



# Constitution 2019

***CUPE***

# HISTORY OF CUPE

On September 23, 1963, delegates from the National Union of Public Employees (NUPE) and the National Union of Public Service Employees (NUPSE) ratified a merger agreement in separate conventions.

The Canadian Union of Public Employees (CUPE) was created at the Founding Convention on September 24, 1963 in Winnipeg, Manitoba.

CUPE is Canada's largest union with 700,000 members (October 2019).

The Canadian Union of Public Employees is Canada's largest union. CUPE represents more than 700,000 workers in a wide range of occupations from coast to coast.

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

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

The CUPE Constitution is written in clear language so that it is easier to read and understand for all members.

The CUPE Constitution belongs to the members of CUPE. It determines the Union's goals and how the Union operates. It forms the basis for the functioning of the more than 2,122 CUPE Local Unions across Canada.



MARK HANCOCK  
National President



CHARLES FLEURY  
National Secretary-Treasurer



# INDEX

<b>ARTICLE</b>		<b>PAGE</b>
<b>I</b>	<b>NAME AND HEADQUARTERS .....</b>	<b>2</b>
	1.1 Name .....	2
	1.2 Headquarters .....	2
<b>II</b>	<b>GOALS .....</b>	<b>2</b>
	2.1 Goals .....	2
	2.2 Methods .....	3
<b>III</b>	<b>JURISDICTION AND MEMBERSHIP.....</b>	<b>4</b>
	3.1 Local Union Charter .....	4
	3.2 Issuing Charters .....	5
	3.3 Revoking Charters .....	5
	3.4 Investigation and Suspension .....	5
	3.5 Jurisdictional Disputes .....	5
	3.6 Transfer of Jurisdiction .....	6
	3.7 Merger .....	7
	3.8 Separation .....	7
	3.9 Legal Requirements .....	8
	3.10 Sharing of Funds and Properties .....	8
	3.11 Organizing .....	9
<b>IV</b>	<b>PROVINCIAL DIVISIONS, DISTRICT COUNCILS, SERVICE DIVISIONS, PROVINCIAL UNIONS, PROVINCIAL COUNCILS OF UNIONS, COUNCILS OF UNIONS, PROVINCIAL SECTORAL GROUPS.....</b>	<b>9</b>

<b>ARTICLE</b>	<b>PAGE</b>
4.1	Provincial Divisions ..... 9
4.2	District Councils ..... 9
4.3	Service Divisions ..... 10
4.4	Provincial Unions ..... 10
4.5	Provincial Councils of Unions ..... 11
4.6	Councils of Unions..... 11
4.7	Provincial Sectoral Groups..... 11
4.8	Bylaws ..... 12
4.9	Revoking Charters ..... 12
<b>V</b>	<b>GOVERNMENT AND STRUCTURE ..... 12</b>
5.1	Structure ..... 12
5.2	Authority to Bind National Union ..... 13
<b>VI</b>	<b>CONVENTIONS ..... 13</b>
6.1	Regular Convention ..... 13
6.2	Special Convention ..... 13
6.3	Convention Call and Fees ..... 14
6.4	Convention Representation ..... 15
6.5	Alternate Delegates ..... 17
6.6	New Local Unions and Special Circumstances ..... 17
6.7	Arrears ..... 18
6.8	Delegate Requirements ..... 18
6.9	Credentials Committee ..... 19
6.10	Convention Committees ..... 19
6.11	Resolutions and Constitutional Amendments ..... 19
6.12	Quorum ..... 21

<b>ARTICLE</b>	<b>PAGE</b>
6.13	Rules of Order ..... 21
6.14	Required Majority ..... 21
6.15	Timing of Decision ..... 21
<b>VII</b>	<b>NATIONAL EXECUTIVE BOARD ..... 21</b>
7.1	Authority ..... 21
7.2	Composition ..... 22
7.3	Meetings ..... 23
7.4	Quorum and Rules of Order ..... 23
7.5	Acting Outside Meetings ..... 23
7.6	Internal Servicing ..... 24
7.7	Investigation ..... 24
7.8	Administration ..... 25
7.9	Preserving Autonomy ..... 27
7.10	Expenses of the National Union ..... 27
7.11	Report to Convention ..... 28
7.12	Borrowing Authority ..... 28
<b>VIII</b>	<b>NATIONAL EXECUTIVE COMMITTEE ..... 28</b>
8.1	Composition ..... 28
8.2	Responsibility ..... 28
8.3	Meetings ..... 28
8.4	Quorum ..... 29
8.5	Acting Outside Meetings ..... 29
8.6	Agenda and Reports ..... 29
<b>IX</b>	<b>NATIONAL OFFICERS ..... 29</b>
9.1	National Officers ..... 29
9.2	National President ..... 30
9.3	National Secretary-Treasurer ..... 30

<b>ARTICLE</b>	<b>PAGE</b>
9.4	Right Attend Meetings ..... 34
9.5	Employing Staff ..... 34
9.6	Collective Bargaining ..... 35
<b>X</b>	<b>TRUSTEES ..... 35</b>
10.1	Duties of Trustees ..... 35
10.2	Trustees' Meeting and Reporting ..... 35
10.3	Election of Trustees ..... 36
<b>XI</b>	<b>ELECTIONS ..... 37</b>
11.1	Eligibility ..... 37
11.2	National Executive Board ..... 38
11.3	Conduct of Elections ..... 38
11.4	Multiple Positions ..... 39
11.5	Order of Election ..... 39
11.6	Election Results ..... 39
11.7	Oath of Nomination and Office ..... 39
11.8	Start of Term ..... 40
11.9	Vacancy for National Officer ..... 40
11.10	Vacancy on National Executive Board .... 41
11.11	Vacancy for Trustee..... 41
11.12	Bonding of Officers and Employees..... 42
11.13	Books and Records ..... 42
<b>XII</b>	<b>VICE-PRESIDENTS ..... 42</b>
12.1	Duties of General Vice-Presidents ..... 42
12.2	Duties of Regional Vice-Presidents..... 43
12.3	Duties of Diversity Vice-Presidents ..... 43
<b>XIII</b>	<b>CHARTERED LOCAL UNIONS ..... 44</b>
13.1	Creation of Local Unions ..... 44

<b>ARTICLE</b>	<b>PAGE</b>
13.2	Dissolution of Local Unions ..... 44
13.3	Local Union Bylaws ..... 44
13.4	Filing Collective Agreements ..... 45
13.5	Bonding of Signing Officers ..... 45
<b>XIV</b>	<b>REVENUE ..... 45</b>
14.1	Revenue ..... 45
14.2	National Defence Fund ..... 46
14.3	National Strike Fund ..... 47
14.4	National Convention and Events Assistance Fund ..... 47
14.5	Interest on Arrears ..... 47
14.6	Relief for Strikes and Lockouts ..... 47
14.7	Promoting Organizing ..... 48
14.8	Promoting Growth ..... 48
14.9	Fiscal Year ..... 48
<b>XV</b>	<b>AMENDMENTS ..... 49</b>
15.1	Amendment ..... 49
<b>XVI</b>	<b>GENERAL ..... 49</b>
16.1	Affiliation to District Council ..... 49
16.2	Affiliation to Provincial Division ..... 49
16.3	Affiliation to Labour Council ..... 49
16.4	Affiliation to Provincial Federation of Labour ..... 49
16.5	Employee Cannot Hold Office ..... 50
16.6	Election Campaign ..... 50
16.7	Staff Attendance at Convention ..... 50



<b>ARTICLE</b>	<b>PAGE</b>
<b>XVII MEETINGS OF STAFF .....</b>	<b>50</b>
17.1 General Meeting of Staff .....	50
17.2 Regional Meetings of Staff .....	51
<b>APPENDIX A – RULES OF ORDER .....</b>	<b>51</b>
<b>APPENDIX B – BYLAWS GOVERNING CHARTERED ORGANIZATIONS .....</b>	<b>55</b>
<b>B.I LOCAL UNIONS .....</b>	<b>55</b>
B.1.1 Local Union Charter.....	55
B.1.2 Dissolving a Local Union.....	55
B.1.3 Funds on Dissolution.....	55
B.1.4 Conduct of Members and Officers .....	55
B.1.5 National Union not Liable.....	56
<b>B.II OFFICERS .....</b>	<b>56</b>
B.2.1 Local Union Officers .....	56
B.2.2 Executive Board .....	56
B.2.3 Elections .....	57
B.2.4 Term of Office .....	57
B.2.5 Failure to Attend Meetings .....	57
<b>B.III DUTIES OF OFFICERS .....</b>	<b>57</b>
B.3.1 President .....	57
B.3.2 Vice-President.....	58
B.3.3 Recording Secretary .....	58
B.3.4 Secretary-Treasurer.....	58
B.3.5 Bonding.....	59
B.3.6 Financial Reports .....	59
B.3.7 Information to Trustees.....	59

<b>ARTICLE</b>	<b>PAGE</b>
B.3.8	Payments and Report to National Union ... 60
B.3.9	Return of Property by Officers..... 60
B.3.10	Trustees ..... 60
B.3.11	Trustee in Small Local Unions..... 61
B.3.12	Duties of Trustees..... 61
B.3.13	Audit by Accountant ..... 62
B.3.14	Meetings and Duties of Executive Board ... 63
B.3.15	Employment and Duties of a Business Agent..... 63
<b>B.IV</b>	<b>REVENUE AND EXPENDITURES ..... 63</b>
B.4.1	Initiation and Readmission Fees ..... 63
B.4.2	Assessments..... 64
B.4.3	Regular Monthly Dues..... 64
B.4.4	Expenditures ..... 65
B.4.5	Monies Owed to National Union ..... 65
<b>B.V</b>	<b>ADDITIONAL BYLAWS ..... 66</b>
B.5.1	Additional Bylaws ..... 66
<b>B.VI</b>	<b>MEMBERSHIP MEETING AGENDA ..... 66</b>
B.6.1	Meeting Agenda ..... 66
<b>B.VII</b>	<b>RETIRED MEMBERS' ASSOCIATIONS ..... 67</b>
B.7.1	Retired Members' Association ..... 67
<b>B.VIII</b>	<b>MEMBERSHIP ..... 69</b>
B.8.1	Application for Membership ..... 69
B.8.2	Approval of Application..... 69
B.8.3	Continuation of Membership ..... 69
B.8.4	Oath of Membership..... 70

<b>ARTICLE</b>	<b>PAGE</b>
B.8.5	Membership in a Merger ..... 70
B.8.6	Suspension for Non-Payment of Dues..... 70
<b>B.IX</b>	<b>WITHDRAWAL AND TRANSFER CARDS ..... 70</b>
B.9.1	Withdrawal Card ..... 70
B.9.2	Transfer Card ..... 71
<b>B.X</b>	<b>RETIRED MEMBERS ..... 72</b>
B.10.1	Honorary Retiring Card ..... 72
<b>B.XI</b>	<b>TRIAL PROCEDURE (in force until May 31, 2020) ..... 73</b>
B.11.1	Offences ..... 73
B.11.2	Making a Complaint..... 74
B.11.3	Selecting a Trial Panel and Trial Committee ..... 75
B.11.4	Trial Committee ..... 78
B.11.5	Appeal ..... 80
<b>B.XI</b>	<b>TRIAL PROCEDURE (in force starting June 1, 2020) .. 82</b>
B.11.1	Application ..... 82
<b>APPENDIX C – SERVICE DIVISIONS ..... 83</b>	
<b>C.I</b>	<b>JURISDICTION ..... 83</b>
C.1	Jurisdiction ..... 83
<b>C.II</b>	<b>BYLAWS OF A SERVICE DIVISION ..... 83</b>
C.2.1	First Bylaws ..... 83
C.2.2	Content of Bylaws ..... 83
C.2.3	Additional Bylaws ..... 84

<b>ARTICLE</b>	<b>PAGE</b>
<b>C.III ROLES OF SERVICE DIVISION .....</b>	<b>84</b>
C.3.1 Role of Service Division .....	84
C.3.2 Constitution Applies to Service Division .....	85
<b>APPENDIX D – EQUALITY STATEMENT .....</b>	<b>85</b>
<b>APPENDIX E – CODE OF CONDUCT .....</b>	<b>86</b>
<b>APPENDIX F – TRIAL PROCEDURE</b> <b>(in force starting June 1, 2020) .....</b>	<b>91</b>

# TERMS

## **Chartered organization**

a body chartered by the Canadian Union of Public Employees

## **Convention**

any national convention of the Union

## **Law**

includes legislation and decisions of courts or tribunals that are legally binding

## **National Union**

the national organization of the Canadian Union of Public Employees

## **Union**

includes the National Union and all organizations chartered by the National Union or created by a chartered organization

# ARTICLE I

---

## NAME AND HEADQUARTERS

### 1.1 Name

The name of the Union is “Canadian Union of Public Employees” in English and “Syndicat canadien de la fonction publique” in French.

### 1.2 Headquarters

The National Headquarters will be located in the City of Ottawa, Ontario, Canada.

# ARTICLE II

---

## GOALS

### 2.1 Goals

The goals of the Union include:

- (a) to organize workers, particularly workers in the public service in Canada
- (b) to advance the social, economic and general welfare of workers and retired workers
- (c) to defend and add to the civil rights and liberties of workers in the public service and to preserve the rights and freedoms of democratic trade unions
- (d) to improve the wages, working conditions, job security and other conditions of all workers and the pensions and benefits of retirees

- (e) to promote efficiency in the public service
- (f) to promote peace and freedom in the world and to work with free and democratic labour movements everywhere
- (g) to use the world's natural and human resources for the good of everyone while promoting respect and conservation of the environment and the creation of sustainable communities and jobs
- (h) to eliminate any kind of harassment and discrimination; to promote equal treatment of everyone regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious belief, mental or physical disability and to actively oppose discrimination on any of these grounds
- (i) to establish strong working relationships with the public we serve and the communities where we work and live.

## **2.2 Methods**

The goals of the Union will be reached by:

- (a) forming cooperative relations between employers and employees
- (b) promoting desirable laws
- (c) educating the public about the challenges facing public employees

- (d) forming and supporting central and provincial bodies of public employees to deal with matters specific to an area or province and to assist the Union in organizing
- (e) working with the Canadian Labour Congress (CLC), its chartered organizations and affiliated unions to strengthen the labour movement
- (f) working with the Public Services International (PSI) and the International Trade Union Confederation (ITUC).

## **ARTICLE III**

---

### **JURISDICTION AND MEMBERSHIP**

#### **3.1 Local Union Charter**

Any group of employees in Canada can apply to the National Union for a charter as a Local Union. The groups include:

- (a) employees of a federal, provincial or municipal government or local authority
- (b) employees of a public board or commission established by or related to a municipal authority
- (c) employees of a public board, commission or other authority of the federal or a provincial government
- (d) employees of a hospital or a social or welfare agency
- (e) employees of a public utility



- (f) employees of the air transportation industry
- (g) employees who want to join and be represented by the Union.

### **3.2 Issuing Charters**

The National Union may issue a Local Union charter to any group of employees wishing to join the Union.

### **3.3 Revoking Charters**

The charter of a Local Union can only be revoked by a majority roll call vote of delegates at Convention.

### **3.4 Investigation and Suspension**

The National Executive Board has the power to investigate and suspend Local Unions as set out in Article 7.7.

### **3.5 Jurisdictional Disputes**

- (a) The National Executive Board shall appoint a permanent Committee on Jurisdiction. All jurisdictional disputes between chartered organizations shall be referred to this Committee.
- (b) The Committee shall investigate jurisdictional disputes referred to it and make recommendations to the National Executive Board.
- (c) The National Executive Board shall decide all jurisdictional disputes. The decision of the National Executive Board is final and binding on the chartered organizations, except that it may be appealed to Convention.

### **3.6 Transfer of Jurisdiction**

- (a) A Local Union may transfer all or part of its jurisdiction to another Local Union if:
- (i) notice of motion to transfer jurisdiction is given;
  - (ii) the motion is approved by a majority of members of the Local Union who vote at a membership meeting or by referendum vote if voting at a membership meeting is not practical; and
  - (iii) in the case of a partial transfer, the motion is approved by a majority of members of the bargaining unit(s) being transferred who vote at a meeting or by referendum vote if voting at a membership meeting is not practical.
- (b) A Local Union may accept a transfer of jurisdiction from another Local Union if:
- (i) notice of motion to accept the transfer is given; and
  - (ii) the motion is approved by a majority of members of the Local Union who vote at a membership meeting or by referendum vote if voting at a membership meeting is not practical.
- (c) If a new Local Union is created by the transfer of jurisdiction, the members must apply for a Local Union charter as set out in Article B.1.1.

- (d) Confirmation that the requirements of Article 3.6 have been fulfilled and copies of the motion(s) signed by the President and Recording Secretary of the Local Union(s) must be sent to the National Secretary-Treasurer. The transfer of jurisdiction is complete when the National Secretary-Treasurer issues a new or amended Local Union charter.

### **3.7 Merger**

Local Unions may merge if:

- (a) notice of motion to merge is given; and
- (b) the motion is approved by a majority of members who vote at a membership meeting in each Local Union or by referendum vote if voting at a membership meeting is not practical.

Confirmation that these requirements have been fulfilled and copies of the motions signed by the President and Recording Secretary of the Local Unions must be sent to the National Secretary-Treasurer. The members must apply for a Local Union charter as set out in Article B.1.1. The merger is complete when the National Secretary-Treasurer issues a new Local Union charter.

### **3.8 Separation**

The members of a Local Union in a bargaining unit with a separate employer may request a transfer of jurisdiction to another Local Union if:

- (a) notice of motion to transfer jurisdiction is given; and
- (b) the motion is approved by a majority of members of the bargaining unit who vote at a meeting or by referendum vote if voting at a membership meeting is not practical.

If a new Local Union is created by the transfer of jurisdiction, the members must apply for a Local Union charter as set out in Article B.1.1. An existing Local Union may accept jurisdiction by fulfilling the requirements of Article 3.6(b). The National Executive Board may accept or reject the request to transfer jurisdiction.

### **3.9 Legal Requirements**

If a transfer of jurisdiction is legally required, all affected Local Unions must recognize the transfer. A copy of the law or decision requiring the transfer shall be sent to the National Secretary-Treasurer. The National Secretary-Treasurer shall issue a new or amended Local Union charter.

### **3.10 Sharing of Funds and Properties**

If a bargaining unit is transferred to another Local Union, it is entitled to a pro-rated share of the Local Union's funds and properties. The Local Unions shall negotiate an equitable allocation of funds and properties. If the Local Unions do not reach an agreement, the National Executive Board shall decide the share. The decision of the National

Executive Board is final and binding on the Local Unions.

### **3.11 Organizing**

To assist in organizing, the Union may accept directly into membership any employee who wishes to join.

## **ARTICLE IV**

---

### **PROVINCIAL DIVISIONS, DISTRICT COUNCILS, SERVICE DIVISIONS, PROVINCIAL UNIONS, PROVINCIAL COUNCILS OF UNIONS, COUNCILS OF UNIONS, PROVINCIAL SECTORAL GROUPS**

#### **4.1 Provincial Divisions**

- (a) The National Union may charter one Provincial Division at the request of ten or more chartered Local Unions in the province. Chartered Local Unions and District Councils can join a Provincial Division. If permitted by the bylaws of the Provincial Division, chartered Provincial Councils of Unions and Councils of Unions can join the Provincial Division.
- (b) A Provincial Division can make policies that add to but do not vary from the policies of the National Union. The Provincial Division will assist the National Executive Board, the National Officers and national staff in carrying out the policies and programs of the National Union.

#### **4.2 District Councils**

- (a) The National Union may charter a District Council for an area in a province at the request of at least

five chartered Local Unions in the area. The National Executive Committee will decide the area of jurisdiction for each District Council. Only chartered Local Unions in the area can join a District Council.

- (b) The District Council shall coordinate the activities of Local Unions in the area. The District Council will assist the National Executive Board, National Officers and national staff in carrying out the policies and programs of the National Union and the Provincial Division.
- (c) Notwithstanding Appendix B.3.14, the District Council Executive Board will meet at least four times a year before the regular membership meeting. The only duties of the Executive Board are those set out in the bylaws of the District Council.

#### **4.3 Service Divisions**

- (a) The National Executive Board may authorize the National Union to charter National or Provincial Service Divisions.
- (b) Appendix C of this Constitution governs the establishment, rights, privileges and obligations of a Service Division.

#### **4.4 Provincial Unions**

- (a) The National Union may charter a Provincial Union where a Local Union operates throughout a province. A Provincial Union has the same rights, privileges and obligations as a Local Union.

- (b) A Provincial Union can make policies that add to but do not vary from the provincial and national policies of the Union.

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

The National Union may charter a Provincial Council of Unions for the sole purpose of certification and collective bargaining if it is advisable and possible under provincial labour law. The National Executive Board will make or approve rules governing Provincial Councils of Unions.

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

- (a) The National Executive Board may authorize the National Union to charter a Council of Unions for the purpose of collective bargaining. The National Executive Board can:

- (i) establish the jurisdiction of the Council;
- (ii) approve the bylaws of the Council before they come into effect; and
- (iii) dissolve the Council and revoke its charter.  
The decision to revoke the charter may be appealed to Convention.

- (b) A chartered Local Union within the jurisdiction of a Council of Unions may affiliate to the Council.

#### **4.7 Provincial Sectoral Groups**

A Provincial Division may establish a Provincial Sectoral Group to coordinate activities and programs of the group. The structure and bylaws

of the Provincial Sectoral Group come into effect when approved by the National Executive Board. A Local Union may participate in a Provincial Sectoral Group without affiliating to the Provincial Division.

#### **4.8 Bylaws**

This Constitution, including Appendix B, applies to Provincial Divisions and District Councils. Provincial Divisions and District Councils may make additional bylaws if they do not conflict with this Constitution. The additional bylaws come into effect when approved in writing by the National President as set out in Article 13.3.

#### **4.9 Revoking Charters**

The National Executive Board can revoke the charter of a Provincial Division, District Council, Service Division, Provincial Council of Unions or Council of Unions. The decision to revoke the charter may be appealed to Convention.

## **ARTICLE V**

---

### **GOVERNMENT AND STRUCTURE**

#### **5.1 Structure**

The government and structure of the Union is:

- (a) Convention
- (b) National Executive Board
- (c) National Executive Committee
- (d) National Officers



- (e) Provincial Divisions
- (f) District Councils
- (g) Service Divisions
- (h) Provincial Unions
- (i) Local Unions

## **5.2 Authority to Bind National Union**

No Local Union or other chartered organization and no member or officer of a Local Union or other chartered organization can act as an agent for the National Union or otherwise bind the National Union unless authorized to do so by the National President. If the National President is absent, the National Secretary-Treasurer or the National Executive Board may give authority to act as an agent for or bind the National Union.

# **ARTICLE VI**

---

## **CONVENTIONS**

### **6.1 Regular Convention**

Convention is the supreme authority of the Union. The Union will hold a regular Convention every two years. The National Executive Board will decide the location of the Convention.

### **6.2 Special Convention**

- (a) The Union will hold a special Convention if:
  - (i) directed by a regular Convention;

- (ii) directed by the National Executive Board; or
- (iii) requested by a majority of Local Unions.  
The majority of Local Unions will be based on the number of Local Unions in the report of the National Secretary-Treasurer to the last regular Convention.

- (b) The National Executive Board will decide the time and place of a special Convention within 30 calendar days of a request from a majority of Local Unions. The Board will give all chartered organizations at least 60 days' notice of the time and place and the business to be considered at the special Convention.
- (c) Representation at special Conventions is set out in Article 6.4.
- (d) A special Convention may only consider the business set out in the notice given by the National Executive Board.

### **6.3 Convention Call and Fees**

- (a) The National Secretary-Treasurer will send a Convention call to all organizations entitled to send delegates to Convention. The Convention call will be sent at least 90 days before the start of a regular Convention and at least 30 days before the start of a special Convention. The call will include the time and place of the Convention and credential forms for delegates.

- (b) Each delegate shall fill out the credential form and a copy of the form. Each delegate shall retain the original credential form and shall send the copy to reach the National Secretary-Treasurer at least 45 days before the start of a regular Convention or 15 days before the start of a special Convention. The registration fee for each delegate shall be attached to the copy of the credential form sent to the National Secretary-Treasurer.
- (c) The National Executive Board will set the registration fee for each delegate and guest after considering the consumer price index published by Statistics Canada, based on a fee of \$150 for each delegate and guest at the 1997 regular Convention. \$5.00 of the registration fee for delegates shall be used to offset at-home child care and family care expenses of delegates.
- (d) A delegate may apply to the National Union for reimbursement of child care and family care costs up to a maximum amount set by the National Executive Board. The delegate must apply through their Local Union no later than two months after the end of Convention. The National Secretary-Treasurer will establish a form and guidelines for reimbursement and will send the form to all Local Unions.

#### **6.4 Convention Representation**

- (a) Representation at Convention is:

Local Union:

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

1 more delegate for each additional 500 members or part of 500 members.

Provincial Division.....	2 delegates
District Council .....	1 delegate
Service Division.....	1 delegate
Provincial Council of Unions.....	1 delegate
Council of Unions .....	1 delegate
Airline Division Component .....	1 delegate per airline

Each chartered organization may register one additional delegate who self-identifies as a member of one of the following communities: Indigenous, LGBTQ2+, Racialized, Women, Workers with Disabilities, Young Workers.

Each national equity-seeking committee is entitled to one delegate with full voice at the expense of the National Union.

- (b) Representation of Local Unions at Convention is based on the average number of paid-up members, including Rand Formula payees, for the 12 months before the Convention call is sent out.

## **6.5 Alternate Delegates**

Local Unions entitled to representation at Convention are also entitled to alternate delegates:

Up to 500 members.....	1
501 to 2,500 members.....	2
Over 2,500 members.....	3

Other chartered organizations entitled to representation at Convention are also entitled to one alternate delegate.

An alternate delegate can speak and vote at Convention only when replacing a delegate from the same chartered organization and only if in possession of that delegate's badge.

## **6.6 New Local Unions and Special Circumstances**

The Credentials Committee may accept representation at Convention as recommended by the National Executive Board for:

- (a) a Local Union chartered after the end of the previous fiscal year at a regular Convention;
- (b) a Local Union chartered after the sending of the Convention call at a special Convention; or

- (c) a Local Union affected by a transfer of jurisdiction or other special circumstances at a regular or special Convention.

The Credentials Committee will report these situations to Convention for approval.

## **6.7 Arrears**

No chartered organization, in arrears for two or more months, will be allowed representation at Convention or any convention of any other level of the Union.

## **6.8 Delegate Requirements**

- (a) Only a member in good standing of a Local Union can be a delegate representing that Local Union. Only a member in good standing of a Provincial Division, District Council, Service Division, Provincial Council of Unions, Council of Unions or Airline Division Component to which their Local Union is affiliated can be a delegate representing that organization.
- (b) A full-time elected officer or appointed official of a Local Union, Provincial Division, District Council, Service Division, Provincial Council of Unions, Council of Unions or Airline Division Component can be recognized as a delegate representing that organization only if the officer or official was a member in good standing of a Local Union and covered by the collective agreement of that Local Union when elected or appointed to office.

- (c) Delegates to District Councils, Provincial Divisions and Service Divisions must meet the requirements of Articles 6.8(a) and (b).
- (d) Holding a Life Membership Card or an Honorary Retiring Card does not meet the requirement to be a member in good standing.

## **6.9 Credentials Committee**

The National Executive Committee will appoint a Credentials Committee of at least three members before the start of Convention. Only members who have submitted credentials can be appointed to the Committee. The Committee will meet before Convention to decide if credential forms received by the National Secretary-Treasurer are valid. The Committee will register delegates with valid credentials. The Committee will report to Convention on the first day and when necessary. Any decision of the Committee may be appealed to the National Executive Committee and/or the National Executive Board and to Convention.

## **6.10 Convention Committees**

The National Executive Committee will appoint committees needed for Convention. The National Executive Committee may request any committee to meet before Convention to perform its role.

## **6.11 Resolutions and Constitutional Amendments**

- (a) A chartered organization may submit a resolution or constitutional amendment to a regular Convention.

The resolution or constitutional amendment must be signed by the President and Secretary of the chartered organization and sent to the National Secretary-Treasurer at least 90 calendar days before the start of Convention. The National Union will post these resolutions and constitutional amendments on its website at least 30 calendar days before the start of Convention. The National Union will send these resolutions and constitutional amendments to any chartered organization that asks for a printed copy.

- (b) A resolution submitted less than 90 days before the start of a regular Convention may be considered only if:
  - (i) the matter arose less than 90 days before the start of Convention;
  - (ii) the resolution has been given to delegates for at least four hours; and
  - (iii) a majority of delegates consent.
  
- (c) A constitutional amendment submitted less than 90 days before the start of a regular Convention may be considered only if:
  - (i) the constitutional amendment was sent out to all chartered organizations at least 30 days before the start of Convention; and
  - (ii) a majority of delegates consent.



### **6.12 Quorum**

A quorum is one-half of the registered delegates.

### **6.13 Rules of Order**

The rules of order of Convention are set out in Appendix A. The Convention is open for business after a majority of delegates have approved the report of the Credentials Committee.

### **6.14 Required Majority**

A majority of voting delegates shall decide a question, except where this Constitution requires a different majority.

### **6.15 Timing of Decision**

Decisions of Convention take effect at the close of Convention, unless another time is specified. This does not imply a right to change the rules of Convention without submitting a constitutional amendment in the regular manner as set out in Article 6.11.

## **ARTICLE VII**

---

### **NATIONAL EXECUTIVE BOARD**

#### **7.1 Authority**

The National Executive Board is the supreme authority of the Union when Convention is not in session. The Board will take the actions and decisions required to fully carry out the decisions of Convention and to enforce this Constitution.

## 7.2 Composition

(a) The members of the National Executive Board are: the National President, the National Secretary-Treasurer, five General Vice-Presidents, fourteen Regional Vice-Presidents and two Diversity Vice-Presidents.

(b) The Regional Vice-Presidents represent these regions:

Nova Scotia .....	1
Newfoundland and Labrador .....	1
New Brunswick .....	1
Prince Edward Island .....	1
Quebec .....	2
Ontario .....	2
Northern Ontario .....	1
Manitoba .....	1
Saskatchewan .....	1
Alberta, Northwest Territories, and Nunavut.....	1
British Columbia and the Yukon.....	2

Northern Ontario is defined as the area north of the French River.

(c) The General Vice-Presidents are elected from these geographic areas:

The East (Nova Scotia, Newfoundland and Labrador, New Brunswick, and Prince Edward Island).....	1
Quebec.....	1
Ontario (including Northern Ontario).....	1
The Prairies (Manitoba and Saskatchewan).....	1

The West (British Columbia, Alberta, and the Territories)..... 1

(d) The Diversity Vice-Presidents represent the following members:

Indigenous Workers ..... 1

Racialized Workers..... 1

### **7.3 Meetings**

The National Executive Board will meet at least four times each year. The National President will call meetings and can call an emergency meeting at any time.

The National President will call an emergency meeting if a majority of Board members request it in writing.

### **7.4 Quorum and Rules of Order**

A quorum is a majority of members. The National Executive Board makes decisions by majority vote, except as provided in Articles 7.7 and 7.8(g). The rules of order for Convention apply to meetings of the Board where appropriate.

### **7.5 Acting Outside Meetings**

A majority of members of the National Executive Board may take action or make any decision by letter or electronic communication. The National President may contact the members of the Board by letter or electronic communication to request them to act. The action or decision has the same

effect as if taken at a meeting. The action or decision shall be reviewed at the next meeting of the Board and shall be included in the minutes of the meeting.

## **7.6 Internal Servicing**

The National Executive Board can examine the internal servicing facilities and requirements of Local Unions, District Councils, Provincial Divisions and Service Divisions. The Board can return sufficient money needed to maintain internal servicing in place of direct assistance from employees of the National Union if the Board deems it advisable. The number and result of requests under Article 7.6 must be reported to the next Convention.

## **7.7 Investigation**

The National Executive Board has the power to investigate any situation if there is reason to believe that a chartered organization may be dominated, controlled or substantially influenced by any corrupt influence, or that its policies or activities are contrary to the principles or policies of the Union. The Board can designate a representative to conduct the investigation. If the chartered organization requests a hearing, the Board will hold a hearing. The Board can make recommendations to the chartered organization after the investigation is completed. The Board can place the chartered organization under supervision, administration or suspension by a two-thirds majority of members

voting. Any action taken under Article 7.7 may be appealed to the next Convention.

## **7.8 Administration**

- (a) The National President can place a chartered organization under administration in cases of emergency and where members of the chartered organization have provided substantive evidence that administration would be in the best interests of the chartered organization. The administrator appointed by the National President will immediately exercise authority over the chartered organization and its affairs as set out in this Article.
  
- (b) The National Executive Committee will review the decision to place the chartered organization under administration within 14 days. The Committee can approve or overturn the decision. If the decision is approved, the administrator will continue to exercise authority over the chartered organization and its affairs. If the decision is overturned, the administrator will stop exercising authority over the chartered organization and its affairs within two days. The decision of the Committee will be communicated to the President and Secretary-Treasurer of the chartered organization.
  
- (c) The National Executive Board will review the action of the National President and the decision of the National Executive Committee at its next meeting. At least seven days' notice of the time and place of the meeting will be given to the chartered organi-

zation. Any officer or member of the executive of the chartered organization can ask to speak at the Board meeting and will be given every reasonable opportunity to do so.

- (d) If the National Executive Board approves the decision to place the chartered organization under administration, the administrator will continue to exercise authority over the chartered organization and its affairs. If the decision is overturned, the administrator will stop exercising authority over the chartered organization and its affairs within two days.
- (e) All decisions to place a chartered organization under administration and the decisions of the National Executive Committee and National Executive Board will be reported to the next regular Convention.
- (f) The administrator has full authority to conduct the affairs of the chartered organization and to carry out the duties that would normally be performed by the officers of the chartered organization. The administrator can receive and pay out funds of the chartered organization for the regular and necessary business of the organization but for no other purpose. The funds and assets of the chartered organization remain the property of the chartered organization. The administrator will call membership meetings in the normal way and will inform the members about the administration. The administrator will be subject to the authority of the National

President and the National Executive Board and will report regularly to them.

- (g) Administration over a chartered organization may continue for no longer than 12 months unless the National Executive Board approves an extension of administration by a two-thirds majority of members voting. The National Executive Board can end the administration at any time by a two-thirds vote. An audit of the chartered organization must be completed before the end of administration. When the administration is ended, new elections for officers of the chartered organization will be held.

## **7.9 Preserving Autonomy**

Articles 7.7 and 7.8 shall not be construed as an encroachment on the autonomy of chartered organizations as set out in this Constitution. These articles are intended to protect chartered organizations and their members. The intent of these articles shall be interpreted in the strictest legal sense. Any action taken under these articles may be appealed to Convention.

## **7.10 Expenses of the National Union**

The National Executive Board decides how the monies of the National Union are withdrawn and how cheques are issued. Monies can only be spent with prior authority through the budget or other approval by the National Executive Board or as specifically provided by decisions of Convention.

### **7.11 Report to Convention**

The National Executive Board will make a complete report to Convention on its activities since the last Convention.

### **7.12 Borrowing Authority**

The National Executive Board has complete authority to borrow monies and to pledge any funds or properties of the National Union as security for the borrowing.

## **ARTICLE VIII**

---

### **NATIONAL EXECUTIVE COMMITTEE**

#### **8.1 Composition**

The members of the National Executive Committee are: the National President, the National Secretary-Treasurer and the five General Vice-Presidents.

#### **8.2 Responsibility**

The National Executive Committee is responsible for developing policies and programs and for the administration of the Union except when the Union is in Convention or the National Executive Board is in session.

#### **8.3 Meetings**

The National Executive Committee will meet before each meeting of the National Executive Board and at least once between regular Board meetings. The National President can call a special meeting in an emergency.



#### **8.4 Quorum**

A quorum is a majority of members. The National Executive Committee makes decisions by majority vote.

#### **8.5 Acting Outside Meetings**

A majority of members of the National Executive Committee may take action or make any decision by letter or electronic communication. The National President may contact the members of the Committee by letter or electronic communication to request them to act. The action or decision has the same effect as if taken at a meeting. The action or decision shall be reviewed at the next meeting of the Committee and shall be included in the minutes of the meeting.

#### **8.6 Agenda and Reports**

The National President and the National Secretary-Treasurer will prepare the agenda and the reports needed for meetings of the National Executive Committee. The Committee will assist in preparing the agenda, reports and policy papers for meetings of the National Executive Board.

## **ARTICLE IX**

---

### **NATIONAL OFFICERS**

#### **9.1 National Officers**

The National Officers of the Union are the National President and the National Secretary-Treasurer. They are elected by majority vote at each regular Convention.

## **9.2 National President**

- (a) The National President is the chief executive officer of the National Union. The National President exercises supervision over the affairs of the Union, signs all official documents and presides at Convention and all meetings of the National Executive Board and the National Executive Committee.
- (b) The National President will carry out decisions of the National Executive Board. The National President will promote the goals and well-being of the Union and exercise supervision of the Union throughout its jurisdiction.
- (c) The National President has the sole authority to interpret this Constitution. The National President's interpretation may be appealed to the National Executive Board and to Convention.
- (d) The National President will report to Convention on the administration of the National President's office and the affairs of the Union through the report of the National Executive Board. The National President will report to the quarterly meetings of the National Executive Board and will send these reports to all chartered organizations.

## **9.3 National Secretary-Treasurer**

- (a) The National Secretary-Treasurer is the chief administrative officer of the National Union.
- (b) The National Secretary-Treasurer receives all monies payable to the National Union and deposits the

monies in accounts approved by the National Executive Board.

- (c) The National Secretary-Treasurer will pay, with the approval of the National President, all bills, wages and expenses that are authorized by Convention or by the National Executive Board and will make other payments that are necessary.
- (d) The National Secretary-Treasurer will prepare a budget of expected expenses of the National Union for the next fiscal year. The National Secretary-Treasurer will submit the budget to the National Executive Committee. The National Executive Committee will submit the budget to the National Executive Board before the start of the fiscal year. The National Executive Board can amend the budget and must approve a budget no later than 30 days after the start of the fiscal year.
- (e) The National Secretary-Treasurer is responsible for the books, documents, files and property of the National Union. The National President, the National Executive Committee and the National Executive Board can inspect the books, documents, files and property of the National Union at any time.
- (f) The National Secretary-Treasurer will prepare a financial statement of the National Union for each meeting of the National Executive Board.
- (g) A registered firm of chartered accountants will audit the books of the National Union every year.

The National President will select the registered firm of chartered accountants and submit it to the National Executive Board for approval. The audits will be provided to the National Executive Board and to Convention.

- (h) The National Secretary-Treasurer will, with the approval of the National Executive Board, invest any surplus monies of the National Union in securities or deposit the monies in a bank or banks in the name of the National Union.
- (i) The National Secretary-Treasurer will be bonded for an amount set by the National Executive Board.
- (j) The National Secretary-Treasurer will send out the Convention call and act as secretary at Convention. The National Secretary-Treasurer will ensure that the proceedings of Convention and meetings of the National Executive Board and National Executive Committee are recorded. A report on Convention will be sent to all chartered organizations within a reasonable time after the end of Convention.
- (k) The National Secretary-Treasurer will ensure that appropriate officers of Local Unions are bonded. The National Secretary-Treasurer may obtain bonding coverage from a Canadian company and charge the cost of the premium to the Local Union.
- (l) The National Secretary-Treasurer can inspect all books and records of any chartered organization at any time. The National President or the National

Secretary-Treasurer can designate, in writing, a representative to inspect all books and records of any chartered organization.

- (m) The National Secretary-Treasurer shall notify any chartered organization that has not paid its per capita tax on time. Any chartered organization two months in arrears of payment of per capita tax may be suspended from membership in the Union. A suspended chartered organization can only be reinstated after paying the arrears in full.
- (n) The National Secretary-Treasurer has constitutional authority to empower an auditor employed by the National Union to take all steps required to obtain payment of per capita tax from a chartered organization, if the auditor has confirmed that the chartered organization is in arrears.
- (o) The National Secretary-Treasurer will report to Convention through the report of the National Executive Board on the administration of the National Secretary-Treasurer's office.
- (p) The National Secretary-Treasurer will send a list of the salaries of staff and elected officers of the National Union to all chartered organizations every year.
- (q) The National Secretary-Treasurer will send updated copies of contracts covering employees of the National Union to Provincial Divisions and District Councils.

#### **9.4 Right to Attend Meetings**

The National Officers, or their designated representatives, have the right to attend all meetings of subordinate bodies of the Union, with voice but no vote.

#### **9.5 Employing Staff**

The National Officers employ staff for the National Union to function properly. The process for authorized hiring is:

- (a) The Regional Director is responsible for hiring clerical employees in the region.
- (b) The National Secretary-Treasurer is responsible for hiring clerical employees at National Office.
- (c) The Regional Director selects National Representatives in the region, with the approval of the Managing Director of Organizing and Regional Services.
- (d) The National Officers appoint Assistant Regional Directors, with the approval of the National Executive Committee.
- (e) The National Officers appoint Regional Directors, with the approval of the National Executive Board.
- (f) The National Officers appoint Assistant Branch Directors, with the approval of the National Executive Committee.
- (g) The National Officers appoint Managing Directors, with the approval of the National Executive Board.

- (h) The National Officers appoint Branch Directors, with the approval of the National Executive Board.
- (i) Each National Officer appoints their Executive Assistants, with the approval of the National Executive Board.

## **9.6 Collective Bargaining**

The National Officers and two members of the National Executive Board, appointed by the Board, bargain with unions representing employees of the National Union.

# **ARTICLE X**

---

## **TRUSTEES**

### **10.1 Duties of Trustees**

Five Trustees examine the financial practices and audit of the National Union. They exercise general supervision over the property and finances of the National Union to ensure:

- (a) financial accountability of the National Union's policies and practices and financial control; and
- (b) protection of the National Union's property.

### **10.2 Trustees' Meeting and Reporting**

The Trustees meet after the audit at the end of the fiscal year. They review:

- (a) the approved budgets;
- (b) variance from budgets;

- (c) minutes of meetings of the National Executive Board;
- (d) audited financial statements; and
- (e) reports of the auditors.

They must prepare an annual report of their findings and recommendations and present their reports to each regular Convention.

### **10.3 Election of Trustees**

- (a) The Trustees are elected from these geographic areas:
 

The East (Nova Scotia, Newfoundland and Labrador, New Brunswick, and Prince Edward Island) .....	1
Quebec .....	1
Ontario (including Northern Ontario).....	1
The Prairies (Manitoba and Saskatchewan).....	1
The West (British Columbia, Alberta, and the Territories) .....	1
- (b) Only members who work in the region, and who fulfill the requirements of Article 6.8, are eligible for election to the office of Trustee. A Trustee who ceases to meet these requirements cannot continue in office.
- (c) Trustees are elected at National Convention for a term of four years. At the 2021 National Convention, Trustees from The West and The East will be elected for a four-year term, and a Trustee from the Prairies will be elected for a two-year term.



# ARTICLE XI

---

## ELECTIONS

### 11.1 Eligibility

- (a) Only accredited delegates to Convention are eligible for election to any office. The National President, National Secretary-Treasurer and five General Vice-Presidents are accredited delegates with all rights and privileges.
- (b) Only members who work in the region, and who fulfill the requirements of Article 6.8, are eligible for election to the office of Regional Vice-President. A Regional Vice-President who ceases to meet these requirements cannot continue in office.
- (c) Only members who work in the geographic area, and who fulfill the requirements of Article 6.8, are eligible for election to the office of General Vice-President. A General Vice-President who ceases to meet these requirements cannot continue in office.
- (d) Only members who self-identify as part of the represented community, and who fulfill the requirements of Article 6.8, are eligible for election to the office of Diversity Vice-President. A Diversity Vice-President who ceases to meet these requirements cannot continue in office.

## **11.2 National Executive Board**

- (a) All members of the National Executive Board are elected at each regular Convention.
- (b) The National President and National Secretary-Treasurer are elected by majority vote of all Convention delegates.
- (c) General Vice-Presidents are elected in caucus, by majority vote of Convention delegates who work in their geographic area.
- (d) Regional Vice-Presidents are elected in caucus, by majority vote of Convention delegates who work in their region.
- (e) Diversity Vice-Presidents are elected in caucus, by majority vote of Convention delegates who self-identify as members of their respective community. The Indigenous caucus may choose to select their Diversity Vice-President by consensus.

## **11.3 Conduct of Elections**

- (a) All elections are held by secret vote. Each delegate has only one vote. To be elected a candidate must receive a majority of votes cast.
- (b) If no candidate receives a majority of votes cast, a second vote will be held. The candidate who received the fewest votes on the first vote will be removed from the second vote. This process will continue until a candidate is elected by a majority of votes cast.

- (c) After each vote the Chairperson will declare which candidates have been elected and which candidate must withdraw. In a vote to fill multiple positions, the Chairperson will also declare the number of positions to be elected on the next vote.
- (d) All elections on the floor of Convention are conducted by electronic vote.

#### **11.4 Multiple Positions**

In a vote to fill more than one position, each delegate must vote for the full number of positions to be filled or the vote is spoiled.

#### **11.5 Order of Election**

The election for each office will be completed before nominations are accepted for the next office.

#### **11.6 Election Results**

The results of caucus elections will be reported to Convention for adoption by delegates.

#### **11.7 Oath of Nomination and Office**

- (a) A candidate who accepts nomination for election must clearly and audibly take this oath:

***“I promise to support and obey the Constitution, goals, principles and policies of the Canadian Union of Public Employees.”***

- (b) A candidate who is elected to office must come forward to the podium and clearly and audibly take this oath:

***"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."***

### **11.8 Start of Term**

All elected officers take office at the close of Convention.

### **11.9 Vacancy for National Officer**

- (a) If the office of National President becomes vacant, the National Secretary-Treasurer will perform the duties until a replacement is elected. Within six days of the vacancy, the National Secretary-Treasurer will give ten days' notice of a meeting of the National Executive Board to elect a replacement for the rest of the term. A General Vice-President will give the notice if the National Secretary-Treasurer is unable to act. The National Executive Board will elect a replacement by majority vote of all its members.
- (b) If the office of National Secretary-Treasurer becomes vacant, the National President will perform the duties until a replacement is elected. Within six days of the vacancy, the National President will give ten days' notice of a meeting of the National Executive

Board to elect a replacement for the rest of the term. A General Vice-President will give the notice if the National President is unable to act. The National Executive Board will elect a replacement by majority vote of all its members.

### **11.10 Vacancy on National Executive Board**

- (a) If an office of General Vice-President becomes vacant, the National Executive Board will elect a replacement for the rest of the term by majority vote of all its members.
- (b) If an office of Regional Vice-President becomes vacant, all chartered organizations in the Region will be asked to nominate a replacement. Within 45 days of the vacancy, the National Executive Board will elect a replacement for the rest of the term by majority vote of all its members.
- (c) Two alternate Diversity Vice-Presidents are elected at Convention. If an office of Diversity Vice-President becomes permanently vacant, the alternate Diversity Vice-President will fill the office for the rest of the term.

### **11.11 Vacancy for Trustee**

If an office of Trustee becomes vacant, all Provincial Divisions will be asked to nominate a replacement. The National Executive Board will elect a replacement for the period up to the end of the next regular Convention by majority vote of all its members. At the next regular Convention a replacement will be elected for the rest of the term.

### **11.12 Bonding of Officers and Employees**

The National Executive Committee decides which officers or employees of the National Union will be bonded. The Committee decides the amount of the bond and approves the bonding company. The bond is effective when the officer or employee takes office. The National President has custody of the bond and the cost of the bond is paid by the National Union.

### **11.13 Books and Records**

The National President and the National Secretary-Treasurer or their accredited representatives can inspect any books, records or other property of the National Union held by any officer at any time.

## **ARTICLE XII**

---

### **VICE-PRESIDENTS**

#### **12.1 Duties of General Vice-Presidents**

- (a) General Vice-Presidents assist the National President in their duties and perform other duties, as determined by Convention or the National Executive Board. They preside at Convention or meetings at the request of or in the absence of the National President.
  
- (b) General Vice-Presidents represent the National Union, and communicate and help implement the goals, policies and priorities of the National Union.

They may also provide assistance and support to the Regional Vice-Presidents and Provincial Divisions within their geographic area.

## **12.2 Duties of Regional Vice-Presidents**

- (a) Regional Vice-Presidents represent their regions on the National Executive Board and bring the perspectives, priorities and concerns of members and chartered organizations in their region to the debates and discussions of the Board. They perform other duties as determined by Convention, the National Executive Board, or the National President.
- (b) Regional Vice-Presidents represent the National Union in their region, and communicate and help implement the goals, policies and priorities of the National Union in their regions.

## **12.3 Duties of Diversity Vice-Presidents**

- (a) Diversity Vice-Presidents represent members who self-identify as part of their respective communities on the National Executive Board and bring the perspectives, priorities and concerns of these members to the debates and discussions of the Board. They perform other duties as determined by Convention, the National Executive Board, or the National Officers.
- (b) Diversity Vice-Presidents also represent the National Union at meetings of and related to the communities

they represent, and communicate and help implement the goals, programs and priorities of the National Union.

## **ARTICLE XIII**

---

### **CHARTERED LOCAL UNIONS**

#### **13.1 Creation of Local Unions**

Local Unions subordinate to the National Union are created and chartered under Article III.

#### **13.2 Dissolution of Local Unions**

- (a) If a chartered Local Union is dissolved, all its funds and properties of any kind revert to the National Union. The officers of a chartered Local Union that has been dissolved must deliver all its funds and properties to the National Secretary-Treasurer or their designated representative.
- (b) The National Union will hold the funds and properties in trust until the Local Union is reorganized or is able to conform to this Constitution and laws of the Union. If the Local Union is not reorganized or does not conform to this Constitution and laws of the Union within five years, the funds and properties in trust become the property of the National Union.

#### **13.3 Local Union Bylaws**

- (a) All chartered Local Unions are governed by this Constitution and the bylaws in Appendix B.



- (b) A Local Union can make additional bylaws. The additional bylaws cannot conflict with this Constitution or the bylaws of a Service Division to which the Local Union belongs.
- (c) Any additional bylaws or amendments must be approved in writing by the National President before they come into effect.
- (d) At the request of the Local Union, the National President may approve bylaws that do not comply with Appendix B if there are strong and compelling reasons to do so.

### **13.4 Filing Collective Agreements**

Each Local Union will send one signed copy of each collective agreement to the National Office at the end of negotiations. If possible, the collective agreement will be sent electronically.

### **13.5 Bonding of Signing Officers**

All signing officers of every chartered organization will be bonded for an amount appropriate to ensure the safety of the organization in accordance with Article B.3.5.

## **ARTICLE XIV**

---

### **REVENUE**

#### **14.1 Revenue**

The revenue of the National Union is:

- (a) Each Provincial Division will pay \$25 per fiscal year

- (b) Each District Council will pay \$5 per fiscal year
- (c) Each Service Division will pay \$10 per fiscal year
- (d) Each Local or Provincial Union will pay a monthly per capita tax on behalf of all workers, including Rand formula payees, of .85% of the Local or Provincial Union's average regular monthly wages. The per capita tax will be paid no later than the last day of the following month.
- (e) If the National Strike Fund falls below \$15 million, each Local or Provincial Union will pay an additional monthly per capita tax of .04% of the Local or Provincial Union's average regular monthly wages until the National Strike Fund reaches \$25 million.
- (f) Each Local and Provincial Union will pay \$1 for each application for membership.

## **14.2 National Defence Fund**

Five per cent of any per capita tax will be placed in the National Defence Fund for cost-shared, national and major organizing campaigns. If the National Strike Fund falls below \$50 million, four per cent of any per capita tax will be placed in the National Defence Fund until the National Strike Fund reaches \$80 million. The National Executive Board will make regulations governing the National Defence Fund. The regulations must comply with decisions of Convention.

### **14.3 National Strike Fund**

Five per cent of any per capita tax will be placed in the National Strike Fund for strike benefits, campaigns to avert strikes and interest arbitration costs for Local Unions not permitted by law to strike. If the National Strike Fund falls below \$50 million, six per cent of any per capita tax will be placed in the National Strike Fund until it reaches \$80 million. The National Executive Board will make regulations governing the National Strike Fund. The regulations must comply with decisions of Convention. No loan can be made from the National Strike Fund.

### **14.4 National Convention and Events Assistance Fund**

One-tenth of one per cent of all General Fund revenue will be placed in the National Convention and Events Assistance Fund. The National Executive Board will make regulations governing the National Convention and Events Assistance Fund.

### **14.5 Interest on Arrears**

Interest at the prime rate paid by the National Union plus 2% will be applied to all per capita tax owed by Local or Provincial Unions in arrears for more than two months.

### **14.6 Relief for Strikes and Lockouts**

A Local or Provincial Union involved in a strike or lockout can apply to the National President or the National Secretary-Treasurer for a reduction in per

capita tax based on the number of days on strike or lockout.

#### **14.7 Promoting Organizing**

- (a) The National President, the National Secretary-Treasurer or their designated representatives may eliminate or reduce any payment by members or prospective members during organizing and until the negotiation of a collective agreement to promote organizing, growth or the interests of the Union. They may also determine the share of any reduction between the National Union and the Local Union.
- (b) The members affected by a decision under Article 14.7(a) will be considered to be members in good standing during this period if they meet the non-financial requirements of membership set out in this Constitution.

#### **14.8 Promoting Growth**

The National President or the National Secretary-Treasurer may eliminate or reduce the payment of initiation fees or regular monthly dues to promote the growth or interests of the Union.

#### **14.9 Fiscal Year**

The fiscal year of the National Union is January 1 to December 31.

## **ARTICLE XV**

---

### **AMENDMENTS**

#### **15.1 Amendment**

This Constitution can only be amended at a regular or special Convention by a two-thirds majority of delegates who vote.

## **ARTICLE XVI**

---

### **GENERAL**

#### **16.1 Affiliation to District Council**

Where the National Union has chartered a District Council, it will urge Local Unions in the district to affiliate and maintain membership in the Council.

#### **16.2 Affiliation to Provincial Division**

Where the National Union has chartered a Provincial Division, it will urge Local Unions in the province to affiliate and maintain membership in the Division.

#### **16.3 Affiliation to Labour Council**

All Local Unions should affiliate and maintain membership in a Labour Council set up by a central labour body and approved by the National Executive Board.

#### **16.4 Affiliation to Provincial Federation of Labour**

All Local Unions should affiliate and maintain membership in a Provincial Federation of Labour

set up by a central labour body and approved by the National Executive Board.

### **16.5 Employee Cannot Hold Office**

No employee can hold elected office in any chartered organization or on the National Executive Board.

### **16.6 Election Campaigns**

No candidate for elected office in any chartered organization or the National Union can solicit or accept money, in-kind donations or other participation from an employee of the National Union in their election campaign.

### **16.7 Staff Attendance at Convention**

Consistent with demands of work, staff will attend conventions of the National Union and Provincial Division. Staff can speak to Convention except on matters affecting staff collective agreements and amendments to this Constitution. Staff cannot vote.

## **ARTICLE XVII**

---

### **MEETINGS OF STAFF**

#### **17.1 General Meeting of Staff**

Members of the National Executive Board will be given due notice and invited to attend all general meetings of staff. The National Union will reimburse members for normal loss of pay and expenses in attending the general meeting.

## **17.2 Regional Meetings of Staff**

A meeting of staff in each region will be held at least once a year. General and Regional Vice-Presidents representing the region will be invited to attend regional staff meetings. The National Union will reimburse General and Regional Vice-Presidents for normal loss of pay and expenses in attending the regional meeting.

## **APPENDIX A**

## **RULES OF ORDER**

---

The rules of order of Convention are:

- A.1** The National President will chair all Conventions. A General Vice-President will chair Convention in the absence of or at the request of the National President. The National Executive Board will choose a chairperson if the National President and the designated General Vice-President are both absent.
- A.2** No question of a sectarian character will be discussed.
- A.3** The Chairperson may alter the application of the Rules of Order in order to permit the full participation of any delegate with a disability in the proceedings of Convention.
- A.4** A delegate must go to a microphone to speak. The delegate must give their name and the name of the organization they represent when recognized by the Chairperson. The delegate will only speak to the question at issue.

- A.5** The mover of a motion can speak for five minutes. All other speeches are limited to three minutes.
- A.6** No delegate can speak more than once on a subject until all others who wish to speak have been able to do so.
- A.7** A delegate cannot interrupt another delegate, except on a point of order.
- A.8** If a delegate is called to order and the Chairperson asks the delegate to be seated, the delegate will be seated until the point of order has been decided.
- A.9** If a delegate continues unparliamentary conduct, the Chairperson will name the delegate and ask Convention to judge the delegate's conduct. The delegate will be allowed to explain their conduct and will withdraw while Convention decides what to do.
- A.10** If no delegate wishes to speak, the Chairperson will ask delegates to vote on whether they are in favour of the motion.
- A.11** If a delegate moves a vote on the motion, no debate or amendment to the request or the motion is permitted. The Chairperson will ask: "Are you ready to vote on the motion?". If a majority vote in favour, the vote on the motion will be held without debate. If a majority vote against, debate on the motion continues.



- A.12** Votes may be taken by a show of hands or by a standing vote of delegates. Where a show of hands is not clear, an electronic vote may be taken at the discretion of the chair or by the decision of the majority of the delegates. A roll call vote will be held only if required by two-thirds of delegates present. In all votes, each voting delegate has one vote.
- A.13** The Chairperson can vote on any question. If a vote is tied, the Chairperson casts the deciding vote.
- A.14** Two delegates can appeal the decision of the Chairperson. The Chairperson can explain the decision but no debate is permitted. The vote is on the question: "Do you agree with the decision of the Chairperson?"
- A.15** Committees can combine resolutions or prepare a composite resolution to cover the issue. The report of a Committee cannot be amended unless the Committee accepts the amendment.
- A.16** A motion to refer back to the Committee for reconsideration is in order. A delegate who has spoken on the motion cannot move a motion to refer back to the Committee.
- A.17** The Chairperson will call a vote on a motion to refer back to the Committee if it has been properly seconded. A motion to refer back is not debatable.

**A.18** If a majority of delegates vote in favour of the report of a Committee, it is the decision of Convention. If a majority of delegates vote against the report of a Committee, a motion to refer back to the Committee can be made.

**A.19** When a motion has been placed before Convention, the only other motions that can be made are:

- (a) a motion to refer back to the Committee
- (b) a motion to adjourn
- (c) a motion to vote on the motion
- (d) a motion to postpone consideration of the motion for a definite time.

If any of these motions is defeated, it cannot be placed before Convention again until after an intermediate proceeding.

**A.20** A delegate who voted with the majority can give notice of a motion to reconsider a decision of Convention at the next session. The motion to reconsider requires the support of a two-thirds majority of delegates who vote.

**A.21** The National Executive Board establishes the hours of Convention.

**A.22** Bourinot's Rules of Order applies to matters not covered by these rules of order.

## **APPENDIX B**

---

### **BYLAWS GOVERNING CHARTERED ORGANIZATIONS**

#### **B.1 LOCAL UNIONS**

---

##### **B.1.1 Local Union Charter**

A group of employees in Canada can apply to the National Secretary-Treasurer for a charter as a Local Union. If the application is approved, the National Secretary-Treasurer will issue a charter under the seal of the Union and an authorized representative of the National Union will present the charter.

##### **B.1.2 Dissolving a Local Union**

A Local Union cannot be dissolved if 12 members in good standing want it to continue. This article does not apply to transfers of jurisdiction and mergers under Articles 3.5, 3.6, 3.7 or 3.8.

##### **B.1.3 Funds on Dissolution**

When a Local Union is dissolved, all its legitimate debts will be paid and any funds set up for pension or other such purposes will be safeguarded. All remaining funds and properties and all books and records are the property of the National Union under Article 13.2.

##### **B.1.4 Conduct of Members and Officers**

All members must uphold the oath of membership and all officers must uphold the oath of office.

Conduct that violates the oath of membership or oath of office is an offence against this Constitution and punishable under the Trial Procedure.

### **B.1.5 National Union not Liable**

The National Union is not responsible for acts of Local Unions, their officers or members unless the National Executive Board has authorized the acts in writing.

## **B.II OFFICERS**

---

### **B.2.1 Local Union Officers**

Every Local Union must have these officers: President, Vice-President, Secretary-Treasurer, Recording Secretary and three Trustees. A Local Union can have more officers if it needs them to conduct its affairs. Any member in good standing as set out in Article B.8.3 can run for and hold office in the Local Union. The Local Union can also elect or employ a Business Agent.

### **B.2.2 Executive Board**

Every Local Union must have an Executive Board made up of its President, Vice-President(s), Secretary-Treasurer, Recording Secretary and other officers or members of the Executive Board needed by the Local Union to conduct its affairs. Trustees cannot be part of the Executive Board. No member can hold more than one position on the Executive Board.

### **B.2.3 Elections**

All officers are elected by majority vote of unspoiled ballots at a membership meeting of the Local Union or by referendum vote if voting at a membership meeting is not practical. Adequate notice must be given where the vote is held at a membership meeting. A referendum vote must be held in a way that permits all members to participate. The Local Union can choose whether to elect officers by majority or plurality vote when it holds a referendum vote.

### **B.2.4 Term of Office**

The term of office for all officers must be not less than one year and not more than three years. At the first election of officers, three Trustees will be elected to serve terms of one, two and three years. In following years one Trustee will be elected for a three-year term to preserve overlapping terms.

### **B.2.5 Failure to Attend Meetings**

If an officer fails to attend three consecutive membership meetings or three consecutive executive meetings without good and sufficient reason, their office will be declared vacant and filled at the next meeting.

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

---

### **B.3.1 President**

The President chairs all meetings of the Local Union, approves payments that are authorized by

the Local Union and appoints committees where there is no other method of appointment. The President also does whatever is necessary for the proper functioning of the Local Union and carrying out the duties of President.

### **B.3.2 Vice-President**

The Vice-President carries out the duties of the President if the President is absent, at the request of the President and when the President is unable to perform the duties. If the office of President becomes vacant, the Vice-President will perform the duties until the vacancy is filled as provided in the Local Union's bylaws.

### **B.3.3 Recording Secretary**

The Recording Secretary keeps correct, full and impartial minutes of all membership meetings and all meetings of the Executive Board. The minutes will include a copy of the full financial report presented by the Secretary-Treasurer as required by Article B.3.6. The Recording Secretary performs other duties required by the Local Union, its bylaws or this Constitution.

### **B.3.4 Secretary-Treasurer**

The Secretary-Treasurer keeps all financial records of the Local Union and keeps a correct record of all its members. The Secretary-Treasurer must maintain and organize all financial records including all documents, authorizations, invoices

and vouchers for all payments made, records and supporting documents for all income received by the Local Union and receipts for all money sent to the National Union.

### **B.3.5 Bonding**

The Secretary-Treasurer and all other signing officers of a Local Union or other chartered organization must be bonded. The bond must be for an amount that meets the guidelines set by the National Secretary-Treasurer and sent to all chartered organizations every year. The National Secretary-Treasurer will approve the amount of the bond for any position as set out in Article 9.3(k). If the Secretary-Treasurer does not qualify for a bond, the Secretary-Treasurer is immediately removed from office and a replacement is elected.

### **B.3.6 Financial Reports**

The Secretary-Treasurer will regularly make full financial reports to meetings of the Executive Board. The Secretary-Treasurer will make a written report to each regular membership meeting. The written report will contain details of all income and expenditures since the last report.

### **B.3.7 Information to Trustees**

The Secretary-Treasurer will give all financial records, invoices, original bank statements and other supporting documents to the Trustees for an audit at least once in each calendar year. The Secretary-Treasurer will also provide a statement

from each bank where the Local Union has an account setting out the monies on deposit. The Secretary-Treasurer must respond in writing and within a reasonable time to any concerns or recommendations in the written report made by the Trustees as set out in Article B.3.12(a).

### **B.3.8 Payments and Report to National Union**

The Secretary-Treasurer will send all monies owed to the National Union for each month to the National Secretary-Treasurer no later than the last day of the next month. The monies owed include the initiation fee of \$1 for each person admitted to membership and per capita tax on all dues received by the Local Union. The Secretary-Treasurer will also send an official monthly report to the National Secretary-Treasurer on the form provided. The official monthly report will set out the number of members initiated, reinstated, suspended and expelled and the number of members for whom per capita tax is paid.

### **B.3.9 Return of Property by Officers**

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.

### **B.3.10 Trustees**

Trustees audit the financial records of the Local Union and exercise general supervision over all property and assets of the Local Union. They



ensure that the Secretary-Treasurer meets the requirements of Articles B.3.6 and B.3.7.

### **B.3.11 Trustee in Small Local Unions**

A Local Union that has an annual average of fewer than 20 members and is unable to elect three Trustees may appoint a member of the Executive Board who is not a signing officer to perform all the duties of Trustees. The appointment must be made by majority vote of the membership. A Local Union that qualifies and uses this provision will be deemed to comply with Articles B.2.1 and B.2.2.

### **B.3.12 Duties of Trustees**

- (a) Trustees must audit the financial records of the Local Union and examine or inspect all property and assets of the Local Union at least once a year. After completing the audit, the Trustees must make a written report of any recommendations or concerns about how the Secretary-Treasurer keeps the financial records, funds and accounts of the Local Union. The written report will be sent to the President and Secretary-Treasurer.
- (b) After completing the audit, the Trustees will report in writing on the condition of the funds and accounts and the number of members in good standing, admitted, expelled, suspended or withdrawn to the next regular membership meeting of the Local Union. The written report will also contain:

- (i) any information that the Trustees find necessary for the honest and efficient administration of the Local Union;
  - (ii) a copy of the written report made to the President and Secretary-Treasurer under Article B.3.12(a); and
  - (iii) a copy of the written response of the Secretary-Treasurer.
- (c) The Trustees must send to the National Secretary-Treasurer and to the assigned National Representative:
- (i) a Trustees' Report on the form approved by the National Secretary-Treasurer;
  - (ii) a copy of their written report to the membership;
  - (iii) a copy of the written report made to the President and Secretary-Treasurer under Article B.3.12(a); and
  - (iv) a copy of the written response of the Secretary-Treasurer.

### **B.3.13 Audit by Accountant**

A qualified accountant or accounting firm hired by a Local Union to audit its financial records must report as set out in Article B.3.12. The Trustees of the Local Union must still fulfill their duties to exercise general supervision over all property and

assets of the Local Union as set out in Article B.3.10 and to make a written report to the membership as set out in Article B.3.12. The Secretary-Treasurer must still respond to any concerns or recommendations made in the audit.

#### **B.3.14 Meetings and Duties of Executive Board**

The Executive Board will meet at least eight times a year before the regular membership meeting. The only duties of the Executive Board are those set out in the bylaws of the Local Union.

#### **B.3.15 Employment and Duties of a Business Agent**

The employment or election of a Business Agent must be done at a regular membership meeting of the Local Union. The duties and terms of employment of the Business Agent must be consistent with this Constitution and the bylaws of the Local Union and must be included in the minutes of the meeting. Despite any other provision of this Constitution, a Business Agent has voice but no vote at meetings of the Local Union and cannot be a delegate to a District Council, Provincial Division or Convention unless the Business Agent is a member of the bargaining unit.

### **B.IV REVENUE AND EXPENDITURES**

---

#### **B.4.1 Initiation and Readmission Fees**

A Local Union will charge an initiation and readmission fee of between \$1 and \$10. If a Service Division has the authority to decide the amount of

initiation or readmission fees for its Local Unions, it will follow the procedure set out in the bylaws of the Service Division.

#### **B.4.2 Assessments**

- (a) Any assessment must be approved by a majority of members voting in a referendum or at a regular or special membership meeting. All members must receive adequate notice of the proposed assessment. If the vote is held at a special meeting, the notice must be adequate and at least seven days. A majority of members can require a vote by secret ballot. An assessment must be approved by the National President before it is applied.
- (b) An assessment must be applied for a specific purpose and for a specific length of time. A continuing assessment must be reviewed at least every six months at a regular membership meeting unless it was approved in a referendum vote.
- (c) A Service Division will follow its bylaws if it has the authority to apply an assessment for its Local Unions.
- (d) An assessment does not mean or include regular monthly dues.

#### **B.4.3 Regular Monthly Dues**

- (a) Each member must pay regular monthly dues of no less than the per capita tax paid to the National Union.
- (b) All Local or Provincial Unions chartered after January 1, 1982 must institute an income-related

dues structure. The dues must cover per capita tax, affiliation fees and funds needed to operate the Local or Provincial Union.

- (c) A Local Union can set or change the regular monthly dues at a regular or special membership meeting or by referendum vote. Notice of at least seven days at a previous meeting or 60 days in writing must be given.
- (d) A Service Division will follow its bylaws if it has the authority to set or change the regular monthly dues for its Local Unions.

#### **B.4.4 Expenditures**

Funds can only be spent for the valid purposes of the Local Union and as permitted in the bylaws or as approved by a majority vote at a regular or special membership meeting. The funds cannot be divided among individual members. A petty cash fund may be set up, if approved by a majority vote at a regular membership meeting. The petty cash fund may be used to pay small expenses. All other expenses must be paid by cheque signed by the Secretary-Treasurer and the President or another signing officer.

#### **B.4.5 Monies Owed to National Union**

All monies owed by a Local Union to the National Union are a preferred claim and must be paid promptly every month and before any other obligation is paid.

## **B.V ADDITIONAL BYLAWS**

---

### **B.5.1 Additional Bylaws**

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

- (a) the amended or additional bylaws do not conflict with this Constitution;
- (b) 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
- (c) 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.

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 this Constitution.

## **B.VI MEMBERSHIP MEETING AGENDA**

---

### **B.6.1 Meeting Agenda**

The President will chair the meeting and follow this order of business:

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

## **B.VII RETIRED MEMBERS' ASSOCIATIONS**

---

### **B.7.1 Retired Members' Association**

- (a) A Local Union can form a Retired Members' Association. The National Union will charter the Retired Members' Association. All members of the Local Union who hold an Honorary Retiring Card and their spouses can join the Association. The Association will hold regular membership meetings.
- (b) Every Retired Members' Association must have an Executive Board made up of its President and Recording Secretary and other officers or members of the Executive Board needed by the Retired Members' Association to conduct its affairs.

- (c) The President of the Local Union is a member of the Executive Board of the Association with voice but no vote.
- (d) The Association will elect a member to the Executive Board of the Local Union with voice but no vote.
- (e) Every Retired Members' Association must have bylaws approved by a majority of its members. These bylaws do not come into effect until approved in writing by the National President.
- (f) If a Local Union has too few retired members to form a viable Association, its retired members can join a Retired Members' Association in the area.
- (g) The National Union may charter a District Council of Retired Members' Associations for an area. A District Council of Retired Members' Associations must have bylaws approved by a majority of its members. These bylaws do not come into effect until approved in writing by the National President. A Retired Members' Association in the area covered by a District Council of Retired Members' Associations can join it.
- (h) Retired Members' Associations and District Councils of Retired Members' Associations must comply with the policies and programs of the National Union. They may submit resolutions to Convention through a Local Union.



## **B.VIII MEMBERSHIP**

---

### **B.8.1 Application for Membership**

Any employee who works in the jurisdiction of a Local Union or a full-time representative of the National Union can apply for membership by filling out and signing an application for membership and paying the initiation fee set by the Local Union or set by the National Union during organizing. An employee who works in the jurisdiction of a Local Union or a full-time representative of the National Union who becomes a full-time officer or official of a central labour body can also apply for membership in the same way.

### **B.8.2 Approval of Application**

The names of applicants are read out at the first regular membership meeting after the application for membership has been submitted. Unless there is an objection supported by a majority of members present, the applicants are accepted. If an applicant is rejected, any fee will be returned to the applicant.

### **B.8.3 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 this Constitution.

#### **B.8.4 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.”***

#### **B.8.5 Membership in a Merger**

If an existing organization applies to the National Union for a charter, after a majority vote of its members at a properly constituted meeting, all members of the organization become members of the Union when the National Union issues a charter.

#### **B.8.6 Suspension for Non-Payment of Dues**

A member who fails to pay dues and assessments for three months is automatically suspended from membership. 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.

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

---

#### **B.9.1 Withdrawal Card**

The Local Union will give a withdrawal card to any member in good standing who leaves employment

in the jurisdiction of the Local Union to work in the jurisdiction of another union that is chartered by or affiliated to a central labour body and approved by the National Executive Board. The withdrawal card shows that the member was in good standing when leaving employment in the jurisdiction of the Local Union. If the member returns to employment within the jurisdiction of the Local Union, the member will not be required to pay an initiation fee.

### **B.9.2 Transfer Card**

- (a) The Local Union will give a transfer card to any member in good standing who leaves employment in the jurisdiction of the Local Union to work in the jurisdiction of another Local Union. The member will give the transfer card to the Secretary-Treasurer of the Local Union in whose jurisdiction the member takes up employment.
- (b) All Local Unions will recognize transfer cards issued by other Local Unions if the card is on the form provided by the National Union. A member with a transfer card is not required to pay an initiation fee when they take up employment in the jurisdiction of another Local Union.
- (c) A Local Union can accept transfer cards from other unions, if the union has been approved by the National Executive Board. A Local Union can ask the National President to make mutual agreements with other unions for each union to accept the other union's transfer cards.

## **B.X RETIRED MEMBERS**

---

### **B.10.1 Honorary Retiring Card**

- (a) A member who has reached retirement age or is unable to work can apply to the Secretary-Treasurer of the Local Union for an Honorary Retiring Card when they leave employment. If the member is in good standing, members of the Local Union will vote on the application at a regular membership meeting. If a majority of members vote in favour of the application, the Secretary-Treasurer will send the name and address of the retiring member to the National Secretary-Treasurer who will issue the Retiring Card.
  
- (b) A member who holds an Honorary Retiring Card is not required to pay dues to the Local Union nor per capita tax to the National Union. A member who resumes employment after receiving an Honorary Retiring Card will give the Card to the Secretary-Treasurer of the Local Union and is required to pay dues to the Local Union and per capita tax to the National Union.
  
- (c) A member who holds an Honorary Retiring Card can attend and speak at membership meetings of the Local Union but cannot vote. A member who holds an Honorary Retiring Card cannot speak or vote at Convention.

## **B.XI TRIAL PROCEDURE (IN FORCE UNTIL MAY 31, 2020)**

---

### **B.11.1 Offences**

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

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

- (h) uses the name of the Union or any chartered organization to request monies or to advertise without proper authorization
- (i) without proper authorization, gives a complete or partial list of the membership of the Union or any Local Union to anyone who is not an official entitled to this information
- (j) wrongfully interferes with the performance of duties by any officer or employee of the National Union
- (k) sends out information designed or intended to harm or weaken the Union
- (l) fails to respect the Local Union's picket line, works for the employer during a legal strike or labour dispute or engages in any strike-breaking activity
- (m) acts in a way that is harassment on the basis of sex, race, ethnicity or sexual orientation.

### **B.11.2 Making a Complaint**

- (a) A member in good standing of the Union (the accuser) may charge a member or officer of the Local Union (the accused) with an offence by sending a written complaint to the Recording Secretary of the Local Union. The complaint will set out:
  - (i) the act or conduct complained about. The charges shall be sufficiently specific so as to enable the accused to prepare a defence; and

(ii) which parts of Article B.11.1 have been violated.

The complaint will be sent within 90 days after the accuser became aware of the offence.

- (b) The Recording Secretary will countersign the complaint and deliver a countersigned copy of the complaint or send it to the accused by registered mail or by email within ten days of receiving it.
- (c) The Recording Secretary will, within five days after providing the complaint to the accused, offer in writing to both the accused and accuser a voluntary mediation process. The accused and accuser will, within five days of the written offer of voluntary mediation, respond in writing to the Recording Secretary. With written agreement by the accused and the accuser to participate in a mediation process, the time limits shall be put on hold for a period of 60 days. Mediation will be carried out in accordance with National Guidelines.

### **B.11.3 Selecting a Trial Panel and Trial Committee**

- (a) At least ten days and no more than 120 days after the complaint has been delivered or sent to the accused, the Local Union will elect a Trial Panel of 11 members in good standing and select a Trial Committee. The election will take place at the next regularly scheduled membership meeting or a properly constituted meeting of the Local Union. If the Local Union is a Provincial Local, the election of

a Trial Panel and selection of the Trial Committee can take place at a sub-unit meeting. The Recording Secretary will deliver notice of the meeting to both the accused and the accuser or send the notice by registered mail or by email.

For purposes of this Article, sub-unit can mean a sub-local, unit or Region of a Provincial Local.

- (b) The chairperson of the meeting will conduct the election. A member cannot decline nomination to the Trial Panel unless they are going to be a witness at the trial. The 11 members who receive the most votes are elected to the Trial Panel.
- (c) The Recording Secretary will put the names of the 11 members of the Trial Panel into a ballot box. The Vice-President will draw names from the ballot box one at a time and read out the name. The Vice-President will ask the accused and then the accuser if they object to the member sitting on the Trial Committee. If neither the accused nor the accuser object, the member becomes a member of the Trial Committee. If either the accused or the accuser objects, the member does not become a member of the Trial Committee.
- (d) The accused and the accuser are each allowed to object to no more than three members of the Trial Panel becoming members of the Trial Committee. If there is more than one accused, they are together allowed to object to no more than three



members. If there is more than one accuser, they are together allowed to object to no more than three members.

- (e) The Trial Committee is the first five members of the Trial Panel whose names are drawn and who are not objected to by the accused or the accuser. The Committee will choose one of its members to be the chairperson.
- (f) If a complaint or complaints charges two or more accused with an offence or offences based on facts, issues or circumstances that are similar or related, one Trial Committee may be selected to hear and decide the complaint or complaints.
- (g) If a Local Union has 13 or fewer members, all members except the accused, the accuser and members appointed by them to represent them are the Trial Panel. The Trial Committee is selected from the Trial Panel as set out in this Article.
- (h) The President will carry out the duties of the Recording Secretary if the Recording Secretary is the accuser or accused. The President will carry out the duties of the Vice-President if the Vice-President is the accuser or accused. The Vice-President will chair the meeting if the President is the accuser or accused.
- (i) The National President will appoint a member or members of the Union to carry out the duties of the

President, Vice-President and Recording Secretary under the trial procedure if the complaint involves all of them.

#### **B.11.4 Trial Committee**

- (a) The Trial Committee will hold a private hearing into the complaint or complaints within 60 days of being selected. The Committee will give at least 14 days' written notice to the accuser and the accused of the time and place of the hearing. The notice will be delivered in person or sent by registered mail or by email.
- (b) The Trial Committee decides its own procedure in accordance with National Guidelines. The Committee can accept any oral or written evidence that it considers proper, so long as every member receives a fair and impartial hearing. The Trial Committee can decide any preliminary objection to the complaint and can dismiss the complaint. The Trial Committee can act with only four members, if necessary.
- (c) The accuser is required to prove that the accused has committed an offence or offences.
- (d) The accused and the accuser have the right to be present at the hearing, to call witnesses and to cross examine witnesses called by the other side. They may choose someone to represent them at the hearing. The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.

- (e) If either the accuser or the accused does not attend the hearing, the Trial Committee can dismiss the complaint, adjourn the hearing or hold the hearing and decide the complaint in their absence. The Committee can set terms that it considers appropriate for granting an adjournment.
- (f) The Trial Committee decides whether the accused is guilty of the offence or offences by a secret ballot vote. The accused is guilty only if at least four members of the Committee vote guilty.
- (g) If the accused is found guilty, the Trial Committee will decide any penalty and what, if anything, the accused must do or not do. The decision may include:
  - (i) a reprimand
  - (ii) a fine
  - (iii) a suspension or expulsion from membership
  - (iv) a ban against holding membership or office
  - (v) an order to stop doing the act or acts complained of
  - (vi) an order to correct the act or acts complained of
  - (vii) any other order that the Trial Committee finds appropriate.
- (h) The chairperson of the Trial Committee will report the Committee's decision to the accused and the accuser and then to the next

membership meeting of the Local Union. The decision of the Committee will be recorded in the minutes of the meeting.

### **B.11.5 Appeal**

- (a) The accused can appeal a finding of guilt and any penalty or order by sending a written appeal to the National President. The appeal must be made within 30 days of when the decision of the Trial Committee was reported to the accused. The accuser cannot appeal the decision of the Trial Committee.
- (b) The written appeal by the accused will set out:
  - (i) the part or parts of the decision that are being appealed;
  - (ii) the date on which the decision was reported to the accused;
  - (iii) the reasons for the appeal;
  - (iv) whether the accused wants a hearing or wants to make submissions in writing;
  - (v) the desired location, if a hearing is requested; and
  - (vi) the remedy requested by the accused.

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

- (c) On receiving a copy of the appeal, the Recording Secretary will send a copy of the record of the Trial Committee to the accuser, the accused and the National President.
- (d) On receiving the appeal, the National President will appoint three members of the National Executive Board to be the Appeal Panel. The Appeal Panel will hear and decide the appeal. The Appeal Panel will determine its own procedure and will give the parties a full opportunity to present their case and make submissions on the issues in the appeal.
- (e) If the accused requests a hearing, the Appeal Panel will send notice to the accused and the accuser of the time and place of the hearing. The notice will be sent by registered mail or by email at least one month before the hearing.
- (f) The accused and the accuser have the right to be represented at the appeal hearing. The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.
- (g) The Appeal Panel can confirm or set aside the finding of guilt and can confirm, change or set aside any penalty or order made by the Trial Committee. The Appeal Panel will make its decision within 90 days of the completion of the hearing or written submissions. The decision of the Appeal Panel is final and binding.

- (h) The penalty or order of the Trial Committee will not be enforced until:
  - (i) the Appeal Panel has made its decision;
  - (ii) the accused gives up the right to appeal; or
  - (iii) the accused fails to appeal the decision of the Trial Committee as set out in Article B.11.5(a) and (b).
- (i) If the appeal is upheld in whole or in part, the Local Union will pay the travel and accommodation expenses of the accused for attending the hearing before the Appeal Panel. Travel and accommodation will be paid at the rate outlined in the Local Union bylaws. If the appeal is dismissed, the accused will pay their own expenses.
- (j) The Appeal Panel will report its decision to the accused, the accuser and the Recording Secretary of the Local Union. The decision of the Appeal Panel will be reported to the next membership meeting and recorded in the minutes of the meeting.

## **B.XI TRIAL PROCEDURE** (IN FORCE STARTING JUNE 1, 2020)

---

### **B.11.1 Application**

The Trial Procedure is found at Appendix "F" to this Constitution and will apply to Local Unions and Airline Division Components. For purposes of the Trial Procedure, the term Local Union will include Airline Division Component.

# APPENDIX C

---

## SERVICE DIVISIONS

### C.I JURISDICTION

---

#### C.I Jurisdiction

The National Executive Board decides the jurisdiction of a Service Division and can change the jurisdiction as it sees fit.

### C.II BYLAWS OF A SERVICE DIVISION

---

#### C.2.1 First Bylaws

The National Executive Board makes the first bylaws of the Service Division after consulting the Local Unions that belong to the Service Division in a way decided by the Board.

#### C.2.2 Content of Bylaws

The bylaws of a Service Division can include any provision needed to achieve the goals of the Service Division that is not contrary to this Constitution. For example, the bylaws may:

- (a) set out how Local Unions are represented in the policy-making and administrative structures of the Division
- (b) set out the officers of the Division, their duties and powers and how they are nominated and elected

- (c) contain a procedure for the Division to set and collect per capita tax from Local Unions that belong to the Division
- (d) permit the Division to collect and forward to the National Union the per capita tax payable to the National Union
- (e) give the Division the power to negotiate and administer collective agreements in the place of Local Unions that belong to the Division and permit the Division to call a membership meeting of a Local Union, if needed for this purpose
- (f) set out a procedure for amending or adding to the bylaws of the Division
- (g) set out a procedure for dissolving the Division, paying its debts and disposing of its funds and property

### **C.2.3 Additional Bylaws**

The Service Division can make additional bylaws. The additional bylaws cannot conflict with this Constitution and come into effect when approved by the National Executive Board.

## **C.III ROLE OF SERVICE DIVISION**

---

### **C.3.1 Role of Service Division**

The rights, privileges and obligations of a Service Division are set out in its bylaws. To the extent set out in its bylaws, a Service Division exercises the



rights and powers of its Local Unions. Local Unions in a Service Division are subject to the bylaws of the Service Division.

### **C.3.2 Constitution Applies to Service Division**

This Constitution applies to a Service Division to the same degree and in the same way as it applies to any other chartered organization.

## **APPENDIX D**

---

### **EQUALITY STATEMENT**

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behavior 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 behavior 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.

## **APPENDIX E – APPLICABLE TO ALL EVENTS ORGANIZED BY CUPE NATIONAL**

---

### **CODE OF CONDUCT**

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

CUPE is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. CUPE needs to ensure

that we provide a safe environment for members, staff and elected officers to carry out our work. CUPE's expectation is that mutual respect, understanding and co-operation will be the basis of all our interaction.

The Code of Conduct sets out standards of behaviour for participants at national convention, national conferences, schools, meetings, and all other events organized by CUPE National. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As CUPE members, staff, and elected officers, we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement.
- Respect the views of others, even when we disagree.
- Recognize and value individual differences.
- Communicate openly.
- Support and encourage each other.
- Make sure that we do not harass or discriminate against each other.

- Commit to not engaging in offensive comment or conduct.
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating.
- Take responsibility for not engaging in inappropriate behaviour due to 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 the Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking him/her to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.

2. At national convention, national conferences, schools, meetings, and all other events organized by CUPE National, a complaint shall be brought to the attention of an ombudsperson.
3. If the complaint involves a staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement.
4. Once a complaint is received, the ombudsperson will work to seek a resolution.
5. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.
6. At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint. Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the

authority to expel members from the event for serious or persistent offenses.

7. If the person in charge is a party to the complaint, the director or designate shall assume that role.
8. In a case where a member has been expelled from an event, the National President shall receive a report on the matter.
9. The National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National.

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 CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

CUPE National encourages all chartered organizations to develop and adopt a Code of Conduct based on this model, to apply to conventions, conferences, schools and meetings which they organize.

---

The above Code of Conduct arises from the National Women's Task Force (NWTF) report, and Resolution 209 adopted at the 2007 National Convention.

---

### **TRIAL PROCEDURE**

#### **Purpose**

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

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

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

#### **F.1 Offences**

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

- (a) violates any provision of this Constitution or the approved bylaws of any chartered organization.
- (b) becomes a member by dishonesty or misrepresentation.

- (c) brings or urges another member to bring an action in court against the National Union, the National Executive Board, any officer of the National Union, a Local Union or any member of a Local Union about any matter related to the National Union or any chartered organization without exhausting any remedy under this Constitution.
- (d) attempts or supports an attempt to remove any member, group of members or Local Union from the Union.
- (e) produces or distributes any false report about a member of the Union about any matter related to the National Union or any chartered organization, verbally or in any other manner.
- (f) helps any organization competing with the Union in a way that is harmful to the Union.
- (g) steals or dishonestly receives any property of the National Union or any chartered organization.
- (h) uses the name of the Union or any chartered organization to request monies or to advertise without proper authorization.
- (i) without proper authorization, gives a complete or partial list of the membership of the Union or any Local Union to anyone who is not an official entitled to this information.



- (j) wrongfully interferes with the performance of duties by any officer or employee of the National Union.
- (k) sends out information designed or intended to harm or weaken the Union.
- (l) fails to respect the Local Union's picket line, works for the employer during a legal strike or labour dispute or engages in any strike-breaking activity.
- (m) acts in a way that is harassment or discrimination on the basis of sex, sexual orientation, gender identity, gender expression, language, age, race, ethnicity, ancestry, colour, place of origin, creed, disability, family status, marital status or record of offences.

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

- (a) A member in good standing of the Union (the complainant) may charge a member or officer of the Local Union (the respondent) with an offence by sending a written complaint to the Recording Secretary of the Local Union. The written complaint will set out:
  - (i) The specifics of the complaint, citing in detail the nature of the complaint, the members involved, the date and circumstances of the alleged offence, a list of confirmed witnesses and documents the complainant intends to rely upon; and

- (ii) which parts of Article F.1 have been violated and the specific act or failure to act which constitutes the alleged violation.
  - (iii) The complaint will be sent within 60 days after the complainant became aware of the offence.
- (b) The Recording Secretary will countersign the complaint and deliver a countersigned copy of the complaint or send it to the respondent by registered mail or by email within ten days of receiving it.
- (c) The Recording Secretary will forward a copy of the complaint and documents to the National President.

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

- (a) The National President will appoint an Investigator to review the complaint and determine whether sufficient evidence exists to establish an offence. The Investigator will report their findings and recommendations to the National President, the complainant and the respondent within 30 days of appointment.
- (b) The Investigator will meet with the complainant and respondent either in person or through tele-conference.
- (c) The complainant may appeal a finding that there is not sufficient evidence to establish an offence case within 14 days of receipt. The National President upon receipt of an appeal will appoint three members of the

National Executive Board within 14 days of receipt to hear the appeal and render a decision as soon as possible.

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

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

## **F.5 Trial Committee**

- (a) Prior to the commencement of the private hearing the Trial Committee will convene a teleconference with the complainant and respondent and their respective representatives to deal with preliminary matters concerning the trial including procedural questions.
- (b) The Trial Committee will hold a private hearing into the complaint or complaints within 30 days of being selected. The Committee will give at least 14 days' written notice to the complainant and the respondent of the time and place of the hearing. The notice will be delivered in person or sent by registered mail or by email.
- (c) The Trial Committee decides its own procedure in accordance with the rules of natural justice. The Committee can accept any oral or written evidence that it considers proper, so long as every member receives a fair and impartial hearing. The Trial Committee can decide any preliminary objection to the complaint and can dismiss the complaint. The Trial Committee will make the necessary arrangements to have a record of the hearing. The Trial Committee must act with all three members.
- (d) The cost of conducting a trial will include lost wages and reasonable expenses for the Trial Committee, the cost of a hearing room and the cost of keeping a record of the trial. The cost of the trial will be borne by the Local Union where the complaint originates.

- (e) The Local Union is not responsible for the costs of either the complainant or the respondent. However, should the Local Union agree to pay the costs for one party to the complaint, then they are obligated to pay the costs for both the complainant and the respondent.
- (f) The complainant is required to prove that the respondent has committed an offence or offences.
- (g) The respondent and the complainant have the right to be present at the hearing, to call witnesses and to cross examine witnesses called by the other side. They may choose someone to represent them at the hearing or at any other time from when a complaint is filed to when the complaint is resolved. The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.
- (h) If either the complainant or the respondent does not attend the hearing, the Trial Committee can dismiss the complaint, adjourn the hearing or hold the hearing and decide the complaint in their absence. The Committee can set terms that it considers appropriate for granting an adjournment. The Committee must consider the duty to accommodate when a request for an adjournment is made.
- (i) The Trial Committee decides whether the respondent is guilty of the offence or offences by a secret

ballot vote. The respondent is guilty only if at least two members of the Committee vote guilty.

- (j) If the respondent is found guilty, the Trial Committee will decide any penalty and what, if anything, the respondent must do or not do. The decision may include:
- (i) a reprimand;
  - (ii) a fine where permitted by law;
  - (iii) a suspension or expulsion from membership except where such suspension or expulsion from membership would lead to termination of employment;
  - (iv) a ban against holding membership or office;
  - (v) an order to stop doing the act or acts complained of;
  - (vi) an order to correct the act or acts complained of; or
  - (vii) any other order that the Trial Committee finds appropriate in the circumstances.
- (k) The Chairperson of the Trial Committee will report the Committee's decision to the respondent and the complainant and the National President. The Chairperson of the Trial Committee when reporting to the National President will also provide the record of the hearing. The National President will report the decision to the Recording Secretary of the Local Union. The decision of the

Trial Committee will be recorded in the minutes of the next general membership meeting.

## **F.6 Appeal**

- (a) The respondent can appeal a finding of guilt and any penalty or order by sending a written appeal to the National President. The appeal must be made within 30 days of when the decision of the Trial Committee was reported to the respondent. The complainant cannot appeal the decision of the Trial Committee.
- (b) The written appeal by the respondent will set out:
  - (i) the part or parts of the decision that are being appealed;
  - (ii) the date on which the decision was reported to the respondent;
  - (iii) the reasons for the appeal;
  - (iv) whether the respondent wants a hearing or wants to make submissions in writing;
  - (v) the desired location, if a hearing is requested; and
  - (vi) the remedy requested by the respondent.

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

- (c) On receiving a copy of the appeal, the National President will send a copy of the record of the Trial Committee to the complainant and the respondent.
- (d) On receiving the appeal, the National President will appoint three members of the National Executive Board to be the Appeal Panel. The Appeal Panel cannot include any member of the National Executive Board who has heard an appeal in the case under Section F.3(c). The Appeal Panel will hear and decide the appeal. The Appeal Panel will determine its own procedure and will give the parties a full opportunity to present their case and make submissions on the issues in the appeal.
- (e) If the respondent requests a hearing, the Appeal Panel will send notice to the complainant and the respondent of the time and place of the hearing. The notice will be sent by registered mail or by email at least one month before the hearing.
- (f) The respondent and the complainant have the right to be represented at the appeal hearing. The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.
- (g) The Appeal Panel can confirm or set aside the finding of guilt and can confirm, change or set aside any penalty or order made by the Trial Committee. The Appeal Panel will make its decision within 90 days of the completion of the hearing or



written submissions. The decision of the Appeal Panel is final and binding.

- (h) The penalty or order of the Trial Committee will not be enforced until:
  - (i) the Appeal Panel has made its decision;
  - (ii) the respondent gives up the right to appeal; or
  - (iii) the respondent fails to appeal the decision of the Trial Committee as set out in Section F.6 (a) and (b).
- (i) If the appeal is upheld in whole or in part, the Local Union will pay the travel and accommodation expenses of the respondent for attending the hearing before the Appeal Panel. Travel and accommodation will be paid at the rate outlined in the Local Union bylaws. If the appeal is dismissed, the respondent will pay their own expenses.
- (j) The Appeal Panel will report its decision to the complainant, respondent, the National President and the Recording Secretary of the Local Union. The decision of the Appeal Panel will be reported to the next membership meeting and recorded in the minutes of the meeting.

## **CUPE'S NATIONAL OFFICERS**

---

### **National President**

Stan Little	(1963-1975)
Grace Hartman	(1975-1983)
Jeff Rose	(1983-1991)
Judy Darcy	(1991-2003)
Paul Moist	(2003-2015)
Mark Hancock	(2015- )

### **National Secretary-Treasurer**

Robert P. Rintoul	(1963-1967)
Grace Hartman	(1967-1975)
Kealey Cummings	(1975-1985)
Jean-Claude Laniel	(1985-1989)
Judy Darcy	(1989-1991)
Geraldine McGuire	(1991-2001)
Claude Généreux	(2001-2011)
Charles Fleury	(2011- )



***CUPE***