
Bylaws Local Union 4148 Composite



Approved by Membership: October 8, 2019

Approved by CUPE National:

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INTRODUCTION

Local 4148 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 4148 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

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

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

SECTION 1 – NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local 4148.

Local 4148 consists of the following bargaining units:

1. Clerical, Educational Assistants and Early Childhood Educators
2. Plant
3. Soo Pee Wee

SECTION 2 – OBJECTIVES

The objectives of Local 4148 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 disputes between the members and their employers;
- (d) Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
- (e) Establish strong working relationships with the public we serve and the communities in which we work and live; and
- (f) Support CUPE in reaching all ~~of~~ the objectives set out in Article II of the CUPE National Constitution.

SECTION 3 – REFERENCES

Numbers of articles at the end of sections or sub-sections in this document refer to relevant articles 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 4148 **must** apply for membership in Local 4148 by signing a membership card and paying the initiation fee set out in Section 12 (a) of these bylaws.

(Article B.8.1)

***note to exec these cards need to be sent to each location (stewards) and be completed**

***note to group v.p.pay particular attention to casuals and north and east members as they won't be attending meetings in person to sign cards**

(b) **Approval of Membership**

At the first membership meeting after the membership card has been signed, 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 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 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 another member of the Union.”

(Article B.10.4)

(d) **Continuation of Membership**

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

(Article B.8.3)

(e) **Member Obligations**

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

- Members shall observe secrecy in regard to business transacted by this Local and shall not discuss the affairs of this Local with non-members.
- Members shall not work for wages less than those negotiated by the Local bargaining committee and abide by all conditions contained in the current collective agreement.
- Members shall report violations of the collective agreement to the Union executive.
- Each member of the Local shall be obligated to support legitimate job action by picketing or other agreed upon job action as directed by elected Union representatives
- 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.

(f) Rights of Members

- Members shall have the right to nominate candidates and vote in elections of the Local Union.
- Members attending the meeting have the right to participate in the business of such meetings.
- Members shall have the right to information concerning the Local.

SECTION 5 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 4148 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE Ontario Provincial Division
- The Sault Ste. Marie District CUPE Council
- Ontario School Board Council of Unions (OSBCU)

SECTION 6 – MEMBERSHIP MEETINGS

(a) General Membership Meetings

Regular membership meetings of Local 4148 shall be held a minimum of five times per school year. District members can participate via ~~teleconference~~ ~~video conference~~. ~~District members who wish to participate must give the IT department at least 48 hours notice in advance of the meeting.~~ A telephone number to call in to attend the meeting will be provided in advance so all district members are able to attend. Notice of each regular membership meeting outlining the date, time and location shall be posted on the CUPE boards provided at each worksite at least five days in advance of the meeting. Regular meetings may run for two hours duration and the time may be extended at the meeting by a simple majority.

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

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. President's Report
7. Vice President's Report
8. Group VP Reports
9. Secretary-Treasurer's Report
10. Communications Report
11. Membership Officer's Report
12. Committees Reports
13. Nominations, elections, or installations
14. Unfinished business
15. New business
16. Good of the Union
17. Adjournment

(Article B.6.1)

(b) Special Membership Meetings

Special membership meetings of Local 4148 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than **twenty (20)** members. The President shall immediately advise members when a special meeting is called and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

(c) Quorum

The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be **five (5)** members (**who are not on the Executive Board**), plus **three (3)** members of the Executive Board.

(d) **Bargaining Unit Meetings**

Bargaining Unit meetings may be called to deal with matters that affect only members of the bargaining unit. Such meetings are not to be used to replace regular membership meetings and will not make decisions that affect the Local Union as a whole or another bargaining unit. The President shall advise members of the bargaining unit **at least three (3)** days in advance of the meeting providing the time and location and an agenda.

The minimum number of members required to be in attendance for the transaction of business at any bargaining unit meeting shall be **five (5)** bargaining unit members plus **at least two (2)** members of the Executive Board. One of the Executive Board members must take minutes and submit them to the Recording Secretary as soon as possible following the meeting. ~~Members from other bargaining units in the Local Union may attend these meetings without vote but with voice and are not counted as part of quorum.~~

(e) **Group Meetings**

The group vice-presidents shall hold group meetings when necessary and the president or general vice-president or both shall be asked to attend such meetings. Minutes shall be taken and turned over to the recording secretary of the local. No business which requires the local membership's attention as a whole shall be discussed.

SECTION 7 – OFFICERS

The Officers of Local 4148 shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, Membership Officer, three (3) Trustees, Group Vice President Plant, Group Vice President Clerical, Group Vice President Educational Assistants, Group Vice President Early Childhood Educators, and a Soo Pee Wee Representative.

(Articles B.2.1 and B.2.2)

SECTION 8 – EXECUTIVE BOARD

(a) The Executive Board shall include all Officers, except Trustees.

(Article B.2.2)

(b) The Executive Board shall meet at least eight (8) times per year.

(Article B.3.14)

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

- (d) The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real Testate without first giving notice and then submitting the proposal to a membership meeting and having it approved.
- (e) The Executive Board shall do the work delegated to it by the Local Union and shall be held responsible for the proper and effective functioning of all committees.
- (f) Should any Executive Board member fail to answer the roll call for three consecutive **General Membership** meetings or three consecutive Executive Board meetings without having submitted good reasons, (as accepted by the majority of the entire Executive Board) their office shall be declared vacant and shall be filled by an election at the following membership meeting.

(Article B.2.5)

- (g) The President, Vice President, Recording Secretary, Treasurer, and all Group Vice Presidents are allowed one half day off per month (at their regular rate of pay) in order to get caught up with union work. Union time off requests must be approved by the President. The Vice President will confirm absences for union business with the employer.

SECTION 9 – DUTIES OF OFFICERS

Each Officer of Local 4148 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

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

(Article B.3.9)

All signing Officers of Local 4148 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/clarify these bylaws as required.
- Be a member of the Joint Health & Safety Committee

- Preside at all general 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.
- The President sits as ex-officio on all committees and shall have voice and vote on all committees. **Attendance at all meetings is not mandatory.**
- ***trustees recommendation is no voice or vote unless elected to a committee.**
- Fill committee vacancies where elections are not provided for.
- Introduce new members and conduct them through the initiation ceremony **at general membership meetings.**
- Approve and sign all cheques, except those payable to the President, and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership.
- Be allowed necessary and reasonable funds to reimburse the President or any Officers for expenses incurred on behalf of the Local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.
- ~~Have first preference as a delegate to all CUPE conventions, conferences, and educationals.~~

~~(Article B.3.1)~~

(b) Vice-President

The Vice-President shall:

- If the President is absent or not available, perform all duties of the President.
- Approve and sign all cheques payable to the President or Treasurer.
- 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.
- ~~Have first preference as a delegate to all CUPE conventions, conferences and educationals when the President is unable to attend.~~

(Article B.3.2)

- Be responsible for all union time off bookings as approved **by the President.**

(c) **Recording Secretary**

The Recording Secretary shall:

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

(Article B.3.3)

(d) **Secretary-Treasurer**

The Secretary-Treasurer shall:

- Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- Sign all cheques except those payable to the Treasurer 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 \$5.00 of each initiation fee on all members admitted, no later than the last day of the following month.
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
- Make a full financial report to meetings of the Local Union's Executive Board.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any

recommendations and concerns raised by the Trustees.

- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.
- Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.

(Articles B.3.4 to B.3.8)

(e) Trustees

Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the committees at least once every calendar year.
- Make a written report of their findings to the first membership meeting following the completion of each audit.
- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner.
- Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- Ensure that proper financial reports have been given to the membership.
- ~~Audit the record of attendance.~~
- Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local Union and report their findings to the membership.
- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - i. Completed Trustee Audit Program
 - ii. Completed Trustees' Report

- iii. Secretary-Treasurer Report to the Trustees
- iv. Recommendations made to the President and Secretary-Treasurer of the Local Union
- v. Secretary-Treasurer's response to recommendations
- vi. Concerns that have not been addressed by the Local Union Executive Board.

(Articles B.3.10 to B.3.12)

(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 **all** meetings.
- Perform such other duties as may be assigned by the Executive Board from time to time.
- When the membership officer will not be present at a meeting, he/she shall make the necessary arrangements in advance to have their duties performed by another member.

(g) Group Vice Presidents

There shall be one Group VP representing each group: Clerical, EA, ECE, Plant, & Soo Pee Wee

The Group Vice Presidents shall:

- ~~File grievances on behalf of their members when required and attend all meetings with the Employer concerning such grievances.~~
- Be the contact person when the School Board has issues/concerns affecting members in the group they represent.
- Inform the President whenever there is a grievance **brought forward from the grievance committee**, possible discipline or dismissal affecting their group.
- Represent, assist and support the members **and any committees** in their respective groups.

- Hold Group Meetings when necessary (See Section 6 (e)).
- Be a part of the Executive, attend Executive meetings and report on issues affecting their respective group.
- **Keep all stewards informed by forwarding any necessary documentation.**
- Be an active member of their group Labour Management Committee
- Be an active member of the Negotiating Committee for their group.

SECTION 10 – 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.

(b) Permanent Committees

The Chairperson of each permanent committee (except for the Negotiating Committees) will be determined by the members of the committee at their first 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. **Committee Chairs will provide written reports to each executive and regular membership meeting when active.**

There shall be six (6) permanent committees as follows:

1. Negotiating Committee

This committee will:

- ~~Be nominated and elected at a General Membership meeting held in January, February or March of the year that the collective agreement expires.~~
- Prepare collective bargaining proposals, negotiate a collective agreement, and be available to meet and finalize any/all issues pertaining to the collective agreement.

There shall be separate Negotiating Committees for each collective agreement of Local 4148. The Plant Negotiating Committee shall have three members plus the President. The E.A./E.C.E./Clerical Negotiating Committee shall be comprised of two members from the E.A. group, two members from the clerical group and two members from the E.C.E. group plus the President. ~~The Group VPs shall hold one of the seats available for their respective groups.~~ The President and the National Representative assigned to the Local Union shall be non-voting members of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership. The wages and benefits of the President and one member is to be covered by the Local.

It is recommended that all members of Local 4148's negotiating committee attend Level 1 and Level 2 of CUPE's collective bargaining educationals. We recommend that all committee members make themselves aware of all educational opportunities including any that are available online.

2. Grievance Committees

This committee will:

- **File** grievances for their Bargaining Unit.
- When a grievance is not settled in the initial steps provided for in the collective agreement, the Grievance Committee will decide whether the grievance should proceed to Arbitration.
- Submit monthly grievance reports to the Executive Board and at all General Membership meetings. **The Stewards shall also receive copies of any grievances.** The National Rep will also receive copies.

Each Bargaining Unit shall have their own Grievance Committee which will include two committee members ~~plus the Chair. For the EA/ECE/Clerical Bargaining Unit, there shall be one person from each group.~~ For the EA/ECE/Clerical Bargaining Unit, two members shall be elected to the committee. **It is recommended that if possible one of these members are from the North or East District.** The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

It is recommended that all members of Local 4148's grievance committees acquaint themselves with the collective agreement for their group as well as all applicable legislation pertaining to worker rights.

3. Labour Management Committee

This committee will:

- Meet with management as required to discuss issues/concerns affecting the members in their group.

The goal is to resolve issues arising in their early stages to avoid grievances, disciplinary action, etc. and to gather information on issues which may be included in subsequent contract negotiations. Each group shall have their own Labour Management Committee comprised of the Group VP, the Grievance Committee Rep. (Plant Chair of Grievance Committee), the Negotiating Committee Rep. ~~(if active)~~ (two for Plant), and the President or Vice President. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

4. WSIB/Modified Work/Return to Work Group Representatives

Each group rep. will:

- Assist/advise members with the process of filing proper documents when there is a workplace injury or illness.
- Participate in the process of determining appropriate modified work and/or return to work plans, advocating for what is in the best interest of the member.
- Prepare reports to the executive meetings ~~when appropriate~~.

Each group shall have their own representative, nominated and elected by the group they represent.

5. Joint Health and Safety Committee

The Joint Health & Safety Committee nominations and elections shall take place every three years. ~~(The current committee was elected in 2015 therefore next election will be 2018).~~ There shall be at least one representative from each group plus the President on the Joint Health & Safety Committee.

As members of the Joint Health & Safety Committee each rep. will:

- Work to educate members on the importance of workplace health and safety.

- Prepare and present reports to the executive and regular membership meetings when necessary and appropriate.
- Attend meetings of the Joint Health and Safety Committee and make recommendations to the Committee with the goal of improving working conditions and ensuring the health and safety of our workers.
- Meet privately with all CUPE worker representatives on the JHSC prior to all JHSC meetings.
- Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members' illness or injury.
- Work to eliminate all workplace hazards, be they physical, environmental, or social.

6. By-law Committee

This committee will:

- Review the bylaws annually and make recommendations to the Executive Board on proposed amendments.
- Review any proposed amendments received from the Executive Board or membership of the Local Union to ensure that the amendments will conform to the remainder of the bylaws and the CUPE National Constitution.
- Ensure that the Local Union's bylaws are written in clear language, ensuring that clear language does not change the intent or meaning of the bylaws.

The committee shall be elected by the membership and be comprised of three members. The committee shall appoint its Chairperson from among its members at the first meeting of the committee. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted during the review process.

SECTION 11 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS & COMMITTEES

(a) Nominations

1. Nominations will be received at a regular membership meeting held in either September, October or November ~~(except for the Negotiating Committees)~~.
2. Nominations will be accepted from members in attendance at the nomination meeting and/or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.
3. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.
(Articles B.8.1, B.8.2 and B.8.3)
4. A member may accept nomination for an **executive** position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time if necessary.
5. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

(b) Elections

1. The President and Recording Secretary are elected in even years. The Vice-President, Secretary-Treasurer, Membership Officer, Group Vice Presidents, and Committees are elected in odd years. The Joint Health & Safety Committee shall be elected every three years. The Committee elections will take place after the election of officers is complete. One three year Trustee shall be elected every year (see Installation of Officers (d) 2 below).
2. The President will (subject to the approval of the members present) appoint an Elections Committee at the conclusion of the Nomination Meeting (if necessary) at least one month prior to Election Day. The Elections Committee will **consist** of a Chief Returning Officer and two assistants. The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.
3. The Elections Committee will determine the form of the ballot and ensure that sufficient quantities are made available, both locally and in the district, in good time to the Chief Returning Officer. **Ballots refer to either a paper ballot or an**

electronic ballot. In order to allow the most members possible the ability to cast a vote, elections will be held electronically and paper ballots will be also be available at the meeting.

4. The Chief Returning Officer will be responsible for issuing, collecting, and counting ballots **if done on paper or electronically. The Elections Committee will be able to decide the most efficient way to conduct the electronic vote.** The district will contact the CRO with the results **of any paper ballots.** The Chief Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
 5. The voting will take place at the regular membership meeting in the month following nominations. The vote will be by secret ballot **either paper or electronic.**
 6. A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken at the next general membership meeting if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped.
 7. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
 8. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
- (Article 11.4)
9. All District ballots must be returned to the Chief Returning Officer as soon as possible after the election. The Chief Returning Officer must hold all **paper** ballots for 30 days following the election before destroying them. **A tally of all electronic votes must also be kept for 30 days.**
 10. 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).
 11. 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 at the very next regular membership meeting.

~~c) — The Negotiating Committee Elections~~

~~Nominations and elections will take place at a General Membership meeting held in January, February or March of the year in which the collective agreement expires. There shall be one Negotiating Committee for each Bargaining Unit. Group VPs shall hold a seat on the Negotiating Committee for the group they represent. One other member from each group (two for Plant) shall be nominated and elected to the Negotiating Committee by the group they are from and will represent. Once the new collective agreement is complete and ready for printing the Negotiating Committees shall be dissolved.~~

(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 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)

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

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

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

(Article 11.6(b))

(d) By-elections

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

SECTION 12 – 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. An initiation fee of five dollars (\$5.00) shall be in addition to monthly dues.

(Articles B.4.1 and B.8.2)

(b) **Readmission Fee**

The readmission fee shall be \$5.00.

(Article B.4.1)

(c) **Monthly Dues**

The local monthly dues rate shall be the combined total of 1.75% plus the National per capita rate. This amount will be calculated based on regular wages.

(Article B.4.3)

(d) **Amending Monthly Dues**

The regular monthly dues may be amended at a regular or special membership meeting. 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)

(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 13 – 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 at the next membership meeting. The member may return to membership in good standing by paying a readmission fee and any other penalty set by the Local Union. The readmission fee cannot be less than the initiation fee of the Local Union.

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

(Article B.8.6)

SECTION 14 – EXPENDITURES

(a) Payment of Local Union Funds

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

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

(Article B.4.4)

(b) Payment of Per Capita Tax and Affiliation Fees

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

(c) Payment of Local Union Funds to Members and/or Causes Outside of CUPE

- (i) In the case of a grant or a contribution to a member(s) or a cause(s) **outside** of CUPE **greater than \$200**, 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 will take place at the following General Membership meeting or at a Special Meeting where notice of motion has been given.
- (ii) No Officer or member of Local 4148 will be allowed to spend any Local Union funds without first having received authorization under Section-14(a) of these bylaws.
- (iii) A meal allowance of **a maximum of** twenty dollars (\$20) while on union business shall be reimbursed to a member provided that union business takes a minimum of three (3) consecutive hours of the member's time in any one day. The cost of alcoholic beverages will not be reimbursed to any member. **Receipts will be required for payment.**

- (iv) The Local Union will reimburse the employer for any loss of wages incurred for the purpose of conducting union business. **The executive member or chair of the committee shall make every effort to schedule meetings in such a fashion as to avoid or minimize the need to pay lost time. All reasonable efforts will be made to conduct meetings over the phone or after working hours to minimize additional costs to the local.**
- (v) Travel to the District for the purpose of conducting union business shall be reimbursed at a rate of fifty cents per kilometre. **Personal liability shall be assumed by the member.**

SECTION 15 – ALLOWANCES

The following **allowances** shall be provided. **PLEASE NOTE: It is the responsibility of the recipient of the allowance to claim these payments as income on their income tax return. No T4 slip will be issued.**

Full Term as President	\$1,200.00 annually
Full Term as General Vice President	\$960.00 annually
Full Term as Recording-Secretary	\$1,200.00 annually
Full Term as Secretary-Treasurer	\$1,200.00 annually
Full Term as Membership Officer	\$200.00 annually
Full Term Group Vice-presidents (one per group)	\$960.00 annually
Full Term as Steward	\$50.00 annually
Full Term as Grievance Chair	\$100.00 annually
Grievance Committee Members	\$75.00 annually
Negotiating Committee Members	\$175.00 annually (when active)
Job Evaluation Committee (One per Group)	\$20.00 per day (when active)
By-laws Committee (Chair)	\$100.00 annually
By-Law Committee Members	\$75.00 each annually
WSIB/Modified Work/Return to Work Representative	\$100.00 each annually
Joint Health and Safety Committee Members	\$100.00 each annually
Trustee (Chair)	\$50.00 annually
2 Trustees	\$30.00 annually

All Executive Board members except the Membership Officer shall be paid monthly. The Membership Officer and all Committee members shall be paid bi-annually in June and December. ~~Negotiating Committee members shall be paid annually in December (when active) and at the completion of their duties (a percentage of their annual amount dependent on when their duties are complete).~~ Trustees shall be paid annually upon completion of the audit. Members of committees must make arrangements with the treasurer to receive their cheque in June.

SECTION 16 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS

- a) The locals' attendance at conventions, conferences, and educationals shall be decided through a motion and vote at a General Membership Meeting. Conventions and conferences should be brought to the members as soon as information is received.
- b) ~~Except for the President's option [Section 9(a)] and Vice President's option (Section 9(b))~~ All delegates to conventions, conferences, and educationals shall be chosen ~~by~~ through a motion and vote at membership meetings after the locals' participation has been decided. ~~Executive and Committee Members shall have first preference.~~ If the delegate(s) chosen are later unable to attend, the Executive may choose alternate delegates to attend. A written report must be handed in by all members attending any convention, conference or educational workshop to be included with the minutes. A verbal report must be provided at the next general membership meeting by all attendees.
- c) When time restrictions make it impossible to have the membership vote on attendance ~~at and delegate selection for a conference, convention, or~~ educational workshops, the Executive may make these decisions if the balance in the member approved budget is sufficient to cover the costs for the local's participation.
- d) Delegates to the Sault Ste. Marie District CUPE Council shall be elected annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall make a written report at each Local Union membership meeting on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.
- e) All delegates attending conventions, conferences, or educationals held outside of the city of Sault Ste. Marie shall be reimbursed for transportation expenses (at economy, tourist or coach rates) as determined by the Secretary-Treasurer. If the member chooses to use their personal vehicle they shall be reimbursed mileage at a rate of fifty cents (50 cents) per kilometre and assume personal liability. Members shall not use their personal vehicle unless other forms of transportation to the destination are not available and/or it is determined to be less expensive than other forms of transportation. A per diem allowance of seventy-five dollars for meals and expenses will be provided. The Local Union will reimburse the member's employer for any loss of wages.

* add the portion about removing allowances for meals if covered by conference or convention
- f) Delegates to conventions, conferences, and educationals held locally shall have no travel allowance, unless the delegate is travelling from the North or East District to

attend. If the delegate is travelling from the District for the sole purpose of attending the convention, conference, or educational, they shall be reimbursed mileage at a rate of fifty cents (50 cents) per kilometre and assume personal liability. If the member chooses to take a bus they shall be reimbursed for the cost of their ticket. The cost of accommodations, if necessary, will be paid by the local. There shall be a per diem allowance of twenty dollars (\$20) for meals and expenses incurred by attendance at the convention, conference or educational for city members, and seventy-five dollars (\$75) for District members who travel to the city to attend. The Local Union will reimburse the member's employer for any loss of wages.

- g) Local 4148 will provide members with their per diem allowance prior to their attending the convention, conference, or educational when possible.
- h) Local 4148 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.

SECTION 17 – 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 18 – 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 19 – AMENDMENTS

(a) CUPE Constitution

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

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

(b) Additional Bylaws

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

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

(Articles 13.3 and B.5.1)

(c) Effective Date of Amended or Additional Bylaws

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

(Articles 13.3 and B.5.1)

SECTION 20 – PRINTING AND DISTRIBUTION OF BYLAWS

The Local 4148 bylaws will be available on the CUPE 4148 website, 4148.cupe.ca

Appendix A

CUPE NATIONAL EQUALITY STATEMENT

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

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

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

MARK HANCOCK
National President

CHARLES FLEURY
National Secretary-Treasurer

:md/cope 491 – November 2015

Appendix B

CODE OF CONDUCT

Local 4148 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 4148 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 4148 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 4148 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 4148 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 4148 sets out standards of behaviour for members at meetings, and all other events organized by Local 4148. 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 4148 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

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

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

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

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

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of Local 4148, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

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

Appendix C

RULES OF ORDER

1. The President will be the Chairperson at all membership meetings. In the absence of the President, the Vice-President will be the Chairperson at the membership meeting. In the absence of the President and Vice-President, the Recording Secretary will be the Chairperson at the membership meeting. In the absence of the President, 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.

11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.
13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.
14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.
15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
16. Religious discussion of any kind is not permitted.
17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.
18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.
20. The Chairperson will ask "Will the main question be now put?" where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.

21. A motion to adjourn is in order except when a member is speaking or when members are voting.
22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.
24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
25. At a membership meeting where a question has been decided any two members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
27. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.
28. In situations not covered by Appendix C, the National Constitution may provide guidance, but if the situation is not dealt with there, *Bourinot's Rules of Order* shall be consulted and applied.

Appendix D

BOURINOT'S RULES AT A GLANCE

To Do This:	You Say This:	May Interrupt the Speaker?	You Must be Seconded?	Is the Motion Debatable?	Is the Motion Amenable?	What Majority is Required?
Move a motion	I move.....	No	Yes	Yes	Yes	Majority
Change a motion (you may not merely amend to negate)	I move that the motion be amended to read...	No	Yes	Yes	Yes	Majority
End debate on a motion	I call the question	No	Yes	Yes	No	Motions on which the question is called will be debated at next meeting if motion fails Majority
	OR I move that council proceed to the next order of business	No	Yes	No	No	
Consider something out of its scheduled order.	I move the agenda be amended in order to deal with the following item...	No	Yes	No	No	Majority
Have a motion studied more before voting on it.	I move that the motion be referred to.....	No	Yes	Yes	Yes	Majority
Postpone further discussion on a motion until a more desirable/appropriate time.	I move that the motion be deferred to until...(a specified time or indefinitely)	No	Yes	Yes - only to time	Yes	Majority
Postpone consideration of a motion so that more urgent business can be attended to.	I move that the motion be tabled (consideration of motion may be resumed upon motion that the matter be taken from the table)	No	Yes	Yes	No	Majority
Raise a matter previously deferred (if at a different	I move that the motion about _____, previously deferred,	No	Yes	No	No	Majority

time from when was decided).	be considered at this time					
To Do This:	You Say This:	May Interrupt the Speaker?	You Must be Seconded?	Is the Motion Debatable?	Is the Motion Amenable?	What Majority is Required?
Raise a matter previously tabled.	I move that the motion about _____, be lifted from the table.	No	Yes	No	No	Majority
Reconsider a motion that has failed.	I move that the motion about _____, be reconsidered at the next meeting (written notice of motion must then be provided, advising that the matter will be readdressed at the next meeting).	No	Yes	Yes	No	Majority (2/3)
Object to something that prevents your continued participation (e.g. excessive noise).	Point of Privilege	Yes	No	No	No	No vote taken. Chair rules.
Seek clarification from the previous speaker.	Point of Information	Yes (if urgent)	No	No	No	No vote taken. Chair rules.
Overturn the ruling of the chair.	I challenge the chair on...	Yes	Yes	Yes	No	Majority
Enquire about procedure or consequences.	Point of Order	Yes	No	Yes (only on the point)	No	No vote taken. Chair rules.
Object to incorrect procedure being used.	Point of Order	Yes	No	Yes (only on the point)	No	No vote taken. Chair rules.