Bylaws
Local Union 5734

CUPE | Canadian Union of Public Employees

2020-09-17

Table of Contents

INTRODUCTION 4
SECTION 1 – NAME 4
SECTION 2 – OBJECTIVES 4
SECTION 3 – REFERENCES 5
SECTION 4 – MEMBERSHIP 5
SECTION 5 – AFFILIATIONS 6
SECTION 6 –MEMBERSHIP MEETINGS 7
SECTION 7 – OFFICERS 8
SECTION 8 – EXECUTIVE BOARD 8
SECTION 9 – DUTIES OF OFFICERS 9
SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS 15
SECTION 11 – FEES, DUES AND ASSESSMENTS 18
SECTION 12 – NON PAYMENT OF DUES AND ASSESSMENTS 19
SECTION 13 – ~~VOTING OF FUNDS~~ EXPENDITURES 19
SECTION 14 – OUT-OF-POCKET EXPENSES 20
SECTION 15 – CHILD CARE, DEPENDENT CARE AND ELDER CARE 22
SECTION 16 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS 22
SECTION 17 – COMMITTEES 23
SECTION 18 – COMPLAINTS AND TRIALS 26
SECTION 19 – STRIKE PROCEDURE 26
SECTION 20 – RULES OF ORDER 27
SECTION 21 – AMENDMENTS 27
SECTION 22 – PRINTING AND DISTRIBUTION OF BYLAWS 28
Appendix A CUPE NATIONAL EQUALITY STATEMENT 29
Appendix B CODE OF CONDUCT 30
Appendix C RULES OF ORDER 32

DRAFT

INTRODUCTION

Local 5734 of the Canadian Union of Public Employees has been formed to:

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

The following bylaws are adopted by Local 5734 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

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

Local 5734 has adopted a Code of Conduct that applies to membership meetings and other functions organized by the Local. The Local Union Code of Conduct can be found in Appendix B to these bylaws.

SECTION 1 – NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local 5734, Paramedics of Cornwall, Stormont, Dundas & Glengarry.

SECTION 2 – OBJECTIVES

The objectives of Local 5734 are to:

(a) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;

(b) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;

(c) Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;

(d) Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical

DRAFT

disability; and the active opposition of discrimination of same wherever it occurs or appears;

(e) Establish strong working relationships with the public we serve and the communities in which we work and live; and

(f) Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution.

SECTION 3 – REFERENCES

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

SECTION 4 – MEMBERSHIP

(a) **Membership**

An individual employed within the jurisdiction of Local 5734 can apply for membership in Local 5734 by signing an application and paying the initiation fee set out in Section 11(a) of these bylaws.

(Article B.8.1)

(b) **Approval of Membership**

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

(Article B.8.2)

(c) **Oath of Membership**

New members will take this oath:

"I promise to support and obey the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union."

(Article B.8.4)

(d) **Continuation of Membership**

DRAFT

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

(Article B.8.3)

(e) **Member Obligations**

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

Members will provide the Recording Secretary with their current address, home telephone contact number and where available, an e-mail address. The member will advise the Recording Secretary of any changes to their contact information. This information will be protected and used to communicate with members. Such communication will take the form of mail, e-mail blasts or telephone town halls.

In the case of a telephone town hall, the telephone number may be shared with a service provider under contract to the Local Union to provide the technical equipment to support such a virtual meeting.
Upon request, the Local Union will share the telephone contact information with CUPE National or CUPE Ontario. The purpose of sharing this telephone contact information with CUPE National or CUPE Ontario is so that the National Union or Provincial Division can conduct a telephone town hall with members on important matters.

SECTION 5 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 5734 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE Ontario Provincial Division

SECTION 6 - MEMBERSHIP MEETINGS

(a) **Regular Membership Meetings**

Regular membership meetings of Local 5734 shall be held each month (with the exception of July and August). Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven (7) days in advance of the meeting.

Due to the nature of our shift work, it is impossible for all members to attend all meetings. When scheduling regular membership meetings, the Executive Board

DRAFT

shall make reasonable efforts to give all members equal opportunity to attend the meetings.

When a situation beyond the control of the Local Union arises which causes the cancellation of a regular membership meeting, the Executive Board shall reschedule the regular membership meeting, and will give members seven (7) days' notice of the date of the rescheduled regular membership meeting.

(b) **Special Membership Meetings**

Special membership meetings of Local 5734 may be required, and shall be called by the Executive Board or may be requested in writing by no fewer than ten (10) members. The President shall immediately advise members when a special meeting is called, and ensure that all members receive at least forty-eight (48) hours' notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

(c) **Quorum**

The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be eight (8) members, three (3) of which must be members of the Executive Board.

(d) **Membership Meeting Agenda**

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

1. Roll call of officers
2. Reading of the Equality Statement
3. Voting on new members and initiation
4. Reading of the minutes
5. Matters arising from the minutes
6. Secretary-Treasurer's Report
7. Communications and bills
8. Executive Board Report
9. Reports of committees and delegates
10. Nominations, elections, or installations
11. Unfinished business
12. New business
13. Good of the Union
14. Adjournment

(Article B.6.1)

(e) **Attendance Record for Members who are Working During a Meeting**

DRAFT

If a member is unable to attend a meeting because he/she is working for Cornwall SDG EMS and wishes to be counted as "present" for attendance record purposes, he/she must submit an e-mail to the executive stating so. These absent members will not be included in the quorum count.

SECTION 7 – OFFICERS

The Officers of Local 5734 shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, Peer Support Coordinator, three (3) Trustees, and Chief Shop Steward.

(Articles B.2.1 and B.2.2)

SECTION 8 – EXECUTIVE BOARD

(a) The Executive Board shall include all Officers, except the Membership Officer, Peer Support Coordinator and the Trustees.

(Article B.2.2)

(b) The Executive Board shall meet each month (with the exception of July and August).

(Article B.3.14)

(c) A majority of the Executive Board constitutes a quorum.

(d) The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.

(e) The Executive Board shall do the work delegated to it by the Local Union and shall be held responsible for the proper and effective functioning of all committees.

(f) Should any Executive Board member fail to answer the roll call for three (3) consecutive regular meetings or three (3) consecutive regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

(Article B.2.5)

SECTION 9 – DUTIES OF OFFICERS

Each Officer of Local 5734 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

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

DRAFT

(Article B.3.9)

All signing Officers of Local 5734 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

(Article B.3.5)

(a) **President**

The President shall:

- Enforce the CUPE National Constitution, these Local Union bylaws and the Equality Statement.
- Interpret these bylaws as required.
- Preside at all membership and Executive Board meetings and preserve order.
- Decide all points of order and procedure (subject always to appeal to the membership).
- Have the same right to vote as other members. In the case of a tie vote, the President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated.
- Ensure that all Officers perform their assigned duties.
- Fill committee vacancies where elections are not provided for.
- Introduce new members and conduct them through the initiation ceremony.
- Have authority to sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership.
- Be allowed necessary and reasonable funds, not to exceed two hundred dollars ($200.00) monthly, to reimburse the President or any Officers for expenses incurred on behalf of the Local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.
- Have first preference as a delegate to the CUPE National Convention.

(Article B.3.1)

- Sit on those committees as specified in these bylaws.

(b) Vice-President

DRAFT

The Vice-President shall:

- If the President is absent or not eligible, perform all duties of the President.
- Preside over membership and Executive Board meetings in the absence of the President.
- If the office of the President falls vacant, be Acting President until a new President is elected through a by-election.
- Render assistance to any member of the Executive as directed by the Executive Board.

(Article B.3.2)

- Have authority to sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership.
- Sit on those committees as specified in these bylaws.

(c) Recording Secretary

The Recording Secretary shall:

- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports.
- Record all amendments and/or additions in the bylaws, and make certain that these are sent to the National President for approval prior to implementing.
- Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- Keep a record of all correspondence received and sent out.
- Prepare and distribute all notices to members.
- Gather information about appropriate courses and the availability of courses.
- Assist delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports.
- Have all records ready on reasonable notice for the Trustees or auditors.

DRAFT

- Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.

- Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union's funds.

- Performs other duties required by the Local Union, its bylaws or the National Constitution.

(Article B.3.3)

- Have authority to sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership.

(d) Secretary-Treasurer

The Secretary-Treasurer shall:

- Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.

- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.

- Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including $1.00 of each initiation fee on all members admitted, no later than the last day of the following month.

- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.

- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.

- Make a full financial report to meetings of the Local Union's Executive Board.

- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.

- Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.

DRAFT

- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated.

- Make all books available for inspection by the Trustees and/or auditors on reasonable notice**.** Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.

- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.

- Where required, not later than February 28th each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax-deductible dues paid by him during the preceding calendar year.

- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.

- Shall prepare a budget two (2) months prior to the end of the fiscal year.

- Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.

(Articles B.3.4 to B.3.8)

(e) Trustees

The Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the committees at least once every calendar year.

- Make a written report of their findings to the first membership meeting following the completion of each audit.

- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner.

- Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.

- Ensure that proper financial reports have been given to the membership.

DRAFT

- Audit the record of attendance.

- Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local Union, and report their findings to the membership.

- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:

    - Completed Trustee Audit Program
    - Completed Trustees' Report
    - Secretary-Treasurer Report to the Trustees
    - Recommendations made to the President and Secretary-Treasurer of the Local Union
    - Secretary-Treasurer's response to recommendations
    - Concerns that have not been addressed by the Local Union Executive Board.

(Articles B.3.10 to B.3.12)

(f) Membership Officer

The Membership Officer shall:

- Guard the inner door at membership meetings and admit no one but members in good standing or Officers and officials of CUPE, except on the order of the President and with consent of the members present.

- Maintain the record of membership attendance at meetings.

- Perform such other duties as may be assigned by the Executive Board from time to time.

(g) Chief Shop Steward

The Chief Shop Steward shall:

- File all valid grievances in a timely fashion.

- Make copies of all grievances (at each step) for the President, the Vice-President, the Recording Secretary, the CUPE National Representative, and the employee filing the grievance.

- Maintain a filing system, chronologically, with a copy of the grievance at each step and any correspondence pertaining to said grievance.

- Attend, at minimum, the third step of the grievance or any other step to which he is invited.

DRAFT

- Following the completion of a grievance, forward the entire contents of the grievance file to the Recording Secretary to be filed as property of CUPE Local 5734.

- Should be chair of the grievance committee and sit on all committees as specified in these bylaws.

- Report at all executive and regular membership meetings on all outstanding grievances. If absent, he/she will endeavour to prepare a report and file same with the Recording-Secretary prior to each meeting so that an oral report may be given.

SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

(a) Nominations

1. Nominations will be received at the regular membership meeting held in the month of May.

2. Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.

3. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.

(Articles B.2.1, B.8.1,B.8.2 and B.8.3)

4. To be eligible for nomination for the position of President, the nominee shall have attended at least fifty percent (50%) of the membership meetings held in the previous twenty-four (24) months, or in the period he/she was a member if less than twenty-four (24) months, unless a valid reason acceptable to the Local Union is given for non-attendance by the next membership meeting.

5. To be eligible for nomination for positions other than President, the nominee shall have attended at least thirty percent (30%) of the membership meetings held in the previous twelve (12) months, or in the period he/she was a member if less than twelve (12) months, unless a valid reason acceptable to the Local Union is given for non-attendance by the next membership meeting.

6. A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.

7. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

(b) Elections

DRAFT

1. The President, Secretary-Treasurer and Trustees (3) are elected in even years. The Vice-President, Chief Shop Steward, Recording Secretary and Peer Support Coordinator are elected in odd years.

2. The Peer Support Coordinator shall be voted on by the Peer Support Team exclusively.

3. At a membership meeting, at least one month prior to Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Chief Returning Officer and assistant(s). The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.

4. The Elections Committee will determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Chief Returning Officer.

5. The Chief Returning Officer will be responsible for issuing, collecting, and counting ballots. The Chief Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.

6. Voting will take place on two occasions. The 1st and 2nd Mondays in June. Ballots may be cast between 10am to 10pm. Results will be announced prior to midnight by your executive. The vote will be by secret ballot.

7. Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office. Voting shall be held in sequence from the highest ranking officer downward.

8. The candidate for each position receiving the most votes shall be declared elected.

9. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.

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

(Article 11.4)

DRAFT

11. Any member may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as set out in Section 6(c).

12. All election complaints by members will be submitted in writing to the Chief Returning Officer as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven days after the election. The Chief Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling to the very next regular membership meeting.

13. The terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year, as laid down in Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one Trustee for a three year period. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed.

(c) Installation of Officers

1. All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) years, or until a successor has been elected and installed, provided, however, that no term of office shall be less than one year and no longer than three years.

(Article B.2.4)

3. The Oath of Office to be read by the newly-elected Officers is:

"I, _____, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my term of office. As an Officer of the Union, I will always promote the harmony and dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term."

(Article 11.6(b))

(e) By-elections

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

DRAFT

SECTION 11 – FEES, DUES AND ASSESSMENTS

(a) **Initiation Fee**

Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of one dollar ($1.00) which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

(Articles B.4.1 and B.8.2)

(b) **Readmission Fee**

The readmission fee shall be one dollar ($1.00).

(Article B.4.1)

(c) **Monthly Dues**

The monthly dues shall be two percent (2%) of regular wages.

(Article B.4.3)

(d) **Amending Monthly Dues**

The regular monthly dues may be amended at a regular or special membership meeting ~~or~~ by ~~referendum~~ vote.*The vote must be by secret ballot. Notice of at least seven days at a previous meeting or 60 days in writing must be given.

(Article B.4.3)

~~* The National Constitution allows for two methods of voting to amend the dues level. However, Local Unions will need to establish and include in the bylaws one of the methods – either the regular dues will be amended at a regular or special membership meeting or by referendum.~~

(e) **Assessments**

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

(Article B.4.2)

SECTION 12 – NON PAYMENT OF DUES AND ASSESSMENTS

A member who fails to pay dues and assessments for three months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying

DRAFT

a readmission fee and any other penalty set by the Local Union. The readmission fee cannot be less than the initiation fee of the Local Union.

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

(Article B.8.6)

SECTION 13 –EXPENDITURES

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

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

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

(Article B.4.4)

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

Authorization to pay per capita tax to CUPE National or any labour organization the Local Union is affiliated with, is not required.

(c) **Payment of Local Union Funds to Members or Causes Outside of CUPE**
In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than two hundred dollars ($200.00), a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven days after the meeting where notice of motion has been given.

(d) No Officer or member of Local 5734 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these bylaws.

SECTION ~~13~~ 14 – HONORARIUMS ~~OUT-OF-POCKET EXPENSES~~

Local Union Officers and committee members shall be provided an honorarium ~~out-of-pocket~~ expense allowance as follows:

1) In recognition of services and to recompense in part for un-receipted expenses in the services of Local 5734, the Executive Board shall be entitled to the following honorarium ~~out-of-pocket expenses~~:

DRAFT

- The President shall be entitled to an honorarium ~~out-of-pocket expense~~ allowance of two thousand five hundred dollars ($2,500.00) annually, paid quarterly.

- The Vice-President shall be entitled to an honorarium ~~out-of-pocket expense~~ allowance of two thousand dollars ($2,000.00) annually, paid quarterly.

- The Chief Shop Steward shall be entitled to an honorarium ~~out-of-pocket expense~~ allowance of two thousand dollars ($2,000.00) annually, paid quarterly.

- The Secretary-Treasurer shall be entitled to an honorarium ~~out-of-pocket expense~~ allowance of one thousand five hundred dollars ($1,500.00) annually,

- The Recording-Secretary shall be entitled to an honorarium ~~out-of-pocket expense~~ allowance of one thousand five hundred dollars ($1,500.00) annually, paid quarterly.

- ~~The Membership Officer shall be entitled to an honorarium out-of-pocket expense allowance of twenty dollars ($20.00) per membership meeting, paid at the end of each meeting.~~

- The Peer Support Coordinator shall be entitled to an honorarium allowance of one thousand dollars ($1,000.00) annually, paid quarterly.

The above expense allowances shall cover the regular duties of the Executive Officer as prescribed in these bylaws.

2) The President, the Vice-President, the Chief Shop Steward, the Secretary-Treasurer and the Recording-Secretary ~~and~~ shall receive ~~fifty dollars ($50.00)~~ twenty five ($25.00) monthly to reimburse the Officer for cell phone/communication expenses.

~~3) Any officer who is called upon to meet with the employer on his/her time off in the service of Local 5734 and who is not being paid by the employer shall be reimbursed his/her regular rate of pay, as defined in the Collective Agreement, for the duration of the meeting. They shall also suffer no loss of pay. All such expenses shall be submitted to the Executive Board for approval.~~

~~3) All efforts shall be made to schedule meetings with the employer on a day of work. However, due to the nature of our shift work that is not always possible. In the event that an Executive Board member or committee member is called upon to meet with the employer on his/her time off in the services of Local 5734 and who is not being paid by the employer he/she shall be paid a per diem allowance of two hundred dollars ($200.00) for meetings lasting at least three (3) hours, travel time included. The purpose of this per diem is to serve as compensation for reimbursement of expenses,~~

DRAFT

~~travel costs, …. Such per diem requests shall be submitted to the Executive Board for approval.~~

To be included once we agree on language.

~~4) A member who is not being paid by the employer and who is taking part in an executive board approved committee meeting shall be paid a per diem allowance of two hundred dollars ($200.00) for meetings lasting at least three (3) hours, travel time included. The purpose of this per diem is to serve as compensation for reimbursement of expenses, travel costs, …. Such per diem requests shall be submitted to the Executive Board for approval.~~

To be included once we can agree on language.

~~5) If an Executive Board meeting, a committee meeting or a meeting with the employer occurs during the hour of 07:30 to 08:30, 11:30 to 12:30, or 17:30 to 18:30, and the duration of the meeting is at least one (1) hour, each Executive Board member or committee member present shall receive a meal allowance reimbursement not to exceed fifteen dollars ($15.00) payable upon submission of a receipt and upon approval by the Executive Board. All efforts shall be made to schedule meetings outside these mealtime hours.~~

To be included once we can agree on language.

SECTION 15 – CHILD CARE, DEPENDENT CARE AND ELDER CARE

Caring for children, dependents or the elderly are barriers to actively participating in the union or to attending membership meetings. Local 5734 is committed to removing barriers within its control so that all members have equal access to participation.

(a) When it is practical and demand warrants, Local 5734 will provide on-site child care at all Local Union membership meetings. Where on-site child care is not provided, and in the case of dependent care or elder care, members will be reimbursed to a maximum of the living wage for the area for each hour of required care. Reimbursement will be provided upon proof of payment.

(b) Any member who is on authorized Local 5734 business shall be eligible for child care, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed to a maximum of the living wage for the area for each hour of care required.

(c) Claims will not be paid for a spouse, partner, or a family member who normally provides care without charges. Claims will not be paid for periods of time where a member would normally have paid for care such as during normal hours of work at their job.

DRAFT

SECTION 16 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS

a) Except for the President's option [Section 9(a)], all delegates to conventions, conferences, and educationals shall be chosen by election at membership meetings. The number of delegates to conventions, conferences, and educationals shall not exceed two (2) delegates to any convention, conference or educational unless otherwise voted on. ~~With the exception of the executive as a whole, all five (5), who would be automatically included, not needing a vote.~~ A vote will be held should more than 5 members wish to attend.

b) To be eligible as a delegate to conventions, conferences, or educationals, a member shall have attended at least thirty percent (30%) of the membership meetings held in the previous twelve (12) months, or in the period he/she was a member if less than a year, unless a valid reason acceptable to the Local Union is given for non-attendance by the next membership meeting.

c) Eligible members who are interested in attending conventions, conferences or educationals must complete a "Travel Advance Request Form". The completed form must be submitted to the Executive Board and presented to the membership during a regular membership meeting for approval.

d) All delegates attending conventions, conferences, or educationals be paid:

- Transportation expense. This amount will be based on the most appropriate, less expensive mode of transportation. The mileage allowance in the collective agreement will be used to calculate personal vehicle transportation costs if the most appropriate, less expensive mode of transportation is the use of the member's personal vehicle. Other modes of transportation will be at economy, tourist or coach rates.

- A per diem allowance of ~~seventy-five dollars ($75.00)~~ two hundred dollars ($200.00) for meals and expenses.

- If the convention, conference or educational is more than ~~travel~~ 300 kilometers distance, the initial date of travel prior to the convention, conference or educational shall also be deemed eligible for the per diem allowance.

- All efforts will be made to attend local educationals.

~~e) Delegates to conventions, conferences, and educationals held locally shall have no travel allowance. There shall be a per diem allowance of twenty-five dollars ($25.00) for meals and expenses incurred by attendance at the convention, conference or educational. The Local Union will reimburse the member's employer for any loss of wages.~~

DRAFT

f) Local 5734 will provide members with their per diem allowance prior to their attending the convention, conference, or educational.

g) Local 5734 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.

h) At the next membership meeting, immediately following the convention, conference or educational, one (1) delegate shall give a verbal report and submit a written report to the Recording-Secretary.

SECTION 17 – COMMITTEES

(a) Special Committees

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

1. Negotiating Committee

   This will be a special committee established at least twelve (12) months prior to the expiry of the Local Union's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of the President and three (3) members elected at a membership meeting. The CUPE National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

   All members of Local 5734's negotiating committee shall attend Level 1 and Level 2 of CUPE's collective bargaining educationals.

(b) Permanent Committees

The Chairperson of each permanent committee will be elected by the members at a membership meeting. Permanent committees will have a term of two years. The Chairperson and the Executive Board may, with the approval of the membership, jointly appoint other members to serve on a committee. Committees will provide verbal and written reports to each regular membership meeting.

There shall be three (3) permanent committees as follows:

DRAFT

1. Grievance Committee

   This committee will:

   - Oversee the handling of all local grievances.
   - Receive copies of all grievances.
   - Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative, and to the membership meeting.
   - When a grievance is not settled in the initial steps provided for in the collective agreement, this committee will decide whether or not the grievance should proceed to arbitration.
   - If the decision is to not proceed, the grievor(s) may appeal the decision to the Executive Board.

   The committee shall comprise of the Chief Shop Steward (Chairperson), the Vice-President and four (4) Stewards. In the absence of any committee member, the President shall serve as the alternate. The committee shall appoint its secretary from among its members. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

2. Health and Safety Committee

   This committee will:

   - Work to educate members on the importance of workplace health and safety.
   - Prepare and present reports to the regular membership meetings.
   - Participate on the Joint Worksite Health and Safety Committees (JWH&SC) at their workplace.
   - Ensure that the worker representatives on the JWH&SC meet separately from the employer to prepare for meetings with the employer.
   - Promote safe work procedures and environments so as to prevent illness and injury as a result of workplace factors.
   - Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members' illness or injury.

DRAFT

- Work to eliminate all workplace hazards, be they physical, environmental, or social.

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

The committee members will be the elected chairperson and one (1) member. The committee shall appoint its secretary from among its members.

3. Membership Support Committee & Social Committee

This committee:

- May visit members who are ill.
- Shall, if a member is ill for more than two (2) weeks or hospitalized for more than five (5) days, send a card as a token of the local's concern and desire to help.
- Shall, in the event of the death of a member's spouse or child, send a card expressing the Local Union's condolences.
- Shall, upon notice of a member's retirement, ensure that the Secretary-Treasurer prepares a gift(s) that shall not exceed ~~cheque in the amount of one hundred dollars ($100.00)~~ one thousand ($1,000.00) in the name of the retiree. They will also ensure that the gift(s) ~~cheque~~ along with a card is / are delivered to the retiree shortly after they have left the union.

This committee will also:

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

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

The Executive Board shall be held responsible for the proper and effective functioning of this committee.

The committee members will be the chairperson and one (1) member, and may appoint a secretary-treasurer from among its members.

DRAFT

SECTION 18 – COMPLAINTS AND TRIALS

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

(Articles B.11.1 to B.11.5)

SECTION 19 – STRIKE PROCEDURE

Any vote with respect to a strike, strike mandate or ratification shall be held by secret ballot.

SECTION 20 – RULES OF ORDER

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

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

SECTION 21 – AMENDMENTS

(a) **CUPE Constitution**

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

(Articles 9.2(c), 13.3 and B.5.1)

(b) **Additional Bylaws**

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

(i) the amended or additional bylaws do not conflict with the CUPE Constitution;

DRAFT

(ii) the amended or additional bylaws are approved by majority vote at a regular membership meeting or at a special membership meeting called for that purpose; and

(iii) notice of the intention to propose the amended or additional bylaws was given at least seven days before at a previous membership meeting or 60 days before in writing.

(Articles 13.3 and B.5.1)

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

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

(Articles 13.3 and B.5.1)

SECTION 22 – PRINTING AND DISTRIBUTION OF BYLAWS

Members will receive a copy of Local 5734 bylaws, either in paper format or via the Local Union website at www.5734.cupe.ca. Members with special needs may request a copy of the bylaws in larger font.

DRAFT

Appendix A

CUPE NATIONAL EQUALITY STATEMENT

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

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

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

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

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

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

DRAFT

Appendix B

CODE OF CONDUCT

Local 5734 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

Local 5734 strives to promote core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

Local 5734 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 5734 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 5734 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 5734 sets out standards of behaviour for members at meetings, and all other events organized by Local 5734. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As members of Local 5734 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement;
- Respect the views of others, even when we disagree;
- Recognize and value individual differences;
- Communicate openly;
- Support and encourage each other;
- Make sure that we do not harass or discriminate against each other;
- Commit to not engaging in offensive comment or conduct;
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating; and
- Take responsibility for not engaging in inappropriate behaviour due to abuse of alcohol or other drugs while participating in union activities, including social events.

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

DRAFT

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

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

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of Local 5734, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

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

DRAFT

Appendix C

RULES OF ORDER

1. The President will be the Chairperson at all membership meetings. In the absence of the President, the Vice-President will be the Chairperson at the membership meeting. In the absence of the President and Vice-President, the Recording Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and Recording Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.

2. Members are not allowed to speak about an issue for more than five minutes. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.

3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to fifteen minutes. With the agreement of the members present, the fifteen minutes may be expanded.

4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: "Is the Local ready for the motion?" If no member rises to speak, the motion will be voted upon.

5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.

6. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.

7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.

8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.

9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.

10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.

DRAFT

11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.

12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.

13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.

14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.

15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.

16. Religious discussion of any kind is not permitted.

17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.

18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.

19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.

20. The Chairperson will ask “Will the main question be now put?” where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.

21. A motion to adjourn is in order except when a member is speaking or when members are voting.

DRAFT

22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.

23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.

24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, “Will the decision of the chair be upheld?” A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.

25. At a membership meeting where a question has been decided any two members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.

26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.

27. The Local Union’s business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.

DRAFT