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# Bylaws

## CUPE Local

# 12

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## **INTRODUCTION**

Local 12 of the Canadian Union of Public Employees has been formed to:

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

The following bylaws are adopted by Local 12 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

The Local Union Code of Conduct can be found in “Appendix A” to these bylaws.

## **SECTION 1 – NAME**

The name of this Local Union shall be Canadian Union of Public Employees, Local 12.

Local 12 consists of the following bargaining units:

- 12.1 Chatham-Kent Outside Workers
- 12.2 Chatham-Kent Public Libraries
- 12.3 Chatham-Kent Public Health Unit

## **SECTION 2 – OBJECTIVES**

The objectives of Local 12 are to:

- (a) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
- (b) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (c) Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;
- (d) Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
- (e) Establish strong working relationships with the public we serve and the communities in which we work and live; and
- (f) Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution.

## **SECTION 3 – REFERENCES**

The word “member” will be understood to be gender neutral.

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

## **SECTION 4 – MEMBERSHIP**

### **4.1 Membership**

An individual employed within the jurisdiction of Local 12 can apply for membership in Local 12 by signing an application and paying the initiation fee set out in Section 11.1 of these bylaws.  
(Article B.8.1)

### **4.2 Approval of Membership**

At the first membership meeting after the application has been submitted, the name(s) of the applicant(s) will be read out and unless a majority of members present at the meeting object, the applicant(s) will be accepted into membership.  
(Article B.8.2)

### **4.3 Oath of Membership**

New members will take this oath:

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

(Article B.8.4)

### **4.4 Continuation of Membership**

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

(Article B.8.3)

### **4.5 Member Obligations**

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

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

In the case of a telephone town hall, the telephone number may be shared with a service provider under contract to the Local Union to provide the technical equipment to support such a virtual meeting.

Upon request, the Local Union will share the telephone contact information with CUPE National or Ontario Division. The purpose of sharing this telephone contact information with CUPE National or Ontario Division is so that the National Union or Provincial Division can conduct a telephone town hall with members on important matters.

## **SECTION 5 – AFFILIATIONS**

In order to strengthen the labour movement and work toward common goals and objectives, Local 12 may be affiliated to and pay per capita tax to the following organization(s):

- CUPE Ontario Division
- Ontario Federation of Labour
- CUPE Council
- CLC Labour Council

## **SECTION 6 – MEMBERSHIP MEETINGS**

### **6.1 Regular Membership Meetings**

Regular membership meetings of Local 12 shall be held on the Third Wednesday of the Month at 5:30PM at the Local Office, 336 King Street West, Chatham, Ontario. Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven days in advance of the meeting. All Meetings will be held at the Union Office except the month of November (elections), which if necessary, will be held at another location determined by the President and Treasurer.

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

Note: There will be no Membership meetings in the months of June, July or August.

### **6.2 Executive Meetings**

Executive Meetings shall be held prior to the monthly General Membership Meetings at 5:00PM.

A majority of the Board with at least 4 Officers constitutes a quorum.

Should any elected Executive Board member or any elected Officer not answer roll call for three consecutive meeting without good reason, his/her office will be declared vacant and shall be filled at the next regular membership meeting.

Note: There will be no Executive Meetings in the months of June, July or August.

### **6.3 Special Membership Meetings**

Special membership meetings of Local 12 may be required, and shall be called by the Executive Board or may be requested in writing by no fewer than sixteen (16) members of the Local's membership. The President shall immediately advise members when a special meeting is called, and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given. The location of such meetings shall be determined by the President and Treasurer.

## 6.4 Quorum

The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be sixteen (16) members, and at least four (4) officers of the Executive Board.

In the event quorum is not attained, the Executive Board shall be empowered to carry out the business of the local until the next monthly membership meeting.

## 6.5 Membership Meeting Agenda

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

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

(Article B.6.1)

## 6.6 Bargaining Unit Meetings

Bargaining Unit meetings may be called to deal with matters that affect only members of the bargaining unit. Such meetings are not to be used to replace regular membership meetings and will not make financial decisions, or decisions that affect the Local Union as a whole, or another bargaining unit.

The President shall advise members of the bargaining unit seven days in advance of the meeting providing the time and location and an agenda. If assigned by the President the Unit Chair may chair the Bargaining Unit Meetings and provide the Local with a detailed report of the meeting. All recommendations from the meetings will be forwarded to the Local Office for Approval before implementation. (See 9.7.2)

The minimum number of members required to be in attendance for the transaction of business at any bargaining unit meeting shall be twenty-five (25) percent of the bargaining unit members plus three (3) members of the Executive Board.

## SECTION 7 – OFFICERS

The Officers of Local 12 shall be;

- President
- Vice-President
- Recording Secretary
- Treasurer

- Three (3) Unit Chief Stewards
- Two (2) Unit Chairs
- Sergeant-at-Arms
- Three (3) Trustees

(Articles B.2.1 and B.2.2)

## **SECTION 8 – EXECUTIVE BOARD**

(a) The Executive Board shall be comprised of all Officers, except Sergeant-at-Arms and Trustees. The immediate past President shall be an ex-officio member of the board for the 1st year following the term as President.

(Article B.2.2)

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

(Article B.3.14)

(c) A majority of the Executive Board with at least 4 Officers constitutes a quorum.

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

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

(f) The Executive Board shall be empowered to run the business of the Local through the months of June, July and August.

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

(Article B.2.5)

## **SECTION 9 – DUTIES OF OFFICERS**

Each Officer of Local 12 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

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

(Article B.3.9)

The local shall have three (3) signing officers consisting of President, Vice-President and Treasurer. No payment shall be made to any of the above three (3) mentioned without signatures on the expense form and cheque from the other two (2) signing officers.

All signing Officers of Local 12 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

(Article B.3.5)



## 9.1 President

The President shall:

- Enforce the CUPE National Constitution
- Enforce the local Union bylaws and interpret them as required.
- Preside at all membership and Executive Board meetings and preserve order.
- Decide all points of order and procedure (subject always to appeal to the membership).
- Have the same right to vote as other members.
- In the case of a tie vote, the President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated.
- Ensure that all Officers perform their assigned duties.
- Fill committee vacancies where elections are not provided for.
- Introduce new members and conduct them through the initiation ceremony.
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, Local 12 Annual Budget or vote of the membership.
- Be allowed necessary and reasonable funds to reimburse the President or any Officers for expenses incurred on behalf of the Local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.
- Have first preference as a delegate to the CUPE National Convention.
- Will be allowed paid time off to attend Local union business as needed.
- Shall sit on all Committees covered by these Bylaws and shall be Chair of the Bargaining, Grievance and By-law Committees.

(Article B.3.1)

## 9.2 Vice-President

The Vice-President shall:

- If the President is absent or incapacitated, perform all duties of the President.
- Preside over membership and Executive Board meetings in the absence of the President.
- If the office of the President falls vacant, be Acting President until a new President is elected through a by-election.
- Render assistance to any member of the Executive as directed by the Executive Board or the President.

(Article B.3.2)

## 9.3 Recording Secretary

The Recording Secretary shall:

- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full written financial report presented by the Treasurer. The record will also include Trustees' reports.
- Record all motions with the mover's and second's name in the minute book of the local.
- Record all amendments and/or additions in the bylaws, and make certain that these are sent to the Servicing Representative for approval from the National President prior to implementing.
- Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- Keep a record of all correspondence received and sent out.

- Prepare and distribute all notices to members.
- Have all records ready on reasonable notice for the Trustees or auditors.
- Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.
- Be empowered, with the approval of the President, to employ administrative assistance to be paid for out of the Local Union's funds.
- Performs other duties required by the Local Union, its bylaws or the National Constitution.
- On termination of office, surrender all books, seals and other properties of the Local to the successor.

(Article B.3.3)

#### 9.4 Treasurer

The Treasurer shall:

- Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including \$1.00 of each initiation fee on all members admitted, no later than the last day of the following month.
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
- Make a full financial report to meetings of the Local Union's Executive Board.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Be bonded through the master bond held by CUPE National. Any Treasurer who cannot qualify for the bond shall be disqualified from office.
- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- Be empowered, with the approval of the President, to employ necessary administrative assistance to be paid for out of the Local Union's funds.
- Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.
- On termination of office, surrender all books, records and other properties of the Local to the successor.

(Articles B.3.4 to B.3.8)

## 9.5 Trustees

The Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Treasurer, the Recording Secretary, and the committees during April every calendar year.
  - Make a written report of their findings to the first membership meeting following the completion of each audit.
  - Submit in writing to the President and Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Treasurer in an organized, correct, and proper manner.
  - Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
  - Ensure that proper financial reports have been given to the membership.
  - Audit the record of attendance.
  - Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local Union, and report their findings to the membership.
  - Send to the National Treasurer, with a copy to the assigned Servicing Representative, the following documents:
    - i. Completed Trustee Audit Program
    - ii. Completed Trustees' Report
    - iii. Treasurer Report to the Trustees
    - iv. Recommendations made to the President and Treasurer of the Local Union
    - v. Treasurer's response to recommendations
    - vi. Concerns that have not been addressed by the Local Union Executive Board.
- (Articles B.3.10 to  
B.3.12)

## 9.6 Sergeant-at-Arms

The Sergeant-at-Arms shall:

- Guard the inner door at membership meetings and admit no one but members in good standing or Officers and officials of CUPE, except on the order of the President and with consent of the members present.
- Maintain the record of membership attendance at meetings.
- Perform such other duties as may be assigned by the Executive Board from time to time.

## 9.7 Additional Officer Positions and Responsibilities:

9.7.1 The Unit Chief Steward shall:

- act as a resource contact for all unit Stewards
- be knowledgeable about all grievances within the sub-unit
- ensure grievors are kept apprised of the progress of all grievances
- have regular unit Steward meetings
- make a report at the executive and General meetings regarding all sub-unit grievances
- forward copies of any and all documents to the Local office for filing purposes
- They will keep the Local President up to date on any and all issues within their respective Units.

9.7.2 The Unit Chair shall:

- If requested by the President attend meetings with management within their respective Unit. They will act on behalf of the local at any and all meetings where a Union Representative is required within their unit. The Local President and Servicing Representative reserve the right to also attend any and all meetings within any Unit of the Local.
- provide a detailed report to the Local at each membership meeting concerning the issues within their respective units.
- forward copies of any and all documents to the Local office for filing purposes.
- They will keep the Local President up to date on any and all issues within their respective Units.
- will ensure any business conducted or recommendations in the meetings will be forwarded to the Local Office for Approval before implementation.
- Up to (2) Unit chairs may be elected for (1) for each of the Units that the presiding President is not an employee of.

## **SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

### **10.1 Nominations**

1. Nominations will be received at the regular membership meeting held in the month of October.
2. Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.
3. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.  
(Articles B.8.1, B.8.2, B.8.3)
4. A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect immediately at that time.
5. No member will be eligible for nomination if they are in arrears of dues and/or assessments. A member must have been in attendance at three (3) of the previous six (6) meetings to the nomination meeting to be eligible for nomination.

### **10.2 Elections**

1. The President, Treasurer and Sergeant-at-Arms and standing committees are elected to commence term in even years. The Vice-President, Recording Secretary and Unit Chief Steward are elected to commence term in odd years.
2. At a membership meeting, at least one month prior to Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Chief Returning Officer and assistant(s). The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The Servicing Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.

3. The Elections Committee will determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Chief Returning Officer.
4. The Chief Returning Officer will be responsible for issuing, collecting, and counting ballots. The Chief Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
5. The voting will take place at the regular membership meeting in November. The vote will be by secret ballot.
6. Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
7. A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped.
8. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
9. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.

(Article 11.4)
10. Any member may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as set out in Section 6.4.
11. All election complaints by members will be submitted in writing to the Chief Returning Officer as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven days after the election. The Chief Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling to the very next regular membership meeting.

### **10.3 Bargaining Unit Elections**

Nominations and elections for the bargaining unit position of Unit Chair will take place after the elections outlined in Section 10.2. Bargaining unit nominations and elections are from the members within the bargaining unit.

### **10.4 Installation of Officers**

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

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

3. The Oath of Office to be read by the newly-elected Officers is:  
*"I, \_\_\_\_\_, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my term of office. As an Officer of the Union, I will always promote the harmony and dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term."*

(Article 11.6(b))

## **10.5 By-Elections**

Should an office fall vacant for any reason, the resulting by-election shall be held within 2 months and should be conducted as closely as possible in conformity with section 10 of these By-laws. The term of office for any position filled through a by-election will be the remainder of the term that the vacated position was initially elected to fulfill.

## **SECTION 11 – FEES, DUES AND ASSESSMENTS**

### **11.1 Monthly Dues**

The monthly dues shall be 1.4 % of regular wages.

(Article B.4.3)

### **11.2 Amending Monthly Dues**

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

(Article B.4.3)

### **11.3 Assessments**

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

(Article B.4.2)

### **11.4 Initiation Fee**

The payment of an initiation fee is confirmation of the desire to become a member of the Local and the Canadian Union of Public employees. An initiation fee of (\$5.00) will be paid to Local 12 on commencement of a member's employment. (Article B.4.1)

Notwithstanding the above provisions, if the CUPE Convention raises fees and/or dues, these bylaws will be deemed to have been automatically amended to reflect the increase.

## **SECTION 12 – NON PAYMENT OF DUES AND ASSESSMENTS**

The payment of an initiation fee is confirmation of the desire to become a member of the Local and the Canadian Union of Public employees. An initiation fee of (\$5.00) will be paid to Local 12 on commencement of a member's employment. (Article B.4.1)

A member who fails to pay dues and assessments for three months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying a readmission fee of five (\$5.00) dollars and any other penalty set by the Local Union. The readmission fee cannot be less than the initiation fee of the Local Union.

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

(Article B.8.6)

## **SECTION 13 – EXPENDITURES**

### **13.1 Payment of Local Union Funds**

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

- When the expenditure is authorized by a budget approved by a majority of members present and voting at a regular or special membership meeting.
- When these bylaws approve the expenditure.
- Through a vote of the majority of members present and voting at a regular or special membership meeting.
- Any amount totalling over one thousand dollars (\$1,000.00) shall be dealt with by a notice of motion.

All expenditures are to be submitted on an approved expense form and must include receipts. All approved expenditures must be paid by cheque signed by the Treasurer and the President or another signing Officer.

(Article B.4.4)

### **13.2 Payment of Per Capita Tax and Affiliation Fees**

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

### **13.3 Payment of Local Union Funds to Members or Causes Outside of CUPE**

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than \$100, a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven days after the meeting where notice of motion has been given.

### **13.4 Limitation of Expenditures**

No Officer or member of Local 12 will be allowed to spend any Local Union funds without first having received authorization under Section 13.1 of these bylaws.

### **13.5 Honorariums**

The following positions will receive honorariums issued quarterly as follows;

- **Honorariums** are to be paid at the end of each quarter with no advance payments on out-of-pocket expenses to be made.
- If any member resigns from his/her position, the **honorariums** will be pro-rated and paid to the union member.
- No member shall receive more than one honorarium per quarter.
  - President \$250.00
  - Vice President \$50.00
  - Treasurer \$137.50
  - Recording Secretary \$150.00
  - Unit Chief Steward \$75.00
  - Unit Chair \$75.00
  - Sergeant-at-Arms \$50.00
  - Trustees \$75.00 per audit

### 13.6 Negotiation Committee

The Negotiation Committee shall be paid mileage travel between their workplace or their place of residence whichever is closer to the meeting location. They shall also be entitled to a meal allowance of up to twenty dollars (\$20.00) for lunch and up to twenty dollars (\$20.00) for dinner when required, all which must be accompanied by a receipt.

### 13.7 Mileage Expenses

Upon approval of the President any Officer or committee member shall be paid mileage of 50 cents (0.50¢) per KM for travel to conduct business of the Union. Any mileage shall be submitted on an approved expense form.

### 13.8 Defence Fund

The purpose of the Defence Fund is to ensure CUPE Local 12 has the necessary funds available to assist the membership in event of a work stoppage (Strike or Lockout). The Local 12 Executive Board shall direct the Treasurer to deposit at maximum 10% of the local's annual operating budget into the Defence Fund account in the month of December of each year for this purpose.

## SECTION 14 – PETTY CASH

The Local Union President will be allowed a \$200.00 Petty Cash Float for expenditures with the authorization under Section 13.1 of these Bylaws.

## SECTION 15 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS

- (a) Except for the President's option (Section 9.1), all delegates to conventions, conferences, and educationals shall be chosen by election at membership meetings. We shall try to elect at least one representative from each of the units within CUPE Local 12.
- (b) Delegates shall be elected annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall make a written report at each Local Union membership meeting on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.



- (c) All delegates attending conventions, conferences, or educationals held out of the geographical area of local 12 shall be paid transportation expenses at the equivalent mileage rate set by section 13.7 and a per diem allowance equivalent to the out of town rate set by CUPE National for meals and expenses. The Local Union will reimburse the member's employer for any loss of wages.
- (d) Delegates to conventions, conferences, and educationals held locally shall have no travel allowance. There shall be a per diem allowance of \$40.00 dollars for meals and expenses incurred by attendance at the convention, conference or educational. The Local Union will reimburse the member's employer for any loss of wages.
- (e) Delegates shall complete an approved expense form with receipts upon return, for reimbursement of appropriate incurred expenses.

## **SECTION 16 – COMMITTEES**

### **16.1 Special Committees**

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

#### **16.1.1 Negotiating Committee**

This will be a special committee established at least 6 months prior to the expiry of the Local Union's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of the parameters within the collective agreements plus alternates, all elected at a membership meeting, plus the President and Recording Secretary.

The Servicing Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

### **16.2 Standing Committees**

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

There shall be five (5) permanent committees as follows:

#### **16.2.1 Grievance Committee**

This committee will:

- Oversee the handling of all local grievances.
- Receive copies of all grievances.
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the Servicing Representative, and to the membership meeting.

- When a grievance is not settled in the initial steps provided for in the collective agreement, this committee will decide whether or not the grievance should proceed to arbitration.
- If the decision is to not proceed, the grievor(s) may appeal the decision to the Executive Board.

The committee shall consist of the President, Unit Chief Steward, Steward filing the grievance and Unit Chair.

The Servicing Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

#### 16.2.2 By-law Committee

This committee will:

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

The President will be the chairperson and the committee will include 3 additional Local 12 members. The committee shall appoint its secretary from among its members. The Servicing Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted during the review process.

#### 16.2.3 Membership Support Committee

This committee will:

- Visit members who are ill.
- If a member is ill for more than a month, the Local will send flowers or a fruit basket to the member, not to exceed seventy-five (\$75.00) dollars.
- Extend the Local Union's condolences in the event of the death of a member or the members spouse, parents or children not to exceed seventy-five dollars (\$75.00).

The committee shall consist of at least two (2) members and appoint its secretary from among its members.

#### 16.2.4 Social Committee

This committee will:

- Arrange and conduct all social, cultural, and recreational activities of the Local Union as a result of decisions taken at membership meetings. The committee shall submit reports and proposals to the Executive Board or to the membership as required. All activities by the committee shall be brought to the Local 12 President's attention to ensure acknowledgement and documented membership approval has been obtained prior to the event.

A maximum budget for the committee will be fixed annually in the approved Local 12 Annual Budget but, other than that, all social, cultural, and recreational events and activities shall be self-supporting. The Executive Board will be held responsible for the proper and effective functioning of the committee.

The committee shall consist of at least three (3) members and appoint its secretary from among its members.

#### 16.2.5 Budget Committee

This Committee will:

- Complete an Annual Budget for CUPE Local 12 every year end.
- The committee will present the years recommended budget to the general membership at the February Membership meeting each year.

The Committee will include the President, Treasurer and at least two Trustees.

### SECTION 17 – COMPLAINTS AND TRIALS

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

(Articles B.11.1 to  
B.11.5)

### SECTION 18 – RULES OF ORDER

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

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

### SECTION 19 – AMENDMENTS

#### 19.1 CUPE Constitution

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

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

#### 19.2 Additional Bylaws

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

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

### **19.3 Effective Date of Amended or Additional Bylaws**

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

(Articles 13.3 and B.5.1)

## **SECTION 20 – PRINTING AND DISTRIBUTION OF BYLAWS**

The bylaws will be available on the local website. Members may request a paper copy on the understanding these bylaws are not to be posted at any workplace or provided to the employer.

## **APPENDIX A**

### **CODE OF CONDUCT**

Local 12 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

Local 12 strives to promote core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

Local 12 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 12 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 12 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 12 sets out standards of behaviour for members at meetings, and all other events organized by Local 12. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As members of Local 12 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

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

## APPENDIX B

### RULES OF ORDER

1. The President will be the Chairperson at all membership meetings. In the absence of the President, the Vice-President will be the Chairperson at the membership meeting. In the absence of the President and Vice-President, the Recording Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and Recording Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.
2. Members are not allowed to speak about an issue for more than five minutes. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.
3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to fifteen minutes. With the agreement of the members present, the fifteen minutes may be expanded.
4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: "Is the Local ready for the motion?" If no member rises to speak, the motion will be voted upon.
5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.
6. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.
7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.
8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.
9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.
10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.
11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.
13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.

14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.
15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
16. Religious discussion of any kind is not permitted.
17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.
18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.
20. The Chairperson will ask "Will the main question be now put?" where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.
21. A motion to adjourn is in order except when a member is speaking or when members are voting.
22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.
24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
25. At a membership meeting where a question has been decided any two members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
27. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.