding on the parties to the dispute, subject to the approval of Convention.

### 3.6

- (a) A Local Union may transfer all or part of its membership to another Local Union provided that the transfer of jurisdiction is approved by the membership at a meeting for which notice of motion has been given. The motion to transfer must be adopted by at least a simple majority of members of the Local Union present and voting at the meeting, as well as by at least a simple majority of the members present and voting of the bargaining unit(s) concerned, where only a partial transfer is involved.
- (b) Where a Local Union is transferring all or part of its membership to an existing Local Union, the Local Union accepting jurisdiction must seek the approval of its membership at a meeting for which notice of motion has been given. The transfer resolution must be adopted by at least a simple majority of the members present and voting at the meeting.
- (c) Where a transfer of members from a Local Union results in the creation of a new Local Union, the requirements of Article B.1.1 shall be fulfilled.
- (d) Upon completion of the requirements set out in subsections (a) and (b), or (a) and (c) above, confirmation shall be forwarded to the National Secretary-Treasurer along with duly signed copies of the resolutions dealt with. A transfer of jurisdiction shall be deemed complete, and a new or amended charter issued, once approval under seal has been given by the National Secretary-Treasurer.

- 3.7** In the event of a merger, the merging Local Unions must seek the approval of their memberships at individual meetings for which notice of meeting has been given. The merger resolution must be adopted by at least a simple majority of members present and voting at each meeting. Once the requirements of Article B.1.1 have been fulfilled, duly signed copies of the merger resolutions shall be forwarded to the National Secretary-Treasurer. A merger shall be deemed complete, and a new charter issued, once approval under seal has been given by the National Secretary-Treasurer.
- 3.8** Where a Local Union holds certification for the members of a bargaining unit which has a separate employer, the bargaining unit may request a transfer of jurisdiction if a resolution of support is adopted by at least a simple majority of its members present and voting at a meeting for which notice of motion has been given. The issuance of a separate charter shall be at the discretion of the National Executive Board following fulfillment of the requirements of Article B.1.1. The National Executive Board may also consider transfer of the bargaining unit to an existing Local Union provided the Local Union accepting jurisdiction has fulfilled the requirements of Article 3.6 (b).
- 3.9** Where legislation requires that a Local Union transfer all or part of its membership to another Local Union, such a transfer shall be recognized by the Local Unions involved. A copy of the official legislation shall be forwarded to the National Secretary-Treasurer who shall formalize the transfer of jurisdiction under seal of the Canadian Union of Public Employees.

- 3.10** Where a bargaining unit receives a separate charter, or its jurisdiction is transferred from one Local Union to another, it shall be entitled to a pro-rated portion of the Local Union's funds and properties. The parties concerned shall determine an equitable allocation of funds. Failing agreement on the disposition of funds, the matter shall be referred to the National Executive Board whose decision shall be final and binding on the parties.
- 3.11** For purposes of organizing, the Canadian Union of Public Employees may accept directly into membership any employee who wishes to join the Canadian Union of Public Employees.

## **Article IV**

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### **PROVINCIAL DIVISIONS**

### **DISTRICT COUNCILS**

### **SERVICE DIVISIONS**

### **PROVINCIAL UNIONS**

### **PROVINCIAL COUNCILS OF UNIONS**

### **COUNCILS OF UNIONS**

### **PROVINCIAL OCCUPATIONAL GROUPS**

## **4.1 Provincial Divisions**

- (a) In any given province, one Provincial Division may be established and chartered when deemed advisable and when at least ten chartered Local Unions in the province indicate a desire to form such a Division. Only chartered Local Unions and District Councils shall be entitled to membership in a Provincial Division but, where the constitution of the Provincial Division so provides, Provincial

Councils of Unions (chartered according to Article 4.5) and Councils of Unions (chartered according to Article 4.6) may be permitted membership in the Provincial Division.

- (b) A Provincial Division shall have the authority to formulate policies in addition to, and not at variance with, the policies of the Canadian Union of Public Employees. The Division shall also assist the National Executive Board, the National Officers, and national staff in implementing policies and programs of the Canadian Union of Public Employees.

## **4.2 District Councils**

- (a) In any given area of a province, a District Council may be established and chartered when deemed advisable and when at least five chartered Local Unions in the region indicate a desire to form such a Council. Only chartered Local Unions shall be entitled to membership in the Council. The National Executive Committee shall prescribe the jurisdictional area of each District Council.
- (b) The Council shall coordinate activities of Locals in its area and assist the National Executive Board, National Officers, and national staff in implementing national and provincial policies and programs of the Canadian Union of Public Employees.

## **4.3 Service Divisions**

- (a) National or Provincial Service Divisions may be established and chartered by the authority of the National Executive Board.

- (b) The provisions governing the establishment, rights, privileges and obligations of a Service Division are found in Appendix “C” of this Constitution.

#### **4.4 Provincial Unions**

- (a) Local Unions operating on a province-wide basis may be chartered as Provincial Unions by the Canadian Union of Public Employees. A Provincial Union shall have all the rights, privileges, and obligations of a Local Union as defined in this Constitution.
- (b) A Provincial Union shall have the authority to formulate provincial policy for its members in addition to, and not at variance with, the provincial and national policies of the Canadian Union of Public Employees.

#### **4.5 Provincial Councils of Unions**

Where provincial labour legislation makes it possible and advisable to form a Provincial Council of Unions for the sole purpose of certification and collective bargaining, such a Provincial Council of Unions may be established and chartered by the Canadian Union of Public Employees. The National Executive Board shall make or approve the necessary rules and regulations governing the operation of Provincial Councils of Unions.

#### **4.6 Councils of Unions**

Councils of Unions may be established and chartered by the Canadian Union of Public Employees for the purpose of collective bargaining under authority from the National Executive Board. The National Executive Board shall have the power to:

- (a) Establish the jurisdiction of the Council.
- (b) Approve the by-laws of the Council before they come into force.
- (c) Dissolve the Council and/or revoke the charter of the Council subject to appeal to the National Convention.
- (d) Where the National Executive Board has chartered Councils of Unions under this article, chartered Local Unions within a designated jurisdiction shall have the option of affiliating with the Council of Unions.

#### **4.7 Provincial Occupational Groups**

Provincial Occupational Groups may be established under the auspices of a Provincial Division to coordinate activities and programs of such groups. The structure and by-laws of such Provincial Occupational Groups shall be subject to the approval of the National Executive Board. It shall not be necessary for all local unions within the province to affiliate to the Provincial Division in order to participate in a Provincial Occupational Group.



- 4.8** Provincial Divisions and District Councils shall be subject to the by-laws, including Appendix “B”, and regulations as set out in the Constitution and shall follow the procedure, the necessary changes being made, laid down in Article XIII of the Canadian Union of Public Employees Constitution when adopting or amending their own by-laws.
- 4.9** Any Provincial Division, District Council, Service Division, Provincial Council of Unions or Council of Unions may have its charter revoked by the National Executive Board, subject to appeal to the National Convention.

## **Article V**

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### **GOVERNMENT AND STRUCTURE**

- 5.1** The government and structure of the organization shall be as follows:
- (a) The Biennial Convention
  - (b) The National Executive Board
  - (c) The National Executive Committee
  - (d) The National Officers
  - (e) Provincial Divisions
  - (f) District Councils
  - (g) Service Divisions
  - (h) Provincial Unions
  - (i) Local Unions

- 5.2** No Local Union or other subordinate body chartered by the Canadian Union of Public Employees, or any officer or member thereof, shall have the power to act as an agent for the Canadian Union of Public Employees or otherwise bind the Canadian Union of Public Employees except insofar as authorized by the National President or in the absence of the National President, the National Secretary-Treasurer and/or the National Executive Board.

## **Article VI**

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### **CONVENTIONS**

- 6.1** The Union shall meet biennially at such place as the National Executive Board shall determine, having regard to the locations and accommodation. The supreme authority of the Union shall be this Biennial Convention.
- 6.2**
- (a) Special Conventions may be called by direction of a regular Convention, by order of the National Executive Board, or on request of chartered unions representing a majority of the total number of locals of the organization, as evidenced by the records of the National Secretary-Treasurer reported to the last Biennial Convention.
  - (b) In the event a majority as provided in subsection (a) requests a Special Convention, the National Executive Board shall issue the call for the Special Convention within 30 calendar days of such request and shall give all organizations 60 calendar days' notice of the time and place for holding the Special Convention, together with a statement of the business to be considered at such Convention.

- (c) Representation to Special Conventions shall be on the same basis as regular Conventions.
- (d) Except as provided in subsection (b) of this section, a Special Convention shall exercise the same authority as regular Conventions.

### **6.3**

- (a) Not less than 90 calendar days prior to the opening of such regular Convention and 30 calendar days prior to each Special Convention, the National Secretary-Treasurer shall issue a convention call and furnish each organization entitled to send delegates with credential blanks in duplicate which must be attested as required on the blanks. The original shall be retained by the delegate and the duplicate forwarded to reach the National Office not later than 45 calendar days prior to the opening of the regular Convention, or 15 calendar days prior to a Special Convention.
- (b) Commencing with the 1997 Biennial Convention a registration fee of \$150.00 for each delegate shall be attached to the duplicate credential forwarded to National Office. A fee of \$150.00 shall be charged for each guest registration. The delegate and guest registration fees for subsequent conventions shall be established by the National Executive Board in consideration of the Consumer Price Index published by Statistics Canada.
- (c) \$5.00 of the delegate registration fee shall be used to offset at-home child care expenses incurred by convention delegates. Within two (2) months of the close of convention, delegates, through their Local Unions, may apply to the Canadian Union of Public Employees for

reimbursement of child care expenses to a maximum of \$50.00 per day per delegate. The National Secretary-Treasurer shall establish a standard form with guidelines for reimbursement, to be provided to all Local Unions.

**6.4 Representation at Convention shall be:**

Local Unions:

Up to 100 members . . . . .	1 delegate
101 to 200 members . . . . .	2 delegates
201 to 500 members . . . . .	3 delegates
501 to 1,000 members . . . . .	4 delegates
1,001 to 1,500 members . . . . .	5 delegates
1,501 to 2,000 members . . . . .	6 delegates
2,001 to 2,500 members . . . . .	7 delegates
2,501 to 3,000 members . . . . .	8 delegates

for each additional 500 members  
or portion thereof – 1 additional delegate.

Provincial Divisions . . . . .	1 delegate
District Councils . . . . .	1 delegate
Service Divisions . . . . .	1 delegate
Provincial Councils of Unions . . . . .	1 delegate
Councils of Unions . . . . .	1 delegate

Each national equity-seeking committee shall be entitled to one (1) delegate to the National Convention with full voice and paid for by the National Union.

**6.5 Representation at Conventions shall be based on the paid-up membership, including Rand Formula payees, on the average number of members of the last twelve (12) months before the convention call is sent out.**

- 6.6** Any chartered organization entitled to representation at Convention shall also be entitled to one alternate delegate. An alternate delegate shall only be permitted on the floor of the Convention while replacing a delegate from the same chartered organization and while in possession of that delegate's badge.
- 6.7** In the case of Local Unions chartered after the end of the previous fiscal year in the case of regular Conventions, or subsequent to the issue of the convention call in the case of Special Conventions, and in the case of recently transferred Local Unions or other special circumstances, the Credentials Committee shall be empowered to accept credentials on the recommendation of the National Executive Board. This information shall then be given to the Convention for final approval. No organization, in arrears for two (2) or more months, will be allowed representation to the National Convention or conventions at any other level of the Canadian Union of Public Employees.
- 6.8**
- (a) No person shall be recognized as a delegate who is not a member in good standing of his/her chartered Local, or the District Council, Provincial Division, Service Division or Council of Unions to which the Local is affiliated. To be recognized as a delegate, full-time elected officer(s) or appointed official(s) of Locals, Councils and Divisions must have been a member in good standing of a Canadian Union of Public Employees Local Union and under the collective agreement of that Local Union at the time of being elected or appointed to office. This provision shall apply equally to the delegates to District Councils, Provincial Divisions and Service Divisions of the Canadian Union of Public Employees.

- (b) Members holding Life Membership Cards or Honorary Retiring Cards do not qualify to be delegates under this section.

**6.9** Prior to the opening date of the Convention, the National Executive Committee shall appoint a committee on Credentials. Such Committee shall consist of not less than three members, chosen from those on whose behalf credentials have been submitted. The Committee shall meet prior to the opening day of the Convention, shall pass on the validity of the credentials which have been received by the National Secretary-Treasurer and register those approved by the Committee. It shall report to the Convention on the first day thereof and subsequent days if necessary. The Convention shall be constituted for business and delegates deemed to be seated upon report by the Committee and acceptance thereof by a majority of the delegates so reported. Appeals from any decisions of the Credentials Committee shall be laid before the National Executive Committee and/or the Board, and to the Convention if necessary.

**6.10** The National Executive Committee shall appoint such committees as are necessary to conduct the affairs of the convention. The National Executive Committee may request any such committee to meet prior to the convention for the purpose of considering matters placed before it.

## **6.11**

- (a) Resolutions and constitutional amendments to be introduced for consideration at a regular Convention shall be prepared, signed by the President and Secretary of the chartered organization submitting same, and sent to the office of the National Secretary-Treasurer not later than 90 calendar days prior to the opening of the regular Convention. At least 30 calendar days prior to a regular Convention, a copy of all resolutions and constitutional amendments submitted shall be forwarded to all chartered organizations.
- (b) Resolutions dealing with matters that have arisen less than ninety (90) calendar days prior to the opening of the regular Convention can only be dealt with on majority consent of the delegates in Convention and after four (4) hours of providing the resolution to delegates. Constitutional amendments submitted later than ninety (90) calendar days prior to the opening of the regular Convention can only be dealt with by Convention on majority consent of the delegates in Convention and provided that the constitutional amendment has been forwarded to all chartered organizations at least thirty (30) calendar days prior to a regular Convention.

**6.12** One-half of the registered delegates at any Convention shall constitute a quorum for the transaction of business.

**6.13** The rules and order of business governing Conventions shall be as set out in Appendix “A” to the Constitution.

**6.14** Except as otherwise provided in this Constitution, the decisions of Convention shall be by majority vote.

- 6.15** Unless otherwise specified, any decision taken by the Convention shall take effect immediately upon adjournment of the Convention. However, nothing in this paragraph shall imply a right to change the rules under which the Convention is operating, except by means of submitting constitutional amendments in the regular manner.

**Article VII**

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**NATIONAL EXECUTIVE BOARD**

- 7.1** The National Executive Board shall be the governing body of the Union when the Convention is not in session. It shall take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the Convention, and to enforce the provisions contained in this Constitution.

- 7.2** The National Executive Board shall be composed of the National President, the National Secretary-Treasurer, five (5) General Vice-Presidents, fourteen (14) Regional Vice-Presidents and two (2) Diversity Vice-Presidents, elected by the Convention. The Regional Vice-Presidents shall be from the following regions:

Nova Scotia . . . . .	1
Newfoundland and Labrador . . . . .	1
New Brunswick . . . . .	1
Prince Edward Island . . . . .	1
Quebec . . . . .	2
Ontario . . . . .	2



Northern Ontario .....	1
Manitoba .....	1
Saskatchewan .....	1
Alberta .....	1
British Columbia .....	2

For the purposes of this Article, Northern Ontario shall be considered to be the area north of the French River.

- 7.3** The National Executive Board shall meet at the call of the National President at least four times each year. The National President may also call the Board into emergency sessions if required, and shall call such emergency sessions when requested individually in writing by more than half the Board Members.
- 7.4** When in session a majority of the National Executive Board shall constitute a quorum and official action may be taken by those present. Except as provided in sections 7.5 and 7.7 of this Article, the decisions of the National Executive Board shall be by majority vote. The rules and order of business governing Conventions, where applicable, shall govern the National Executive Board.
- 7.5** When not in session the National Executive Board may act on all matters of any nature requiring Board action by telegram, letter, telephone, facsimile machine or SoliNet. When the National President desires action by the National Executive Board, the National President may contact the members by telegram, letter, telephone, facsimile machine or SoliNet. Such action so taken by the members of the National Executive Board shall constitute action of the Board as though it were in formal session and it shall be reviewed at the next meeting and

shall be a part of the minutes. A decision of the majority of the members of the National Executive Board shall be the decision of the Board.

- 7.6** The National Executive Board shall have the authority to examine the internal servicing facilities and requirements of the Locals, District Councils, Provincial Divisions and Service Divisions and, where it is deemed advisable, to return sufficient money to maintain such internal servicing as is necessary, in lieu of direct assistance from the Canadian Union of Public Employees personnel. The number of appeals made under Article 7.6 and the outcome of the appeals must be reported by the National Executive Board to the next Convention.

**7.7**

- (a) The National Executive Board shall have the power to conduct an investigation of any situation in which there is reason to believe that any chartered organization may be dominated, controlled or substantially influenced, in the conduct of its affairs by any corrupt influence, or that its policies or activities are contrary to the principles or policies of the Canadian Union of Public Employees. Upon the completion of such an investigation by the National Executive Board, or its designated representative, and including a hearing before the National Executive Board if requested by the chartered organization, the National Executive Board shall have the authority to make recommendations to the organization involved. It shall have the further authority, upon a two-thirds vote of the National Executive Board, to place the organization under supervision, trusteeship, or suspension. Any action of the National Executive Board under this section may be appealed to the next Convention.

- (b) Administration imposed by the National Executive Board shall not be withdrawn until an audit has been completed.

## **7.8**

- (a) In cases of emergency and having received substantive evidence from members of a chartered organization that it would be in the best interests of the chartered organization of the Canadian Union of Public Employees that immediate action be taken, the National President may place a chartered organization under an administrator who shall forthwith exercise the authority and carry out the functions set out hereunder. Such action by the National President shall be considered by the National Executive Committee within 14 days. The President and Secretary-Treasurer of the chartered organization shall receive notice of the decision of the National Executive Committee.
- (b) The National Executive Committee shall have the authority to confirm or rescind the action of the National President. If the said action is confirmed, the administrator shall continue to function without interruption and, if the said action is rescinded, the administrator shall be recalled and shall cease to function within 48 hours of the date of the decision of the National Executive Committee.
- (c) The action of the National President and the decision of the National Executive Committee thereon shall be subject to review by the National Executive Board at its following meeting. The chartered organization shall receive notice of the place and date of such meeting not less than 7 days before such date and the officers and other members of the executive board of the chartered organization or any of them shall, if they so request, be given

every reasonable opportunity to make representations to the said meeting of the National Executive Board.

- (d) If the decision of the National Executive Board confirms the action of the National President, the administrator shall continue to function without interruption, and if the said decision rescinds the action of the National President, the administrator shall be recalled and shall cease to function within 48 hours of the meeting of the National Executive Board.
- (e) When a chartered organization is placed under an administrator, such act and the decisions thereon by the National Executive Committee and the National Executive Board shall be reported at the next National Convention.
- (f) Subject to the authority of the National President and the National Executive Board, the administrator shall have full authority to conduct the affairs of the chartered organization, to receive or disburse its funds, and in general to carry out the duties which would otherwise devolve upon officers of the chartered organization, provided that disbursements of funds by the administrator shall be confined to the regular and necessary business of the chartered organization and shall not be made for any other purpose; and provided further that the funds and other assets of the chartered organization shall be and remain the property of the chartered organization. The administrator shall also call meetings of the membership in the normal manner and keep them informed of the details concerning the administration. The administrator shall be responsible to and shall regularly report to the National President and the National Executive Board.

- (g) An administrator may only control the affairs of a chartered organization under this Article up to a maximum of twelve months. After this period, new elections must be held within the administrated chartered organization unless the National Executive Board, by a two-thirds majority, approves a further period of administration. If at any time during the period of administration, two-thirds of the National Executive Board are satisfied that a chartered organization placed under administration is no longer dominated, controlled or substantially influenced in the conduct of its affairs as per Article 7.7, the administrator shall be recalled.

**7.9** Sections 7.7 and 7.8 shall not be construed as an encroachment on the autonomy of the chartered organizations as provided in the rest of this Constitution. It is the intent of these sections to protect both the chartered organizations and the members of these chartered organizations. The intent of these sections shall be interpreted in the strictest legal sense and any action taken under them may always be subject to appeal to the National Convention of the Union.

**7.10** No monies of the Canadian Union of Public Employees shall be expended unless prior authorization through budget, or approved by the National Executive Board, or specifically provided for by the acts of Convention, and the manner and method by which monies are withdrawn, or cheques issued, shall be determined by the National Executive Board.

**7.11** The National Executive Board shall prepare and present to the Convention a complete report of its activities during the period between Conventions.

- 7.12** The National Executive Board shall have complete authority to borrow monies and to pledge any funds or properties of the Canadian Union of Public Employees as security for such borrowing.

## **Article VIII**

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### **NATIONAL EXECUTIVE COMMITTEE**

- 8.1** The National Executive Committee shall be composed of the National President, the National Secretary-Treasurer, and five General Vice-Presidents.
- 8.2** The National Executive Committee shall be responsible for the administration of the affairs and activities of the Union, and for developing policies and programs, when the Union is not in Convention and the National Executive Board is not in session.
- 8.3** The National Executive Committee shall meet immediately prior to each meeting of the National Executive Board and also at least once approximately mid-way between the regularly scheduled Board meetings. In an emergency the National President may call the National Executive Committee into special sessions.
- 8.4** When in session a majority of the National Executive Committee shall constitute a quorum and official action may be taken by those present. Except as provided in Section 8.5 of this Article the decision of the National Executive Committee shall be by majority vote.

- 8.5** The National Executive Committee when not in session may act on all matters of any nature requiring Committee action by telegram, letter, telephone, facsimile machine or electronic mail. When the National President desires action by the National Executive Committee, the National President may contact the members by telegram, letter, telephone, facsimile machine or electronic mail. Such action so taken by the members of the National Executive Committee shall constitute action of the Committee as though it were in formal session and it shall be reviewed at the next meeting and shall be a part of the minutes. A decision of the majority of the members of the National Executive Committee shall be the decision of the Committee.
- 8.6** The National Officers shall prepare the agenda and necessary reports for the National Executive Committee. The National Executive Committee shall assist the National Officers in preparing policy papers, reports and agendas for meetings of the National Executive Board.

## **Article IX**

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### **NATIONAL OFFICERS**

- 9.1** The Officers of the Union shall be the National President and the National Secretary-Treasurer who shall be elected by the Biennial Convention by a simple majority vote.

## **9.2**

- (a) The National President shall function as the chief executive officer of the Union. The National President shall exercise supervision over the affairs of the Union, sign all official documents, preside at Conventions and all meetings of the National Executive Board or National Executive Committee.
- (b) It shall be the duty of the National President to carry out the wishes of the National Executive Board and to promote the welfare and purpose of the Union and to exercise supervision of the Union throughout its jurisdiction.
- (c) The National President shall have sole authority to interpret this Constitution, subject to appeal to the National Executive Board or to the Convention.
- (d) The National President shall make a report on the administration of the National President's office and on the affairs of the Canadian Union of Public Employees to the Convention through the report of the National Executive Board. The National President's quarterly reports to the National Executive Board shall also be circulated to all chartered organizations.

## **9.3**

- (a) The National Secretary-Treasurer shall be the chief administrative officer of the Union.
- (b) The National Secretary-Treasurer shall receive all monies payable to the Canadian Union of Public Employees and deposit such funds to such accounts as may be approved by the National Executive Board.



- (c) The National Secretary-Treasurer shall with the approval of the National President, pay all bills, wages and expenses as authorized by the National Convention and the National Executive Board and such other payments as may be necessary.
- (d) The National Secretary-Treasurer shall prepare and submit to the National Executive Committee a budget of the anticipated expenses of the Union for the coming year, and the Committee shall then submit the budget to the National Executive Board before the beginning of the fiscal year. The budget must be adopted within 30 days of the commencement of a fiscal year. The National Executive Board shall have the authority to amend the budget.
- (e) The National Secretary-Treasurer shall be in charge of books, documents, files and effects of the Union which shall at all times be subject to the inspection of the National President, National Executive Committee and National Executive Board.
- (f) The National Secretary-Treasurer shall prepare a financial statement of the Union for each meeting of the National Executive Board.
- (g) The National Secretary-Treasurer shall have the books of the Union audited each year by a registered firm of chartered accountants selected by the National President and approved by the National Executive Board. Such audits shall be furnished to the National Executive Board and to the Convention.

- (h) The National Secretary-Treasurer shall, subject to the approval of the National Executive Board, invest the surplus funds of the Union in securities or deposit them in a bank or banks in the name of the Union.
- (i) The National Secretary-Treasurer shall be bonded in such amount as may be determined by the National Executive Board.
- (j) The National Secretary-Treasurer shall issue the call for and act as secretary at Conventions and shall cause the proceedings of all Conventions and sessions of the National Executive Board and National Executive Committee to be recorded. A report of the National Convention shall be sent to each Local Union within a reasonable time from the ending of the Convention.
- (k) The National Secretary-Treasurer shall ensure the bonding of the appropriate Local Officers and may procure the necessary bonds from a Canadian bonding company and charge the Local Union for the cost of the premium.
- (l) All books and records of any body chartered by the Canadian Union of Public Employees shall be open at all times to inspection by the National Secretary-Treasurer or by an accredited representative of the Canadian Union of Public Employees with signed instructions from the National President or National Secretary-Treasurer.
- (m) Any organization which does not pay its per capita tax on or before the time specified shall be notified of that fact by the National Secretary-Treasurer of the Union. Any organization two (2) months in arrears in payment

of per capita tax may be suspended from membership in the Union and can be reinstated only after arrears are paid in full.

- (n) Upon confirmation by an auditor in the employ of the Canadian Union of Public Employees that a Local Union or affiliated body is clearly in non-compliance with its per capita tax obligations, the National Secretary-Treasurer shall have the constitutional authority empowering the auditor to take all steps necessary to bring the Local Union into compliance.
  - (o) The National Secretary-Treasurer shall make a report on the administration of the National Secretary-Treasurer's office to the Convention through the report of the National Executive Board.
  - (p) The National Secretary-Treasurer shall forward to all affiliates an annual list showing the salaries of the staff and of the elected officials of the Canadian Union of Public Employees.
  - (q) The National Secretary-Treasurer shall forward copies of updated contracts covering all Canadian Union of Public Employees staff employees to all Provincial Divisions and District Councils.
- 9.4** The National Officers, or their designated representatives, shall have voice but no vote at all meetings of subordinate bodies of the Canadian Union of Public Employees.

- 9.5** The National Officers shall employ staff for the proper functioning of the Union. When hiring of staff is authorized the following procedure shall be followed:
- (a) Hiring of clerical staff in regional and area offices shall be the responsibility of the Regional Director.
  - (b) Hiring of clerical staff at National Office shall be the responsibility of the National Secretary-Treasurer.
  - (c) Selection of staff representatives in each region shall be made by the Regional Director in consultation with the Director of Organizing and Servicing.
  - (d) Appointment of Assistant Regional Directors shall be made by the Director of Organizing and Servicing subject to ratification by the National Executive Committee.
  - (e) Appointment of Regional Directors shall be made by the National Officers subject to ratification by the National Executive Board.
  - (f) Appointment of Assistant National Directors shall be made by the National Officers subject to ratification by the National Executive Committee.
  - (g) Appointment of National Directors shall be made by the National Officers subject to ratification by the National Executive Board.
  - (h) Appointment of Executive Assistants shall be made by the National Officers they work for subject to ratification by the National Executive Board.

- 9.6** The National Officers shall, with the assistance of two members of the National Executive Board, appointed by the Board, bargain with the staff unions.

## **Article X**

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### **TRUSTEES**

- 10.1** Three Trustees shall be responsible for examining the financial practices and audit of the Canadian Union of Public Employees. They shall report to the Biennial Convention.
- 10.2** The Trustees shall exercise general supervision over the property and finances of the Canadian Union of Public Employees to ensure the financial accountability of the National Union's policies and practices, and to ensure financial control and protection of CUPE properties. They shall meet following the auditors' review at the end of each fiscal year to review approved budgets, budget variances, National Executive Board minutes, audited financial statements, and auditors' reports. The Trustees shall prepare an annual report of their findings and recommendations for presentation to the Biennial Convention.
- 10.3** Three Trustees shall be elected at the 1991 Biennial Convention, one for a term of two years, one for a term of four years and one for a term of six years. Commencing in 1993, one Trustee shall be elected at the Biennial Convention for a term of six years.

## **Article XI**

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### **ELECTIONS**

- 11.1** To be eligible for election or re-election to any office, candidates must be accredited delegates to Convention, except the National President, the National Secretary-Treasurer, and the five General Vice-Presidents who shall be deemed to be delegates to Convention with all rights and privileges.
- 11.2** All members of the National Executive Board shall be elected by a majority vote at a National Convention.
- 11.3**
- (a) A candidate for the office of Regional Vice-President must be a member in good standing of a Local Union within the geographical area for which he/she is nominated. A Regional Vice-President shall relinquish office upon ceasing to reside in the geographical area for which he/she has been elected.
  - (b) A General or Regional Vice-President who ceases to comply with the provisions of Article 6.8 of this Constitution shall not be eligible to continue as a member of the National Executive Board.
- 11.4** Elections shall be conducted by secret ballot. Each delegate shall be entitled to only one vote. Unless otherwise specified, a candidate must obtain a majority of votes cast, i.e. at least 50% plus 1, to be declared elected. When no candidate obtains a majority, the candidate receiving the fewest votes shall be dropped and a second ballot taken. The process shall continue until one candidate has obtained a majority. Where more

than one office is to be filled on one ballot, a candidate must obtain a majority to be declared elected. If run-off elections are required, the Chairperson shall, after each vote, declare which candidates, if any, have been elected, declare which candidate must withdraw as a result of receiving the fewest votes, and state how many positions remain to be filled on the next ballot.

**11.5** When two or more nominees are to be elected to any office by ballot, each delegate voting shall be required to vote for the full number of candidates to be elected or the delegate's ballot will be declared spoiled.

**11.6** The election of each office shall be completed before nominations may be accepted for any subsequent office.

**11.7**

(a) Nominees allowing their names to go forward for office shall upon acceptance of the nomination come forward to the Convention platform and clearly and audibly speak the following lines to the assembled delegates:

**"I solemnly promise and declare that I will support and obey the Constitution, objects, principles and policies of the Canadian Union of Public Employees."**

- (b) Upon completion of the election, the newly elected Officers and Executive Board Members shall come forward to the Convention platform and clearly and audibly speak the following lines to the assembled delegates:

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

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

- 11.8** The term of office of all elected officers shall commence immediately following the adjournment of the Convention.

**11.9**

- (a) In the event of a vacancy in the office of the National President, the National Secretary-Treasurer shall perform the duties until a successor is elected. It shall be the duty of the National Secretary-Treasurer to issue within six days of the date of the vacancy, a call for a meeting of the National Executive Board of this Union upon ten days' notice for the purpose of electing an officer to fill said vacancy for the unexpired term. If the National Secretary-Treasurer is unable to act in this matter a General Vice-President shall perform this duty.



- (b) In the event of a vacancy in the office of the National Secretary-Treasurer, the National President shall perform the duties until a successor is elected. It shall be the duty of the National President to issue within six days of the date of the vacancy a call for a meeting of the National Executive Board of this Union upon ten days' notice for the purpose of electing an officer to fill said vacancy for the unexpired term. If the National President is unable to act in this matter, a General Vice-President shall perform this duty.

#### **11.10**

- (a) In the event of a vacancy in the office of a General Vice-President, the National Executive Board shall have the power to fill the vacancy, by majority vote of all its members, for the period of the unexpired term.
- (b) In the event of a vacancy in the office of a Regional Vice-President, the National Executive Board shall fill the vacancy, by majority vote of all its members, for the period of the unexpired term. All chartered bodies in the region shall be consulted as to a nomination for a replacement of a Regional Vice-President. Such replacement shall be made within 45 days of the vacancy having occurred.

- 11.11** In the event of a vacancy in the office of Trustee, the National Executive Board shall fill the vacancy, for the period up to and including the next Biennial Convention, by majority vote of all its members. All provincial divisions shall be consulted as to the nomination of a replacement. At the next Biennial Convention a replacement shall be elected for the period of the unexpired term.

- 11.12** Any officer or employee of the Canadian Union of Public Employees whom the National Executive Committee may decide, shall be bonded for amounts to be fixed by and with a company to be approved by the Committee. Such bond shall be executed on the officer or employee assuming office and be placed in the custody of the National President, the cost thereof to be borne by the Union.
- 11.13** The books, records, and other such property of the Canadian Union of Public Employees held by any officer shall be open for inspection of the National President, the National Secretary-Treasurer or their accredited representatives at any time.

## **Article XII**

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### **GENERAL VICE-PRESIDENTS**

- 12.1** The General Vice-Presidents shall in general assist the National President in the performance of his/her duties, and shall preside at Conventions or meetings at the request of, or in the absence of the National President, and perform such other duties as the Convention or National Executive Board shall from time to time determine.

## **Article XIII**

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### **CHARTERED LOCAL UNIONS**

- 13.1** Local Unions subordinate to the Canadian Union of Public Employees shall be established and chartered as provided in Article III of this Constitution.
- 13.2** Upon the dissolution of any chartered Local Union, all funds and properties of any character shall revert to the Canadian Union of Public Employees to be held in trust until such time as the defunct organization may be reorganized or be able to conform with the Constitution and laws of this Union. At the end of a five-year period if the Local Union has not been reorganized or able to conform, all funds and properties being held in trust shall revert to the Canadian Union of Public Employees. It shall be the duty of the officers of a chartered Local Union which has been dissolved to deliver all funds and property to the National Secretary-Treasurer of the Canadian Union of Public Employees or his/her designated representative.
- 13.3**
- (a) All chartered Local Unions shall be governed by the Constitution of the Canadian Union of Public Employees and by the by-laws set out in Appendix "B" of this Constitution.
  - (b) Additional by-laws or regulations to suit the requirements of a Local Union may be enacted by the Local Union, provided that they do not conflict with the Constitution of the Canadian Union of Public Employees or with the by-laws of a Service Division to which the Local Union belongs.

- (c) Additional by-laws or regulations or amendments thereto must be approved in writing by the National President.
  - (d) The National President, at the request of the Local concerned, may approve, upon strong and compelling reasons, Local by-laws, which in whole or in part do not comply with Appendix "B".
- 13.4** Each Local shall file with the National Office at least six copies, preferably two signed, of each collective agreement upon completion of negotiations.
- 13.5** All signing officers of each chartered organization shall be bonded, in accordance with Article B.3.5, for an amount appropriate for the safety of that organization.

## **Article XIV**

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### **REVENUE**

- 14.1** The revenue of the Canadian Union of Public Employees shall be derived as follows (annual fees prescribed by this Article shall be payable on the basis of the fiscal year):
- (a) Each Provincial Division shall pay a fee of \$25.00 per year.
  - (b) Each District Council shall pay a fee of \$5.00 per year.
  - (c) Each Service Division shall pay a fee of \$10.00 per year.
  - (d) (i) Effective January 1, 1998, each Local or Provincial Union shall pay a monthly per capita tax on behalf of all

workers, including Rand Formula payees, of .85% of the Local or Provincial Union's average regular monthly wages not later than the last day of the following month.

(ii) Effective January 1, 2002, four (4%) percent of any per capita tax shall be placed in the National Defence Fund for cost-shared, national and major organizing campaigns. The National Defence Fund shall be governed by regulations established by the National Executive Board in compliance with the National Convention decisions.

(iii) Effective January 1, 2002, six (6%) percent of any per capita tax, and the Solidarity Levy shall be placed in the National Strike Fund for strike benefits, strike-averting campaigns and interest arbitration costs for local unions not permitted by legislation to strike. The National Strike Fund shall be governed by regulations established by the National Executive Board in compliance with the National Convention decisions. No loan shall be made from the National Strike Fund.

(iv) Should the National Strike Fund, at any time, be reduced below the level of \$15 million, an additional monthly per capita tax of .04% of the Local or Provincial Union's average regular monthly wages shall be levied and shall remain in place until such time as the National Strike Fund reaches the level of \$25 million.

(v) Commencing with the month of January, 1992, 1/10 of 1% of any general fund revenues received from per capita tax shall be placed in the National Convention Assistance Fund. The National Convention Assistance Fund shall be governed by regulations established by the National Executive Board.

- (e) Effective November 1, 1999, all Local and Provincial Unions shall pay a Solidarity Levy of the lesser of \$1.00 per member per month or .04% of the Local or Provincial Union's average regular monthly wages. This Solidarity Levy shall remain in effect through the month of October 2005 or until the National Strike Fund reaches the level of \$15 million, whichever comes first.
  - (f) Interest equal to the prime rate paid by the Canadian Union of Public Employees plus 2% shall be applied to per capita tax payments owing by Local Unions or Provincial Unions when such payments are in arrears in excess of two (2) months.
  - (g) Each Local Union or Provincial Union shall pay a fee of \$1.00 on each application for membership.
  - (h) The charter fee to establish a new Local Union shall be \$20.00 which will cover the cost of charter, books and supplies, and also the fee on the membership of the first 20 members. On all additional members a fee of \$1.00 shall be forwarded for each member.
  - (i) Each Local as defined under Section 14.1 (d) involved in a strike or lockout may seek a pro-rated reduction of per capita tax from the National President or the National Secretary-Treasurer based on the number of days off work as a result of the strike or lock-out.
- 14.2** The fiscal year of the Canadian Union of Public Employees shall be from July 1 until June 30. Effective January 1st, 2001, the fiscal year of the Canadian Union of Public Employees shall be from January 1st until December 31st.

- 14.3** To further organization, the National President or National Secretary-Treasurer or those designated by them during organization campaigns and until collective bargaining contracts are negotiated, may grant dispensations from payment of initiation fees, dues or other financial obligations or may reduce the amount of dues, initiation fees or other financial obligations payable by members and prospective members and may determine the apportionment thereof between the Canadian Union of Public Employees and Local Unions when, in their judgment, such dispensation or reduction will promote the growth or interests of the Canadian Union of Public Employees, and such members, meeting all other eligibility requirements of the Constitution shall be regarded as being members in good standing during such organizational period, for all purposes, any provisions of this Constitution relating to initiation fees dues, and other financial obligations to the contrary notwithstanding.
- 14.4** The National President or the National Secretary-Treasurer may grant dispensations from payment of initiation fees or regular monthly dues when in their judgment such dispensation will promote the growth or interests of the Canadian Union of Public Employees.

## **Article XV**

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### **AMENDMENTS**

- 15.1** This Constitution can be amended or altered only at regular sessions of the Biennial Convention and to do so it shall require two-thirds of the votes of the delegates present and voting.

## **Article XVI**

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### **GENERAL**

- 16.1** Where in any city or district, the Canadian Union of Public Employees has chartered a District Council, chartered Local Unions in the district shall be urged to affiliate with same and maintain membership therein.
- 16.2** Where, in any province, the Canadian Union of Public Employees has chartered a Provincial Division, chartered Local Unions in the province shall be urged to affiliate with same and maintain membership therein.
- 16.3** Where, in any city or district, a Labour Council is organized by a central labour body recognized and approved by the National Executive Board, all Local Unions chartered by the Canadian Union of Public Employees should affiliate with same and maintain membership therein.
- 16.4** Where, in any province, a Provincial Federation of Labour is organized by a central labour body recognized and approved by the National Executive Board, all Local Unions chartered by the Canadian Union of Public Employees should affiliate with same and maintain membership therein.
- 16.5** No employee shall be eligible to hold elected office in any directly chartered body of the Canadian Union of Public Employees or on its National Executive Board.



- 16.6** No candidate for elected office in any chartered body of the Canadian Union of Public Employees or for its National Executive Board shall solicit or accept money or in-kind donations or other participation from an employee of the Canadian Union of Public Employees.
- 16.7** Consistent with the demands of work, staff will attend the Provincial Division and National Conventions and shall be entitled to voice but no vote in the Convention proceedings. Such entitlement to voice shall not include the right to speak on matters that affect the staff collective agreements or amendments to the National Constitution.

## **Article XVII**

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### **MEETINGS**

- 17.1** When a general meeting of the staff is held, the National Executive Board shall be given due notice and invited to attend, with normal loss of pay and expenses paid by the Canadian Union of Public Employees.
- 17.2** Regional meetings of the staff shall be held at least once yearly. General and Regional Vice-Presidents in their regions shall be given due notice and invited to attend with normal loss of pay and expenses paid by the Canadian Union of Public Employees.

## **APPENDIX “A”**

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### **RULES AND ORDER OF BUSINESS**

The rules and order of business governing Conventions shall be:

- A.1** The President, or a Vice-President (in the absence of or at the request of the President), shall take the chair at the time specified, at all regular and Special Conventions. In the absence of both the President or his/her designated representative, a Chairperson shall be chosen by the National Executive Board.
- A.2** No question of a sectarian character shall be discussed.
- A.3** When a delegate wishes to speak he/she shall proceed to one of the microphones provided for that purpose. When recognized by the Chairperson, the delegate shall give his/her name and the organization being represented and shall confine all remarks to the question at issue.
- A.4** Speeches shall be limited to three minutes except in moving a motion, when a delegate shall be allowed five minutes.
- A.5** A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
- A.6** A delegate shall not interrupt another except it be to call to a point of order.

- A.7** If a delegate be called to order, the delegate shall, at the request of the Chairperson, be seated until the question of order has been decided.
- A.8** Should a delegate persist in unparliamentary conduct, the Chairperson will be compelled to name the delegate and submit his/her conduct to the judgment of the Convention. In such cases the delegate whose conduct is in question should explain and then withdraw, and the Convention will determine what course to pursue.
- A.9** When a question is put, the Chairperson after announcing the question shall ask: "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.
- A.10** Questions may be decided by a show of hands or a standing vote on the basis of one vote per delegate. A roll call vote may be demanded by two-thirds of the delegates present. In a roll call vote each delegate shall be entitled to one vote.
- A.11** Two delegates may appeal the decision of the chair. The Chairperson shall then put the question thus: "Shall the decision of the chair be sustained?" The question shall not be debatable except that the Chairperson may make an explanation of the decision taken.
- A.12** The Chairperson shall have the same rights as other delegates to vote on any question. In case of a tie vote, the Chairperson shall cast the deciding vote.

- A.13** When the previous question is moved, no discussion or amendment to either motion is permitted. If the majority vote that “the question be now put”, the original motion has to be put without debate. If the motion to put the question is defeated, discussion will continue on the original motion.
- A.14** Committees may combine resolutions or prepare a composite to cover the intent of the question at issue. Reports of Committees are not subject to amendment except such as is acceptable to the Committee, but a motion to refer back to the Committee for reconsideration shall be in order.
- A.15** A delegate shall not move a motion to refer back after having spoken on the question at issue.
- A.16** A motion to refer back is not debatable and when properly seconded the question shall be immediately put to the Convention.
- A.17** If the report of a Committee is adopted it becomes the decision of the Convention. If defeated it may be referred back to the Committee for reconsideration.
- A.18** When a question is pending before the Convention, no motion shall be in order except – to refer – to adjourn – for the previous question – to postpone for a definite time. If any of the foregoing motions is negated, it cannot be renewed until after an intermediate proceeding.

- A.19** A motion may be reconsidered provided the mover of the motion to reconsider voted with the majority, and notice of motion is given for consideration at the next sitting, and said notice of motion is supported by two-thirds of the delegates qualified to vote.
- A.20** The National Executive Board is empowered to establish the hours of Convention.
- A.21** In all matters not regulated by these rules of order, Bourinot's Rules of Order shall govern.

## **APPENDIX “B”**

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### **BY-LAWS GOVERNING CHARTERED AFFILIATES**

#### **B.I MEMBERSHIP**

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- B.1.1** Eligible persons meeting the requirements of Article 3.1 may establish a Local Union upon official application to the National Secretary-Treasurer of the Canadian Union of Public Employees, and upon payment of a charter fee as specified in Article 14.1 (h). Following approval, such charter shall be issued under seal of the Canadian Union of Public Employees and installed by a duly authorized representative.
- B.1.2** No Local Union may be dissolved while there are twelve members in good standing therein who desire to continue its existence. The funds of the Local Union cannot be divided among individual members and can only be utilized for valid Local Union purposes. In the event of a transfer of jurisdiction and/or merger of Local Unions in accordance with sections 3.5, 3.6, 3.7 and 3.8 of Article III (Jurisdiction and Membership), this section shall not apply.
- B.1.3** Upon dissolution of any Local Union, all its properties and assets, including books and records and funds that are remaining in the treasury after all legitimate debts have been paid but not including funds set up by the Local Union for pension, superannuation or other such purposes outside of the general routine business of the Local Union concerned, shall become the property of the Canadian Union of Public Employees.

- B.1.4** It shall be the duty of members to uphold the obligation, and of officers to uphold the Oath of Office. Conduct contrary to the obligation or the Oath of Office shall be deemed to be an offence against the Local Union and shall be punishable as decided by a legally constituted Trial Committee.

## **B.II OFFICERS**

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- B.2.1** All Local Unions shall have the following officers: President, Vice-President, Secretary-Treasurer, Recording Secretary and three (3) Trustees. In addition, a Local Union may provide for such other officers as it deems necessary for the conduct of its business, such as additional Vice-Presidents, Sergeants-at-Arms, etc. A Business Representative may also be designated by the Local Union.
- B.2.2** Each Local Union shall have an Executive Board consisting of its President, Vice-President, or Vice-Presidents, Secretary-Treasurer, Recording Secretary, and such other officers or Executive Board members as the Local Union deems necessary for the conduct of its business, except that the Trustees shall not be members of the Executive Board.
- B.2.3** The officers and Executive Board members of a Local Union shall be elected by a majority of unspoiled ballots cast at a meeting of the Local Union for which adequate notice has been given to all members or, where such arrangements are not practical and convenient, by referendum voting so arranged as to enable all members to participate in elections. In a referendum-style vote the Local Union shall have the option of electing its officers by either majority or plurality.

**B.2.4** The term of office of Executive Board members and officers, except Trustees, shall be not less than one year nor more than three years. No member may hold more than one elected position on the Executive Board.

**B.2.5** Should any officer fail to answer the roll call for three consecutive meetings without having good and sufficient cause, that office shall be declared vacant and the position filled at the following meeting.

### **B.III DUTIES OF OFFICERS**

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#### **President**

**B.3.1** The President shall preside at all meetings of the Local Union; sign each order on the treasury only as authorized and ordered by the Local Union; appoint all committees not otherwise ordered; and transact such other business as may of right pertain to the office of President, and which may be necessary for the proper functioning of the Local Union.

#### **Vice-President**

**B.3.2** The Vice-President shall perform the duties of the President in the absence of that officer, and, in case of the resignation or death of the President, shall perform the duties of the President until such vacancy is filled as provided in the Local Union Constitution. The Vice-President shall also preside when called upon by the President and at times when the President may be temporarily unable to discharge the duties of that office.



## **Recording Secretary**

**B.3.3** The Recording Secretary shall keep a correct, full and impartial record of the proceedings of each meeting of the Local Union and all the meetings of the Executive Board. Each record of proceedings shall include a copy of the full financial report presented by the Secretary-Treasurer in accordance with Article B.3.6. The Recording Secretary shall perform such other duties as the Local Union or Constitution may direct.

## **Secretary-Treasurer**

**B.3.4** The Secretary-Treasurer shall be responsible for keeping all financial accounts of the Local Union and shall be responsible for maintaining correct and proper accounts of all its members. Maintenance of the financial accounts of the Local Union shall require that the Secretary-Treasurer, throughout his/her term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safe-guarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE Headquarters, as well as records and supporting documents for all income received by the Local Union.

**B.3.5** The Secretary-Treasurer, and all other Officers authorized to sign on behalf of the Local Union or other chartered organization, shall be properly bonded with a faithful performance of duty bond. Bonding amounts shall conform to the minimum guidelines as established by the National Secretary-Treasurer and distributed to all chartered organizations annually. The amount of bonding for any position shall be approved by the National Secretary-Treasurer in accordance with Article 9.3 (k).

- B.3.6** The Secretary-Treasurer shall regularly make a full financial report to meetings of the Local's Executive Board, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period. It shall be the duty of the Secretary-Treasurer to keep on file all receipts for money sent to the Canadian Union of Public Employees Headquarters during the year.
- B.3.7** The Secretary-Treasurer shall submit the Local's books and records to the Trustees for audit at least once each calendar year, and in addition to providing all books, records, invoices, other supporting documents, and original bank statements, must also furnish the Trustees with a letter from the bank(s) where the funds of the Local Union are deposited, attesting to the amount to the credit of the Local Union at such bank(s). The Secretary-Treasurer must, within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees in accordance with Article B.3.12
- B.3.8** The Secretary-Treasurer shall forward to the National Secretary-Treasurer of the Canadian Union of Public Employees, on the official monthly report forms provided, not later than the last day of each month, all financial obligations for the previous month owing to the Canadian Union of Public Employees. The Secretary-Treasurer shall forward (\$1.00) of each initiation fee on all members admitted (except for those named on the list forwarded with the application for a charter) along with the per capita tax on all dues received by the Local Union. The report should also set out the number of those initiated, reinstated, suspended and expelled and the number of members on whom per capita is being paid.

**B.3.9** At the end of his/her term of office, the Secretary-Treasurer shall turn over to his/her successor, all properties and assets, including funds, books and records belonging to the Local Union. Any Secretary-Treasurer who cannot qualify for a bond shall immediately be disqualified from office and the Local Union shall proceed with the election of another Secretary-Treasurer.

## **Trustees**

**B.3.10** The Trustees shall audit the books of the Secretary-Treasurer and shall exercise general supervision over the property of the Local Union. Such general supervision shall include, but not be limited to, ensuring that the Secretary-Treasurer complies with the provisions of Articles B.3.6 and B.3.7. At the first election of officers in a Local Union the Trustees shall be elected so that one shall serve for a period of three years, one for two years and one for one year. Each year thereafter the Local Union shall elect one Trustee for a three-year period or, in the case of vacancies occurring, elect Trustees to fill only the unexpired terms in order to preserve overlapping terms of office.

**B.3.11** Local Unions with an annual average membership of 20 or less members, who are unable to comply with the provisions of Article B.3.10 with respect to the election of Trustees, may by majority vote of the membership, appoint one of the elected Executive Board members who does not have signing authority on behalf of the Local Union, to act as Trustee and to fulfill all of the constitutional obligations of the Trustees as required under this Constitution. In exercising this provision, qualified Local Unions will be deemed to be in compliance with the provisions of Articles B.2.1 and B.2.2.

### **B.3.12**

- (a) The Trustees shall examine the books and records of the Secretary-Treasurer and inspect or examine all properties, bonds, and all other assets of the Local at least once each calendar year.
- (b) At the completion of their audit, the Trustees shall 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.
- (c) The Trustees shall make a written report to the next regular meeting of the Local Union following the audit on the condition of the funds and accounts, the number of members in good standing, the number initiated, expelled or suspended, admitted or withdrawn, together with such other information they may deem necessary to the efficient and honest administration of the Local Union, along with a copy of the written recommendations and/or concerns submitted to the Secretary-Treasurer, and the Secretary-Treasurer's written response.
- (d) The Trustees shall send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative.

**B.3.13** Where a Local Union hires the services of a qualified accountant or accounting firm, the auditing of the Local Union's books and financial records shall be done in accordance with the procedures outlined in Article B.3.12 of this Constitution. Completion of the audit by a qualified accountant or accounting firm shall not relieve the Trustees of their ongoing obligation to exercise general supervision over the property of the Local Union, as set out in Article B.3.10, or to make a written report to the membership as set out in Article B.3.12 (b), (c) and (d), nor relieve the Secretary-Treasurer of his/her obligations under Article B.3.7 to respond to any recommendations and/or concerns raised as a result of the audit.

### **Executive Board**

**B.3.14** The duties of the Executive Board of a Local Union shall only be such as are specifically set out in the Local Union By-laws. They shall meet at least once a month, prior to the regular meeting of the Local Union.

### **Business Agent**

**B.3.15** Whenever a Business Agent is employed or elected by a Local Union, it shall be at a regular meeting of the Local Union and the duties and conditions of employment of the Business Agent shall be inscribed in the minutes of the meeting. Such duties and conditions of employment shall not be inconsistent with the provisions of this Constitution or the By-laws of the Local Union. Notwithstanding any other provision of this Constitution, Business Agents, other than from the bargaining unit(s), may have voice but no vote at meetings of the Local Union, and will not be delegates to District Council meetings, Provincial Division and/or National Conventions.

## **B.IV GENERAL PROVISIONS**

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**B.4.1** A Local Union may charge such initiation and readmittance fees as it may from time to time decide upon, but in no case shall the initiation or readmittance fee be less than \$1.00 nor more than \$10.00. When a Service Division is authorized to establish or alter the initiation or readmittance fees on behalf of the Local Unions of which it is composed, and in their stead, the procedure to be followed is as set out in the by-laws of the Division.

### **B.4.2**

- (a) No assessment of any kind can be made by any Local Union unless voted by a majority of the members present at a regular general meeting, following appropriate notice to all members of the proposed assessment, or at a special general meeting called for that purpose and of which all members have received adequate notice (which shall be not less than seven days) or by a majority voting in a referendum of all members. The vote shall be by secret ballot, if so ordered by the members.
- (b) An assessment can be levied only for a specific purpose and for a specific period, and a continuing assessment, unless adopted by referendum, must be reviewed at a general meeting at least every six months. Any assessment voted by the membership must be approved by the National President in advance of being levied.
- (c) When a Service Division is authorized to exercise the above authority on behalf of the Local Unions of which it is composed, and in their stead, the procedure to be followed is as set out in the by-laws of the Division.

- (d) Under this Constitution, an assessment does not refer to, or include, regular monthly union dues.

#### **B.4.3**

- (a) The regular dues of each member shall not be less than the national per capita tax.
- (b) All Local Unions or Provincial Unions chartered from January 1, 1982, shall institute an income-related dues structure sufficient to cover per capita tax, affiliation fees and funds necessary to operate their Local or Provincial Union.
- (c) The regular monthly dues shall be established or altered by the Local Union only at a regular or special membership meeting, provided that at least seven (7) days notice at a previous meeting or at least sixty (60) days written notice has been given.
- (d) When a Service Division is authorized to establish or alter the regular monthly dues on behalf of the Local Unions of which it is composed, and in their stead, the procedure to be followed is as set out in the by-laws of the Division.

**B.4.4** Expenditures of the Local Union shall be only for the purposes of the Local Union, as authorized in the by-laws of the Local Union, or as duly authorized by majority vote of the membership at a regular meeting of the Local Union. All expenditures shall be made by cheque signed by the Secretary-Treasurer and counter-signed by the President or such other officer as the Local Union may designate; however, a petty cash fund may be authorized by the Local Union from which nominal expenditures can be made.

**B.4.5** The initiation fees, per capita tax and other obligations owed by the Local Union to the Canadian Union of Public Employees shall constitute a preferred claim and must be paid promptly by the Local Union each month prior to the payment of any other obligation of the Local Union.

**B.4.6** The Canadian Union of Public Employees assumes no responsibility for acts or actions of Local Unions, their officers or members, not expressly directed or authorized in writing by the National Executive Board of the Canadian Union of Public Employees.

## **B.V RETIRED MEMBERS**

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### **B.5.1**

- (a) Local Unions may establish Retired Members' Associations which shall be chartered by the Canadian Union of Public Employees.
- (b) Membership in the Local Union Retired Members' Association shall be open to all members of the local who qualify for an Honorary Retiring Card, and their spouses.
- (c) The Association shall hold constitutionally recognized regular membership meetings and one of their members shall be elected to the Local Union Executive Board with voice.
- (d) The Local Union President shall serve as a member of the Association Executive Board with voice.



- (e) Retired members who come from Locals with too few members to form a viable Association may seek membership in an established Retired Members' Association within the metropolitan area or geographical district.
- (f) District Councils of Retired Members' Associations may be chartered by the Canadian Union of Public Employees. The by-laws of the District Council must be approved by the National President.
- (g) Local Union Retired Members' Associations and District Councils shall conform to the policy and program of the Canadian Union of Public Employees.
- (h) Membership in the District Council of Retired Members' Association shall be open to all Local Union Retired Members' Associations.
- (i) Local Union and District Council Retired Members' Associations may submit resolutions to the Canadian Union of Public Employees National Convention through the Local Union.

**B.5.2** Members reaching retirement age or becoming incapacitated, whether in receipt of a pension or not, and providing they are in good standing and free from delinquency in the Local Union, can, on leaving employment, make application to the Secretary-Treasurer of the Local Union for an Honorary Retiring Card. The application for an Honorary Retiring Card shall be voted on at a regular meeting of the Union, and, if passed as favourable, the Secretary-Treasurer shall forward the name and address of the retiring member, and necessary particulars to the National Secretary-Treasurer of the Canadian Union of Public Employees who will issue the Retiring Card.

Should a member in possession of an Honorary Retiring Card resume his/her employment for any reason, the Retiring Card should be immediately deposited with or forwarded to the Secretary-Treasurer of his/her Union. A member while holding such Retiring Card shall be exempt from all dues to the Local Union and per capita tax to the National Office of the Canadian Union of Public Employees.

- B.5.3** A member possessing an Honorary Retiring Card shall be entitled to attend general membership meetings of the Local Union with voice but no vote. Retired members shall not be entitled to either voice or vote at conventions of the Canadian Union of Public Employees.

## **B.VI TRIALS**

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- B.6.1** Every member of a Local Union is guilty of an offence against the Constitution who:
- (a) Violates any provision of this Constitution.
  - (b) Obtains membership through fraudulent means or by misrepresentation.
  - (c) Institutes, urges or advocates that a member of any Local Union should institute action in a court of law against the Canadian Union of Public Employees or against the National Executive Board or any of its officers or against a Local Union or any of its members, in respect of any matter concerning the affairs of the Canadian Union of Public Employees or any of its Locals or chartered bodies, without first exhausting all remedies through the forms of appeal provided in this Constitution.

- (d) Advocates or attempts to bring about the withdrawal from the Canadian Union of Public Employees of any Locals or any members or groups of members.
- (e) Publishes or circulates, either verbally or otherwise, among the membership false reports or misrepresentations concerning any member of the Canadian Union of Public Employees in respect to any matter connected with the affairs of the Canadian Union of Public Employees.
- (f) Works in the interest of any organization competing with the Canadian Union of Public Employees in a manner which is detrimental to the Canadian Union of Public Employees.
- (g) Fraudulently receives or misappropriates any property of the Canadian Union of Public Employees or any of its chartered bodies.
- (h) Uses, without proper authority, the name of the Canadian Union of Public Employees or of a Local for soliciting funds or advertising.
- (i) Without receiving proper authority to do so furnishes a complete or a partial list of the membership of the Canadian Union of Public Employees or of any Local to any person or persons other than those whose official position entitles them to have such a list.
- (j) Wrongfully interferes with any Officer or any accredited representative of the Canadian Union of Public Employees in the discharge of that person's duties.

- (k) Circulates reports designed or calculated to injure or weaken the Canadian Union of Public Employees.
- (l) With a view to injuring the Canadian Union of Public Employees or a Local Union or with a view to impeding the implementation of any policy, constitutionally formed, of either the Canadian Union of Public Employees or a Local Union, does any act contrary to the Constitution or to the By-laws of any chartered body or fails to do any act required of him/her by the said Constitution or By-laws.
- (m) Fails to respect the Local Union's picket line, or works for the employer during a legal strike or a labour dispute, or engages in any strike-breaking activities.
- (n) Engages in behaviour which constitutes sexual, racial or ethnic, or personal harassment, or harassment on the basis of sexual orientation.

#### **B.6.2**

- (a) If a member in good standing of the Canadian Union of Public Employees (hereinafter called the "accuser") alleges that a member or an officer of the Local Union (hereinafter called the "accused") has committed an offence against the Constitution, the accuser may commence a complaint by sending a written statement of the conduct or action complained about, within ninety (90) days of the accuser becoming aware of the alleged offence, to the Recording Secretary of the Local Union. The accuser shall refer to the provisions of Article B.6.1 which the accused is alleged to have violated.

- (b) Within ten (10) days of the receipt of the complaint from the accuser, the Recording Secretary shall countersign the complaint and send a copy of the countersigned complaint to the accused by either delivering it personally to the accused or by sending it by registered mail to the accused.

### **B.6.3**

- (a) A Trial Panel and Trial Committee shall then be selected in the following manner. Following the expiration of at least ten (10) days from the date of the delivery or the mailing of the complaint to the accused, a Trial Panel of eleven (11) members in good standing in the Local Union shall be elected at a regularly scheduled or properly constituted meeting of the Local Union. The Recording Secretary shall notify the accused and the accuser of the meeting at which the Trial Panel and Trial Committee will be selected by either delivering the notice to the accused and the accuser or by sending it by registered mail to the accused and the accuser.
- (b) The chairperson of the meeting shall conduct the election. To be eligible for election to the Trial Panel those members who are nominated for election to the Trial Panel must not be involved as a witness for either the accused or accuser and must permit their names to stand. The eleven (11) members who receive the most votes, out of those members nominated, shall be deemed to be elected to the Trial Panel.
- (c) Once elected the names of the eleven (11) members of the Trial Panel shall be placed in a ballot box by the Recording Secretary and the Vice-President shall draw the names from the ballot box one at a time. As each name is drawn from the ballot box the Vice-President

shall call out the name drawn and the accused will be asked to declare first and the accuser second, whether they have any objection to the member sitting on the Trial Committee. If either the accused or accuser have an objection to the member then the member shall stand down and the next name shall be drawn. If both the accused and accuser fail to object then the member shall become a member of the Trial Committee.

- (d) The accused and accuser shall each be allowed to object to and remove, up to a maximum of three (3) members each, those members of the elected Trial Panel whom they do not wish to sit on the Trial Committee. If there is more than one (1) accused or accuser then the accused or accusers are entitled jointly to the removal of the maximum of three (3) members.
- (e) The Trial Committee shall consist of the first five (5) members whose names have been drawn from the ballot box and who have not been prevented from sitting as described above. The chairperson of the Trial Committee shall be chosen by the members of the Trial Committee from among their number.
- (f) If the complaint or complaints name two (2) or more accused and involve similar or related facts, issues or circumstances, one (1) Trial Committee may be elected to hear and decide whether the accused are guilty or innocent of the complaint or complaints submitted by the Recording Secretary.
- (g) Where a Local Union consists of thirteen (13) members or less the names of all the members of the Local Union except for the accused and accuser and the persons

appointed by each of them as counsel shall constitute the Panel from whom the Trial Committee shall be selected.

- (h) If a complaint is submitted against the Recording Secretary, then the Recording Secretary's functions shall be carried out by the President.
- (i) If a complaint is submitted which involves the President, Vice-President and Recording Secretary then the functions to be performed by them under this article shall be performed by such member or members of the Canadian Union of Public Employees as may be appointed for that purpose by the National President.

#### **B.6.4**

- (a) The Trial Committee shall proceed to hear the complaint or complaints against the accused, in private, within sixty (60) days of its election or appointment and shall give the accuser and the accused at least fourteen (14) days notice, by personal service or registered mail, of the place and date set for the hearing of the complaint by the Trial Committee.
- (b) The Trial Committee shall determine its own practice and procedure and may accept such oral or written evidence as the Trial Committee, in its discretion, considers proper, subject to the requirement that every member of the Local Union shall be entitled to a fair and impartial hearing. The Trial Committee may, as a preliminary matter, decide on any objection to proceeding with the trial, including dismissing the complaint. The Trial Committee may proceed, if necessary, with a quorum of four (4) members.

- (c) The accuser has the responsibility of establishing that the accused has committed a violation or violations of the Constitution.
- (d) The accused and the accuser may be present and represented by a spokesperson of their own choosing, provided however, that the spokesperson is a member in good standing within the trade union movement, except where legislation requires otherwise, and each may call witnesses and cross-examine any witness called by the other.
- (e) If the accuser or the accused does not appear at the hearing of the complaint or complaints by the Trial Committee, then the Trial Committee may, in its discretion, dismiss the complaint or proceed to hear evidence and make a decision in the absence of either the accuser or the accused or adjourn the hearing on whatever terms it considers advisable.
- (f) The Trial Committee shall determine whether the accused is guilty or not of the complaint or complaints by secret ballot and a finding of guilt may only be sustained when at least four (4) members of the Trial Committee cast their votes for a finding of guilt against the accused.
- (g) If the accused is found guilty the Trial Committee shall recommend the appropriate penalty or punishment and it may determine what, if anything, the accused shall do or refrain from doing with respect to the complaint or complaints. This determination, without limiting the generality of the foregoing, may include a reprimand, fine, expulsion, suspension or prohibition from holding membership or office; an order directing the member or



members to cease doing the act or acts complained of; and an order directing the members to rectify the act or acts complained of.

- (h) The chairperson of the Committee shall report the Trial Committee's decision, along with its recommendations for penalty or punishment if the accused is found guilty, first to the accused and the accuser and then to the next regularly scheduled or properly constituted membership meeting of the Local Union.
- (i) The finding of guilty or not guilty shall be recorded in the minutes of the meeting. If the decision is guilty then the recommendation for penalty or punishment shall be dealt with by the Local Union which may alter or confirm the penalty or punishment recommended by the Trial Committee. If the Local Union has thirteen (13) members or less the Trial Committee's recommendation for penalty or punishment shall be the final decision.

#### **B.6.5**

- (a) The accused may appeal the finding of guilt and any penalty or punishment imposed upon him/her under Article B.6.4 by appealing to the National President within thirty (30) days from the date when the decision of the Trial Committee was dealt with by the Local Union, or communicated to the accused if the Local Union has thirteen (13) or fewer members. No appeal may be taken by the accuser against a finding of not guilty or against any penalty or punishment imposed upon the accused.

- (b) The accused shall initiate the appeal by filing a written notice, by registered mail, with the office of the National President, with copies to the accuser and the Recording Secretary of the Local Union. This written notice shall contain:
1. The part or parts of the decision which are being appealed.
  2. The date on which the final decision was rendered.
  3. A statement of the reasons for the appeal.
  4. Whether the accused requests a hearing or whether the matter can be decided on the basis of written submissions.
  5. The desired location for the hearing of the appeal, if requested.
  6. The remedy sought.
- (c) Upon receipt of the notice of appeal the Recording Secretary of the Local Union shall forward to the accuser, the accused, and the office of the National President, a copy of the record of the Trial Committee and the Local Union's final decision.
- (d) Upon receipt of the notice of appeal, the National President shall appoint an appeal panel of three (3) members of the National Executive Board (hereafter called the Appeal Panel) which shall proceed to hear and determine the appeal. The Appeal Panel shall determine its own practice and procedure but shall give full opportunity to the parties involved to present their evidence and to make submissions on the issues before it.

- (e) If the accused requests a hearing, the Appeal Panel shall notify the accused and the accuser, by registered mail, at least one (1) month before the date set for the hearing, of the time and place where the appeal will be heard.
- (f) The decision on any appeal shall be delivered by the Appeal Panel within thirty (30) days after the hearing of the appeal or the completion of written submissions. The Appeal Panel may confirm or set aside the finding of guilt, and may confirm, alter, or set aside any penalty or punishment imposed, and its decision shall be final and binding.
- (g) No penalty or punishment imposed under Article B.6.4 shall be enforced unless (i) the accused gives up the right to appeal or does not comply with the requirements of paragraphs (a) and (b); or (ii) the accused exercises the right to appeal and the Appeal Panel confirms the finding of guilt.
- (h) The travel and accommodation expenses of the accused required for his/her appearance before the Appeal Panel shall be borne by the accused if the Appeal Panel upholds the decision appealed against, or by the Local Union concerned if the appeal is allowed.
- (i) The Appeal Panel's decision on the appeal shall be reported to the Recording Secretary of the Local Union. If the appeal has been allowed, the records of the Local Union shall be amended to conform to the Appeal Panel's decision.

## **B.VII ADDITIONAL BY-LAWS**

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- B.7.1** The Local Union may, by a majority vote at a regular meeting, or at a special meeting called for that purpose, make such additional by-laws as it may deem advisable, provided that at least seven (7) days' notice at a previous meeting or at least sixty (60) days' written notice has been given and further provided that such by-laws do not conflict with the Constitution. The same shall not become effective until approved by the National President of the Canadian Union of Public Employees. Such approval shall not be withheld unless there is conflict with the Constitution, and further that a decision on this matter shall be rendered within ninety (90) days.

## **B.VIII ORDER OF BUSINESS**

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- B.8.1** At the opening of the meeting the President shall take the chair, and shall conduct the business in the following order:
1. Roll call of officers
  2. Voting on new members and initiation
  3. Reading of the minutes
  4. Matters arising
  5. Treasurer's Report
  6. Communications and bills
  7. Executive Committee Report
  8. Reports of committees and delegates

9. Nominations, elections, or installations
10. Unfinished business
11. New business
12. Good of the Union
13. Adjournment

## **B.IX WITHDRAWAL AND TRANSFER CARDS**

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### **Withdrawal Card**

- B.9.1** The Local shall grant a withdrawal card to members when leaving their place of employment to take up an occupation elsewhere or in another shop or industry in the jurisdiction of another affiliated or chartered Union of a central labour body recognized and approved by the National Executive Board. Such withdrawal card shall be evidence of the fact that the holder was in good standing in the Local when employment was transferred from the jurisdiction of the Local, and shall entitle the holder to take up membership in the same Local at a future date should he/she again work within its jurisdiction, without the payment of a new initiation fee.

## **Transfer Card**

- B.9.2** The Local shall issue a transfer card to members who transfer their employment from the jurisdiction of one Local to the jurisdiction of another. Such transfer card shall be issued only to a member in good standing at the time the transfer is made; it shall be immediately deposited with the Secretary of the Local embracing the workers in the locality or the industry, etc., wherein the holder takes up employment.
- B.9.3** Canadian Union of Public Employees Locals shall recognize transfer cards issued by other Canadian Union of Public Employees Locals when the transfer card is issued on the Canadian Union of Public Employees form, provided that the Local Union seal has been affixed. The holders of such transfer cards shall not be required to pay an initiation fee into their new Local. Locals may accept transfer cards from other unions recognized and approved by the National Executive Board. Where appropriate, Locals may request the National President to make the necessary reciprocal arrangements with the union involved so that transfer cards can be interchangeable between the Canadian Union of Public Employees and the other union.

## **B.X APPLICATION FOR MEMBERSHIP**

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- B.10.1** Any worker employed within the jurisdiction covered by the charter of the Local, or full-time official representative or Business Agent of the Canadian Union of Public Employees, or on the same becoming a full-time officer or official of a central labour federation recognized and approved by the National Executive Board, shall be eligible for membership. He or she must make application on the regular form provided for that purpose and sign his or her name to it. The application must be accompanied by the regular initiation fee or the initiation fee set for an organizing drive.
- B.10.2** The names of applicants shall be read out to the first regular membership meeting after the application has been submitted and the applicants will be automatically accepted as members, unless there is an objection sustained by a majority vote of the members present. In the event of an application being rejected, the fee shall be returned to the applicant.
- B.10.3** Once a member has been accepted, he/she remains in good standing as long as he/she remains employed within the jurisdiction covered by the charter of the Local or if he/she retains the office or employ which determines membership in accordance with Article B.10.1 and provided he/she does not lose his/her standing by virtue of the application of other relevant sections of this Constitution.

**B.10.4** New members shall be obliged to take the following obligation:

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

**B.10.5** Where an existing organization following a majority vote of its members at a duly constituted meeting, applies for and receives a charter from the Canadian Union of Public Employees, the foregoing provisions shall not apply and the issue of a charter shall confer full membership rights in the Canadian Union of Public Employees on all the members of such organization.

## **B.XI     SUSPENSION AND EXPULSION FOR NON-PAYMENT OF DUES**

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**B.11.1** Any member who is in arrears for dues and assessments for a period of three (3) months shall be automatically suspended from membership. A member thus suspended may be re-admitted upon payment of a re-admission fee of not less than the initiation fee and such other penalty as the Local may impose.

**B.11.2** The Local has the authority to set whatever re-admittance fee it so desires, subject only to the provisions of Article B.4.1. A re-admittance application, however, calls for the current per capita to the National Office.



## **APPENDIX “C”**

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### **BY-LAWS GOVERNING SERVICE DIVISIONS**

- C.1** The National Executive Board shall determine the jurisdiction of any Service Division which it establishes, and may modify such jurisdiction as it sees fit.
- C.2** A Service Division shall be composed of those Local Unions designated by the National Executive Board, and every Local Union so designated shall be subject to the by-laws of the Service Division to which it belongs.
- C.3** A Service Division shall possess all the rights, privileges, and obligations conferred upon it by its by-laws.
- C.4** To the extent provided in its by-laws a Service Division shall exercise, on behalf of and in place of the Local Unions of which it is composed, the rights and powers belonging to the said Local Unions by virtue of the Constitution of the Canadian Union of Public Employees.
- C.5** The by-laws of a Service Division shall be enacted by the National Executive Board at the time the Division is established, after consultation with the Local Unions concerned in a manner to be decided by the Board.
- C.6** After its establishment by the National Executive Board and subject to Articles C.1 and C.2 above, the Service Division may amend its by-laws, in whole or in part. Any such amendment shall be subject to ratification by the National Executive Board.

- C.7** The by-laws of a Service Division may contain any provision which is necessary for the achievement of its purposes and aims and which is not contrary to the Constitution of the Canadian Union of Public Employees.
- C.8** Without restricting the generality of the foregoing, the by-laws of a Service Division may, among other things:
- (a) Establish the representation and the method of representation of the Local Unions within the Division, and the policy-making and administrative bodies and structures.
  - (b) Determine the number, qualifications, duties and powers of the officers and administrators of the Division and the method of their nomination or election.
  - (c) Give the Division the power to levy a per capita tax on the Local Unions which belong to the Division, determine the amount of said per capita tax (which may include the per capita tax payable by the Locals to the Canadian Union of Public Employees) or the procedures for establishing or changing such per capita tax, establish the procedures by which such per capita tax shall be collected, or make provision for the establishment or the modification of such procedures.
  - (d) Give the Division the power to negotiate and administer collective agreements on behalf of and in place of the Locals of which it is composed.

- (e) Give the Division the power to convene a general membership meeting of a Local which refuses or neglects to do so, when such a meeting is necessary for the purposes of paragraph (d) above.
  - (f) Provide for the means of dissolving the Division, disposing of its property and assets and paying its debts.
- C.9** A Service Division is subject to the powers of control and supervision provided by the Constitution of the Canadian Union of Public Employees to the same degree and in the same manner as any other chartered body.

## **APPENDIX “D”**

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### **EQUALITY STATEMENT**

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

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

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

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

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

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